
**Town of Farmington
Planning Board Meeting Minutes
Wednesday, September 2, 2026
Selectmen's Chambers
356 Main Street-Farmington, NH 03835**

Committee Members Present:

Rick Pelkey, Chairman
Stephen Henry, Vice Chairman
Michael Day, Secretary
Charlie King, Selectmen's Rep
Jerry DeLemus
Andrew Dow

Others Present:

Kyle Pimental, Planning Director
Ryan Heath, Apex Solutions
Felicia McGowan, Resident

1) Call to Order:

Chairman Pelkey called the meeting to order.

2) Pledge of Allegiance:

Chairman Rick Pelkey called the meeting to order and welcomed those in attendance to the Farmington Planning Board Meeting for September 2, 2026. Chairman Pelkey led the Board in the Pledge of Allegiance.

3) Approval of Minutes

Chairman Pelkey introduced the first agenda item, the approval of the meeting minutes from August 19, 2026.

Motion to approve the minutes of the August 19, 2026 meeting was made by Board Member Stephen and seconded by Board Member Mike. The motion carried with all members voting in favor and none opposed.

4) Public Comment:

Chairman Pelkey opened the floor for public comment, inviting members of the public to address the Board on any matters not contained in the evening's agenda. No members of the public came forward, and the Chairman closed the public comment period.

5) Old Business (Items A, B, and C will be heard together):

Chairman Pelkey noted that the following items had been continued from the previous meeting and would be heard together per the agenda. He re-read each application into the record for the evening.

A. Public Hearing and Possible Vote on a Special Use Permit for Ryan Heath, Tax Map U4, Lot 1 — Waterfront Protection Overlay District (100' Buffer) 11:50

B. Public Hearing and Possible Vote on a Special Use Permit for Ryan Heath, Tax Map U4, Lot 1 — Wetlands Conservation Overlay District (50' Buffer) 11:50

C. Public Hearing and Possible Vote on a Subdivision Application for Ryan Heath, Tax Map U4, Lot 1 11:50

Chairman Pelkey recapped the administrative history of the applications, noting that at the August 29th meeting the Board had found the application substantially complete, determined the project was not one of regional impact, and had substantive discussion about the project's proximity to the Chippewa River and the protection of adjacent wetland resources. He stated that staff had been directed to review potential safeguards and conditions of approval in the interim.

Procedural Framework

Director of Planning and Community Development Kyle Pimental recommended a procedural approach for the evening: open public hearings for both the special use permits and the subdivision concurrently, but vote separately — first on the special use permits and then on the subdivision. He suggested the Board focus initially on the special use permits, hear from the applicant on the applicable criteria, review staff comments, take public comment, and then proceed to a vote before moving on to the subdivision. Chairman Pelkey agreed with this approach.

Chairman Pelkey observed that both the 50-foot wetland buffer line and the 100-foot waterfront buffer line essentially cover the entire property, noting, "The lines don't bisect the property — they're on the road or beyond, basically." He also took the opportunity to signal a future proposed administrative change, stating his intention to require that any future applications clearly depict where those buffer lines fall on the site plan, though he deferred formal action on that to a later date.

Review of Special Use Permit Criteria

Director Pimental confirmed that the criteria for both special use permits — the waterfront buffer and the wetland buffer — are identical under the current town zoning ordinance, noting as a potential future consideration that the Board might wish to establish differentiated standards for water bodies versus

wetlands through a zoning amendment. Chairman Pelkey read aloud the applicable criteria from Section 4(c)(3) of the zoning ordinance governing decisions on special use permits, which require the Board to consider environmental impacts including effects on fish and wildlife, flood prevention, surface water protection, sediment control, drainage, pollution control, recreational activities, public health, and risks of erosion, turbidity, siltation, and destruction of public and private wetland values.

Director Pimental confirmed that the application had been reviewed by the Conservation Commission at their August 13, 2026 meeting, and that the Conservation Commission Chair submitted a letter in support of both special use permits. He further noted that the Code Enforcement Officer also received a copy of the application and offered no objecting comments.

Applicant Presentation — Ryan Heath

Ryan Heath, the applicant and project manager, addressed the Board. He confirmed that the criteria for both special use permits had been addressed in his presentation at the prior August 29th meeting. He noted that he did not have the criteria printout immediately available but that it had been included in the complete packet submitted to the Board.

Public Comment — Felicia McGowan, Conservation Commission

Felicia McGowan, identifying herself as a member of the Conservation Commission, came forward with a question regarding the type of drill bit intended for use during site development, specifically asking whether a diamond-tip drill would be employed, noting that drill bit type can affect sediment disturbance. Mr. Heath clarified that the geotechnical drilling had already been completed by Geoprosessionals, who used a track drill unit and, he believed, a diamond-tip bit for penetrating bedrock. He explained that six borings were taken — three at the higher elevation and three at the lower elevation — and that a detailed geotechnical report of approximately 80 pages was included in the application materials. Director Pimental noted that the geotech report had been submitted as part of the prior year's special use permit applications for a previously proposed nine-unit multifamily development on the same parcel and was not included in the current packet but was available upon request.

Conditions of Approval Discussion

Chairman Pelkey stated that he was favorably inclined to grant both special use permits, but proposed that approval be made conditional upon the approval of the subdivision application, reasoning that the subdivision's conditions of approval — if crafted carefully — would serve as the mechanism to address all environmental concerns. He explained his rationale: "I have concerns with the impacts of this project to that particular area, but I think a lot of it really can be controlled by how we allow them to develop the parcels." Board Member Jerry DeLemus confirmed his understanding of this approach.

Director Pimental then presented the draft conditions of approval he and staff had developed in coordination with the town's third-party engineers and town legal counsel, organized by milestone. The discussion was extensive and collaborative, as described in detail below.

Wetland Delineation

Chairman Pelkey raised the issue of the absence of a certified wetland scientist's stamp or signature on the current plan set. Director Pimental presented two options to the Board: require an independent re-examination of the wetland delineation by the town's engineer, or add a condition requiring the applicant to return for a subdivision amendment if the wetland boundaries shown on the final plan set differ from those presented to the Board at the September 2nd meeting.

Mr. Heath responded at length, defending the quality of the delineation work. He stated that it had been performed by Stony Ridge Environmental through wetland scientist Sydney Valsias, who is "very well known through all the boards and committees up at the state level," and that she had conducted both the high watermark determination and the delineation. He explained that the only reason her wet signature was not on the current plans was because the plans had undergone six or seven revisions during the subdivision process: "I can't keep chasing her down for a wet signature." He assured the Board that the delineation would not change, as it had been consistent since the original nine-unit application, and that he had no objection to obtaining her stamped signature on the final plan set.

Chairman Pelkey acknowledged Mr. Heath's explanation but reiterated that the change in delineation observed during a prior unrelated application was a significant concern for him personally. He proposed that the condition be framed as: if the delineated wetlands shown on the final plan set differ from those presented this evening, the applicant shall return to the Board for a subdivision amendment. Mr. Heath agreed without reservation. Director Pimental confirmed this would be added as a standalone condition.

Further discussion produced an additional refinement: that during the pre-land-disturbance field verification of the limit of work, the town's third-party engineer and the Code Enforcement Officer would simultaneously verify the existing wetland flags on-site — combining what might otherwise have been two separate site visits into one. Chairman Pelkey expressed this clearly: "We're going to have them verify the flagging for those wetlands at the same time — so it's one trip to do both of those at the same time." Mr. Heath confirmed that the silt fencing would be GPS-located for precision. Director Pimental confirmed the condition would be drafted accordingly.

Conditions of Approval — Full Review

Director Pimental read through the full proposed conditions of approval, organized by milestone, with the Board engaging in discussion and modification throughout:

General Condition (not tied to a milestone): If the final plan set depicts delineated wetlands that differ from those presented to the Planning Board at its September 2, 2026 meeting, the applicant shall return to the Board for a subdivision amendment.

Conditions Prior to Signing of Plans:

Director Pimental listed the following conditions, each of which was either confirmed or modified during Board discussion:

1. Provide physical and digital copies of the final plan set for recording at the Strafford County Registry of Deeds with appropriate recording fees, including a separate fee for the Land Conservation Historic Investment Program (LCHIP). The final plan set shall include owner's signatures and professional stamps and signatures from both the licensed land surveyor (LLS) and wetland certification specialist (WCS).
2. Approval of the special use permits.
3. Revise the plat as detailed in the meeting minutes and staff report, and add Plan Number SUV26-005.
4. Add notes from the Water and Sewer Department letter dated August 5, 2026.
5. Add a note that small residential stormwater practices will be incorporated into the final design for each home — with examples including stone drip edge, rain gardens, and similar features. Director Pimental and Mr. Heath both expressed support for this requirement, with Mr. Heath suggesting that roof drainage could be pitched toward the street side and captured in a rain garden to allow infiltration before any water reaches the riverbank. Chairman Pelkey agreed this was a good design approach.
6. Revise the mean high water setback reference to read as the "50-foot protected shoreline."
7. Revise lot names to U4 Lot 1 (the existing parcel with the structure, which retains the original designation), U4 Lot 1-1, and U4 Lot 1-2, numbered from right to left. Director Pimental explained the convention: "You always want to keep the parent with where the structure is — the original."
8. Add a limit of work line to the plan to establish the maximum extent of construction activities, equipment access, and land disturbance while allowing for the installation of erosion and sediment control measures.
9. Provide a complete utility plan to the satisfaction of the Water and Sewer Department. The Board discussed the appropriate milestone for this condition and agreed to move it from "prior to signing of plans" to "prior to issuance of a building permit," reasoning that a complete utility plan cannot be finalized without knowing the precise building locations, which may vary between lots. Chairman Pelkey noted that requiring it at the subdivision stage would be premature given that individual buyers might alter building configurations.
10. Submit a certificate of monumentation confirming that all monumentation referenced on the recorded plan has been accurately installed.

Conditions Prior to Any Land Disturbance:

1. The limit of work shall be delineated and flagged on-site and field verified by the town's third-party engineers and Code Enforcement Officer. This on-site field verification will also include confirmation of the existing wetland flags. The Board agreed that combining these two verifications into a single site visit was both practical and efficient.
2. Erosion control measures, such as a double-row silt sock or silt fence, shall be installed along the limit of work delineation.
3. The Code Enforcement Officer shall review and confirm that the erosion controls are in place. Discussion arose over whether this confirmation should come from the town's third-party engineer or from the Code Enforcement Officer. The Board ultimately determined that, after the initial joint field verification with the third-party engineer, the Code Enforcement Officer would be sufficiently informed to confirm that erosion controls are properly installed, and that sending the engineer back for a separate confirmation visit was unnecessary. Chairman Pelkey summarized: "Once we delineated that line and it's flagged and the third-party engineer and our CEO have reviewed it together, I don't think we need to send our engineer out there — that can be verified by code enforcement going forward."
4. Provide a construction lay-down plan showing where materials and equipment will be staged, for review by the Highway and Police Departments, to determine whether any traffic or safety controls — such as a police detail or road flaggers — are needed to ensure that construction will not inhibit local road traffic flow during the early phases of the project.

Conditions Prior to Issuance of a Building Permit:

1. The applicant shall provide stamped plans from a licensed geotechnical or structural engineer for each proposed retaining wall, to be reviewed by the town's third-party engineers.
2. Provide a complete utility plan to the satisfaction of the Water and Sewer Department (moved from the signing of plans milestone).
3. The applicant shall provide a proposed foundation location plan to confirm that residential structures are properly located and not within any required setbacks.
4. The applicant shall confirm the effective date of Farmington's Flood Insurance Rate Map. If the May 17, 2005 map is no longer in effect and has been replaced with an updated version indicating the proposed buildings are within the floodplain, the applicant shall comply with the town's Floodplain Development Ordinance.

Director Pimental elaborated on this condition by presenting screenshots from FEMA's new map changes viewer comparing the current effective floodplain maps (dated 2005) with the preliminary updated maps anticipated to become effective in 2027. Under the current maps, only the floodway along the Cocheco River is depicted. Under the preliminary maps, the 100-year floodplain extends somewhat further, potentially closer to the subject property. Director Pimental explained that FEMA's Letter of Final Determination is expected by the end of 2026 or early 2027, after which communities in Strafford County will have six months to formally adopt the updated maps — placing the effective date potentially as late as mid-2027. He strongly recommended that structures be designed to the updated floodplain standards regardless of timing.

Board Member Jerry DeLemus asked whether a building permit issued prior to the map change would insulate a property owner from the new floodplain requirements. Mr. Heath indicated that

once a permit is issued and substantial investment has been made, an estoppel argument may apply. However, he cautioned that flood insurance implications could independently affect the property's mortgageability and resale value regardless of permit timing. Chairman Pelkey noted the complexity of competing federal agency positions regarding an existing levee downstream of the site, explaining that FEMA's updated maps do not credit the levee because it has not been formally accredited — a costly and lengthy process the town is currently undertaking. Mr. Heath raised the question of whether the site would require a DES Shoreland Permit, noting that there is a specific exemption in the Shoreland Protection Act for improvements to nonconforming existing structures, particularly where the improvements include erosion control measures and where the project does not introduce septic or leachfield systems — conditions met by this proposal. Director Pimental acknowledged the exemption but stated that DES had advised him in other contexts that they would not provide written confirmation that a permit is not required, only that applicants must comply with applicable rules. He recommended that the condition read simply: "Obtain a state HDES Shoreland Permit, if needed." The Board agreed.

5. Obtain the following local permits: a driveway permit.

Condition Prior to Building on the Foundation:

1. The applicant shall provide a footing location plan — or a letter from a qualified professional — to verify that the foundation location conforms with the approved foundation location plan. Discussion arose over whether to require a full footing location plan or simply a certification letter. Board Member Stephen suggested that a letter from a qualified professional would serve the same evidentiary purpose with less administrative burden, particularly given the sensitivity of setbacks on this site. Chairman Pelkey agreed, noting that on a tight parcel like this one, GPS-based confirmation of the foundation's location relative to required setbacks is important. The condition was revised accordingly.

Conditions Prior to Issuance of a Certificate of Occupancy:

1. Payment of applicable water and sewer service connection fees.
2. Submit a certified letter from a licensed land surveyor — or a qualified professional — confirming that all construction has been built to the specifications referenced on the signed, approved plans. The Board discussed the distinction between a full as-built plan and a certification letter, ultimately agreeing that for a project of this scale, a certification letter from a qualified professional would be sufficient, particularly given that a full as-built is typically reserved for projects involving roads, utilities, and larger-scale development.

Framework for Tying Conditions to Individual Lots

Mr. Heath raised the practical concern that the subdivision could result in lots being sold to separate buyers who might develop at different times, or who might alter design details such as building width. Chairman Pelkey addressed this directly: the conditions tied to development would apply to each lot at the time of development, not at the time of subdivision approval. The subdivision approval would include the

applicable notes, and each prospective builder — whether Mr. Heath or a subsequent buyer — would be required to meet the conditions prior to disturbing land or pulling a building permit on their respective lot.

Vote on Special Use Permits

Chairman Pelkey confirmed the public hearings for both special use permits were open and invited any further public comment. None was received. He stated that he was prepared to make a motion, explaining that in his view the applications meet the spirit and intent of the applicable regulations and that the concerns associated with proximity to the river and wetlands had been adequately addressed through the conditions of approval attached to the subdivision.

Motion to approve both Special Use Permits — (A) for disturbance within 100 feet of a waterbody within the Waterfront Protection Overlay District, and (B) for disturbance within the 50-foot wetland buffer within the Wetlands Conservation Overlay District — for Ryan Heath, Tax Map U4, Lot 1, located at 46 Spring Street, was made by Chairman Pelkey, with the approval conditioned upon the conditions of approval incorporated into the subdivision application. The motion was seconded by Board Member Jerry DeLemus. The motion carried with all members voting in favor and none opposed.

Vote on Subdivision Application

Chairman Pelkey then moved directly to the subdivision application, opening that portion of the public hearing and inviting comment. No public comment was received. He noted that the Board had confirmed all conditions of approval during the evening's discussion.

Motion to approve the Subdivision Application for Ryan Heath, Tax Map U4, Lot 1, located at 46 Spring Street, proposing to subdivide the existing 2.1± acre parcel into three lots (two new), with all conditions of approval as discussed at the September 2, 2026 meeting, was made by Chairman Pelkey and seconded by Board Member Jerry DeLemus. The motion carried with all members voting in favor and none opposed.

Chairman Pelkey congratulated Mr. Heath and wished him well with the project. He also offered a brief public advisory to Mr. Heath and others present regarding a pattern of fraudulent email correspondence impersonating town officials, urging the applicant to verify any invoice or wire transfer request directly with town staff before remitting payment.

6) New Business:

No new business was brought before the Board.

7) Member Comments:

Chairman Pelkey used the member comments period to raise concerns about the condition of an ongoing solar energy project under the Board's jurisdiction. He noted that recent Site Walk Inspection Program (SWIP) reports from the town's third-party engineers indicated persistent problems at the site, including equipment intrusion into wetland areas, failure to maintain erosion and sediment controls, inadequate hydroseeding and soil amendment ahead of the winter season, and rills forming where erosion control mats failed to overlap. He expressed particular concern that the same item — complete restoration and stabilization of areas where trenching had been performed through wetlands in Phase 4B — had appeared as an open item across three consecutive weekly SWIP reports dating back to August 3rd without resolution.

Chairman Pelkey acknowledged Director Pimental's clarification that the wetland impacts may not be "unpermitted" in a technical sense — in that the contractor may hold permits authorizing work in those areas — but that driving equipment through wetlands without deploying ground protection mats nonetheless constitutes a failure to follow best management practices. Director Pimental confirmed that the Code Enforcement Officer had visited the site the prior week and had issued a timeline for the contractor to address outstanding items. He further reported that the project's subcontractors had been sent home for a day or two recently, signaling that the project manager had begun taking the concerns more seriously.

Board Member DeLemus and Chairman Pelkey both expressed that the Board's most effective enforcement tool is the Code Enforcement Officer's authority to issue a stop work order. Chairman Pelkey suggested that a targeted stop work order — one that halts non-remediation work, such as panel installation, while still allowing stabilization work to proceed — would be the appropriate escalation if the open items are not resolved. He emphasized: "The electricians and the solar panel installers are told to go home because they can't do any work until the site guys get it right."

The Board reached a consensus that, prior to the next meeting, the Code Enforcement Officer should communicate directly with the project manager, making clear that the Board is tracking each open SWIP item individually and that failure to show demonstrable improvement by the next meeting may result in a recommendation for stop work action. Chairman Pelkey stated: "I am tracking the open items right now based on the last several reports. And as they close out the items, I mark them as such."

Director Pimental also reported on the challenge of obtaining substantive responses from the New Hampshire Department of Environmental Services (DES) regarding enforcement support. He described sending a detailed email to the full DES distribution list on August 20th, to which DES responded only that the matter had been "sent along to the appropriate folks," with no follow-up received. He stated that the town increasingly finds itself "on our own when it comes to enforcement." Chairman Pelkey expressed frustration at the contrast between DES's willingness to impose regulatory requirements on municipalities — citing the ongoing old fire station remediation process — and its apparent reluctance to take enforcement action against private developers. He directed staff to resend the August 20th email, adding the DES Commissioner and the recently appointed successor to the departed DES director to the distribution list, and to copy the town's state senator, Senator Gray, on the correspondence in order to escalate awareness of the situation.

Chairman Pelkey also signaled his intention to propose modest amendments to the town's subdivision regulations to explicitly require items — such as professional stamps and signatures — that the Board

currently assumes are required but that are not precisely spelled out in the existing regulatory language. He indicated he would share draft language with Director Pimental for review before presenting it to the Board.

8. Staff Comments

Director Pimental provided two staff updates.

First, he reported that the Planning and Community Development Department had submitted a nomination to the Governor's Office for consideration of one of Farmington's census tracts for designation under the federal Opportunity Zone 2.0 Program, which provides capital gains tax incentives intended to attract private investment in qualifying communities. He noted that the nomination packet — included in the Board's meeting materials — contains detailed information about development projects in the pipeline, the number of new housing units coming online, and estimated private investment figures. He reported that 49 census tracts in New Hampshire are eligible for consideration, of which the Governor is expected to designate approximately 25. Competing submissions in the Strafford County region were submitted by Durham, Dover, Somersworth, and Rochester. Director Pimental indicated the town is hopeful and expects to hear back from the Governor's Office in the near future.

Second, Director Pimental announced that the department had received a two-lot subdivision application off Ridge Road and that Phase 2 of the Dodge Cross and Chestnut Hill Subdivision would also be ready for hearing. Both items are scheduled to be heard at the September 16, 2026 Planning Board meeting. He also noted that he had intended to bring the recorded plans from the Dodge Cross Phase 1 approval for the Board's review but had forgotten them, and would bring them to the next meeting.

8. Any Other Business Before the Board:

No additional business was brought before the Board.

9. Adjournment:

Motion to adjourn was made by Board Member Mike and seconded. The motion carried unanimously. The meeting was adjourned.

Written and submitted by,

Roberta Earvin, Land Use Assistant