
**Town of Farmington
Planning Board Meeting Minutes
Wednesday, September 16, 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
Paul Morgan

1) Call to Order:

Chairman Pelkey called the meeting to order.

2) Pledge of Allegiance:

The meeting was called to order by Chairman Rick Pelkey, who welcomed all attendees to the Farmington Planning Board Meeting for September 16, 2026. The Pledge of Allegiance was led by Paul Morgan.

3) Approval of Minutes

A. September 2, 2026

Chairman Pelkey opened by noting a correction to the minutes from the September 2nd meeting. On page 2, the minutes referenced the project's proximity to the "Chippewa River," which he stated should read "Cocheco River." Other than that correction, the Chairman stated he found nothing else requiring amendment.

Motion to approve the minutes of September 2, 2026, as amended, was made by Chairman Pelkey and seconded by Member Michael Day. The motion carried unanimously.

4) Public Comment:

Chairman Pelkey opened the public comment period, noting that the Board sets aside this time at the beginning of each meeting for anyone wishing to speak about land use regulations, and that those present to address items already on the agenda should wait until those items are called.

Paul Morgan came forward and identified himself. He explained that he had been before the Board previously—this being his third appearance on the matter—to discuss the required minimum lot size for properties on the far side of Route 11 within the Agricultural Residential (AR) zoning district, which currently requires 3 acres. He expressed his view that this requirement had been in place for over 40 years and that circumstances had changed significantly, particularly with respect to land prices. He argued that requiring 3 acres anywhere was "a little ridiculous considering the price of land," and that the rule made it difficult for younger residents—graduates of the local school—to remain in town by subdividing family land for a son or daughter. He cited an example: "If a fellow had 4 acres of property and wants [to give] 0.5 of it for his son, he'd be screwed." He expressed a desire for the Board to put the question to the voters, suggesting a reduction from the 3-acre minimum, potentially to 1.5 acres, and noted that road frontage requirements might also need to be adjusted proportionally.

Chairman Pelkey acknowledged the request, noting he needed his memory refreshed on the details, and confirmed the current AR zone requirement is 3 acres. He explained there are two paths available for seeking a zoning amendment: a Board-initiated amendment, or a citizen petition with 25 registered voter signatures. He encouraged Mr. Morgan to leave his contact information with Director of Planning and Community Development Kyle Pimental, noting that the Board typically begins its zoning work product discussions in October.

Vice Chairman Charlie King affirmed that this was indeed the third time the matter had been raised and stated it was reasonable for the Board to formally take up the request. "I think it's reasonable for the board to take up his request to consider changes," he said, adding that he personally was not in favor of reducing the minimum lot size, but that the issue merited a full Board discussion. He suggested that Mr. Morgan attend that discussion so he would be better informed before formulating any petition language: "If you tried to formulate it now, you may not be as good as—the question may not be as clear and as good as if you waited to formulate the petition."

Discussion touched on the complexity of the issue, with Chairman Pelkey raising a concern about unintended consequences. "I'm worried about how that impacts that Route 11 corridor," he said, noting that reducing lot sizes could make large-scale subdivision more economically viable for developers, incentivizing the creation of new roads into the back lands. "The numbers start working for a developer when you do that," he observed.

Director Pimental confirmed that the item would be placed on the October 7th agenda as the start of the Board's zoning amendment discussion cycle. Mr. Morgan was assured he would be included in the mailing of agenda materials.

Mr. Morgan expressed appreciation for the Board's time and reiterated his intent: "I'm not looking for anything that ridiculous, and I'm not looking for any huge development there." The discussion concluded warmly, with members acknowledging the legitimacy of his concern.

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

A. Public Hearing and Possible Vote on a Special Use Permit for Field of Dreams at Post Road, LLC, Tax Map R16, Lot 6 (Case #SUP26_005) 17:54

B. Public Hearing and Possible Vote on a Subdivision Application for Field of Dreams at Post Road, LLC, Tax Map R16, Lot 6 (Case #SUB26_007) 17:54

Chairman Pelkey opened the combined hearing on both Items 4A and 4B. He noted that at the previous meeting, the Board had approved Phase 1 of this project (six lots) and that tonight's session was taking up Phase 2, consisting of four additional lots. He read both case descriptions into the record. Director Pimental confirmed that the applications had been accepted and continued from the prior meeting, though this was not clearly reflected in the Chairman's notes. Chairman Pelkey apologized for the oversight and proceeded to reaffirm the cases.

Overview of the Special Use Permit — Wetland Impacts

Director Pimental recommended that the Board first address the Special Use Permit (SUP), advising the applicant to walk the Board through the criteria and, if satisfied, to make findings and proceed to the subdivision. The applicant's representative provided a detailed overview.

Impact Area 1 — Lower Driveway Crossing: The applicant described 535 square feet of permanent impact and 197 square feet of temporary wetland impact for a proposed driveway crossing in the lower portion of the site. A 24-inch reinforced concrete pipe (RCP) culvert was proposed, buried 6 inches to allow for animal passage. Headwalls were designed to minimize side slopes, with 2-to-1 slopes proposed to reduce disturbance. A hydraulic analysis confirmed the 24-inch culvert passes both the 50-year and 100-year storm events without backing water into the wetland. The applicant noted no rare or endangered species hits and no items of historical significance. A permit application had been filed with NHDES.

Impact Area 2 — Upper Driveway Crossing: The second impact area, totaling 1,453 square feet of permanent impact and 319 square feet of temporary impact, was described as coinciding with a previously disturbed area—a historic skidder trail where vegetation had already been substantially removed. The applicant explained that reusing this corridor minimized additional disturbance: "The reason for that is it's already been impacted. The vegetation in that area has been pretty well removed." The same culvert design was employed, again with a 6-inch burial and headwalls. The applicant emphasized that total impacts were well below the Army Corps of Engineers' mitigation threshold of approximately 4,530 square feet. Both impact areas had been staked and flagged by a survey crew prior to the meeting.

The applicant then walked through each of the Special Use Permit criteria under Section 4.02 of the Wetlands Conservation Overlay District:

- **Fish and wildlife capacity:** No fish habitat exists in the BFO-1E wetlands affected. Wildlife passage was addressed through the buried-bottom culvert design. No rare or endangered species were identified.
- **Prevention of flooding:** Culverts were sized to pass the 100-year storm; hydraulic analysis confirmed no inadvertent detention of stormwater or backup onto abutting properties. The northernmost crossing was analyzed to the boundary line, approximately 12 feet away.
- **Supply and protection of surface waters:** The applicant noted minimal total wetland loss on a parcel with extensive wetlands draining to Class 2 areas, and described the sediment and erosion control plan as "fairly robust." An EPA NPDES Construction General Permit would be required.
- **Control of sediment and pollution:** A Stormwater Pollution Prevention Plan (SWPPP) was in place, covering on-site refueling and construction BMPs. Weekly inspection reports would be submitted to the Town. The applicant indicated construction oversight milestones would be monitored.
- **Recreational activities and public health and safety:** The applicant stated no recreational activities were affected (these criteria reference larger water bodies), and that the project provided access to productive uplands with minimal wetland crossings, consistent with property rights under state law.

Third-Party Review

Director Pimental noted that the applicant had proactively requested that the applications be sent to the Town's third-party engineer, Tichenor & Rowe Consulting (TRC), for peer review. TRC's primary recommendation was that a separate erosion control plan sheet be added to the plan set, detailing double silt sock fencing, stabilization, seeding, and other BMPs around the wetland crossings and drainage infrastructure—a condition the applicant agreed to address. The highway department separately recommended additional riprap armoring at the lower driveway turnout, which was also incorporated as a condition of approval. TRC's conclusion, read into the record by Director Pimental, stated: "It is our opinion that the applicant has made positive efforts to reduce peak flows, and the stormwater management erosion control plan will provide a basis of design to confirm impacts to the existing wetlands minimized during [construction]."

Stormwater Design Philosophy

Chairman Pelkey asked detailed questions about the stormwater modeling, specifically about subcatchment flow figures and the apparent lack of increased discharge despite the addition of Dodge Cross Road drainage onto the site. The applicant explained the use of HydroCAD modeling and directed the Chairman to the total analysis point at the bottom of the model, which showed a slight reduction in discharge compared to existing conditions. He explained the mechanism: water currently concentrated in a roadside ditch arrives at the wetland rapidly. The proposal redirects it overland through woodland, greatly increasing travel time and reducing peak flow rates. "Drainage is a function of volume over time,"

he explained. "If we get the same amount of volume, but we're increasing its travel time and travel path, the rate of flow will go down."

He also described the purpose of the detention pond at the bottom of the site, at the corner of Dodge Cross Road and Chestnut Hill Road: "Really it's knocking the sediment load down. Because if anybody's driven by since our last meeting, you can basically see the ditch outwash that just gets funneled right into that wetland every time it rains."

Vice Chairman King asked Director Pimental to summarize TRC's findings, which Pimental confirmed were generally supportive of the approach, specifically that the plan would reduce peak flow rates in the existing culvert at the south edge of Dodge Cross Road.

Maintenance and Oversight of Drainage Infrastructure

Discussion arose regarding long-term responsibility for the drainage inlets. The applicant explained that the approach had been simplified since the previous meeting: both upper and lower drainage infrastructure would be the responsibility of the respective lot owners, with easements reserved for the Town to access and take action if needed, with a right to recoup costs. Legal documents—easement deeds with associated maintenance agreements—had been drafted and were under review. The applicant had not yet forwarded them to Director Pimental pending his own review.

Director Pimental noted that the highway department's prior concern about access for maintenance equipment had been resolved upon learning that the grade change at the lower inlet was only 2 feet, allowing equipment to simply drive in.

Vice Chairman King raised a candid concern about the long-term enforceability of private stormwater maintenance obligations: "I don't see the light in the next 10 years in this project how we will not be dealing with this from a legal matter." He expressed skepticism that individual homeowners would reliably maintain the infrastructure, predicting the Town would eventually need to pursue legal remedies. He distinguished residential maintenance obligations from commercial ones, noting that homeowners may lack the capacity or awareness to fulfill them.

The applicant acknowledged this tension directly and turned it back on the Board, noting the dilemma facing every planning board in the region: "For development to take place, you require stormwater features to be installed. But the town doesn't want them, and we don't wanna obligate the owners to maintain them, but we need places for people to live. So what are we doing?" Chairman Pelkey concurred with this framing and noted that the Board had previously insisted on stormwater management plans as required by the zoning ordinance, and that having received a plan now reviewed by a third-party engineer as adequate, he did not see grounds to deny it on those terms alone.

The applicant also clarified the maintenance document's design: "We've written it so that any average person could understand what is needed of that person to do." He noted that reporting obligations (an

annual December 15th submission) were included, and offered a suggestion to the Town to begin tracking stormwater maintenance submissions more systematically, noting that larger municipalities use automated systems to flag non-reporters.

The question was raised whether maintenance responsibility for the lower drainage feature could be shared among all contributing lot owners. The applicant explained that while the upper driveway road serves three lots and those owners share maintenance responsibility, the lower feature serves a single lot, making shared obligation difficult without an HOA structure—which the applicant was unwilling to create.

Conservation Commission and Code Enforcement Review

Director Pimental noted that the Special Use Permit had been presented to the Conservation Commission on August 13th, which issued a letter of support included in the packet. The Code Enforcement Officer had not submitted comments within the 30-day review period.

Public Hearing

Chairman Pelkey opened the public hearing on both the Special Use Permit and the Subdivision Application. No members of the public came forward with comments, and the hearing was closed.

Board Discussion and Vote on Special Use Permit

Chairman Pelkey noted his support, stating that in his view the applicant had met the intent of the zoning and all the elements required for approval of direct wetland impacts, adding that the project would likely improve conditions on Dodge Cross Road: "I think this will actually help to alleviate some of that because there's a lot of water on that road."

Director Pimental confirmed there were no recommended conditions of approval for the Special Use Permit, as the crossing design stood on its own merits and was not tied to unresolved subdivision conditions.

Motion to approve the Special Use Permit (Case #SUP26_005) for Field of Dreams at Post Road, LLC, was made by Member Stephen Henry and seconded by Member Jerry DeLemus. The motion carried unanimously.

Subdivision Application — Phase 2 (Case #SUB26_007)

Chairman Pelkey then turned to the Phase 2 subdivision application, covering four new lots.

Waiver Requests

The Board addressed six waiver requests. Following discussion, Vice Chairman King suggested the first two waivers—relating to lot configuration under Section 6B1F and the minimum buildable area rectangle under Section 6B1F(ii)—be voted separately from the remaining four road design waivers.

Waivers 1 and 2 — Lot Shape and Buildable Area Configuration:

Vice Chairman King stated he was opposed to both waivers, expressing concern about irregular, backland lots with limited and difficult building areas: "We're basically creating access in back uplands, which are difficult, which have areas which I think are gonna be prone to additional wetlands disturbances—and areas that don't meet our intent, which is high quality development."

The applicant responded that the building areas on each lot—outside of easements, wetlands, and setbacks—far exceeded minimum requirements and remained rectilinear and highly developable. He argued that if a traditional subdivision road had been built instead, the building areas would have been substantially the same. He also clarified that the lots' frontage strips are 150 feet wide at the road, meeting the lot width requirement: "If I had done these odd little spaghetti straps all over the place, I could understand the foil a little bit better. But in this particular case, I think they're still fairly regularly shaped."

Chairman Pelkey stated his support, arguing the applicant had met the spirit of the regulation, which exists to prevent narrow flagpole strips to backland parcels. He noted the applicant had gone further than required by diverting stormwater onto the property rather than letting it run down the road: "I think in some cases, probably exceeded that by bringing that water onto the property versus just running it down the road like everybody else's property does on that road."

Motion to approve the waivers for Section 6B1F and Section 6B1F(ii) of the Subdivision Regulations was made by Chairman Pelkey and seconded by Member Stephen Henry. The motion carried 4-2, with Vice Chairman King and Member Michael Day opposed.

Waivers 3 through 6 — Road Design Standards (Appendix A):

The remaining four waivers addressed road design standards:

- **Surface width:** 16 feet standard, reduced to 14 feet at wetland crossings only to minimize disturbance.
- **Side slope:** 3-to-1 standard, reduced to 2-to-1 at wetland crossings only, stabilized with coconut fiber matting and seeding.
- **Minimum K value (vertical curve length):** 80-foot standard waived; road designed to general engineering practice.
- **Binder course and top course:** Pavement requirements waived; road proposed as gravel.

Discussion clarified that because four units would be served, the access road was classified as a private road rather than a shared driveway for its full length under Town regulations, triggering road design standards. The applicant noted the 14-foot crossing width was consistent with NFPA 1 fire access requirements. Director Pimental confirmed that the fire department had reviewed the plans and had no objections, as both the upper and lower drives included hammerhead turnarounds.

Vice Chairman King noted general support for these waivers, characterizing the pinch points at the wetland crossings as limited and reasonable given the context.

Motion to approve the waivers for Appendix A Road Design Table (surface width, side slope, minimum K value, and binder/top course) was made by Chairman Pelkey and seconded by Member Stephen Henry. The motion carried unanimously.

Conditions of Approval — Discussion

Director Pimental presented draft conditions of approval in detail. The Board discussed and refined the following:

- **Active and Substantial Development:** Defined as completion of at least 25% of Phase 2 infrastructure improvements, consistent with Town regulations and RSA 674:39. The Board noted that the State recently changed the protection window from 5 to 7 years, and that the Town's regulations needed to be updated accordingly.
- **Substantial Completion:** The Board debated the standard definition (issuance of all building permits or COs), which all agreed was unreasonable. The agreed language defined substantial completion as "when 100 percent of the proposed private road is installed as referenced in Phase 2 of the approved plans, including all drainage infrastructure."
- **Easement and Maintenance Documents:** Extensive discussion addressed the need for easement documents—covering grading, drainage, utility, stormwater, and road maintenance obligations—to be reviewed and approved by Town Legal Counsel (Carrie Ann ____) prior to plan signing. Vice Chairman King strongly advocated for moving the requirement for final easement language to the plan-signing stage, noting that once the subdivision plat was recorded, lots could be sold, and imposing deed restrictions on subsequent buyers would be legally problematic: "You can't sell me a lot and hand me another deed and say you have to accept this deed, because they won't accept it." Chairman Pelkey agreed, calling this a useful precedent for future applications. The applicant confirmed that all obligations were being embedded into the deeds themselves rather than relying on floating HOA documents: "Everything is sort of impregnated into the deed itself and obligates the owner to do [it]."
- **Road Maintenance Agreement:** Member Stephen ____ raised the question of whether a road maintenance agreement was included. The Board confirmed that language would be added to the easement and maintenance condition to include both stormwater and roadway maintenance agreements, noting that the road serves three of the four lots and that those owners would share responsibility.

- **Riprap Armoring:** The condition was refined so that riprap would cover the entire inlet apron of the lower turnout, eliminating ambiguity about extent. The applicant agreed.
- **Erosion Control Plan Sheet:** A separate plan sheet detailing all BMP locations and designs, consistent with TRC's recommendation, was required as a condition of plan signing.
- **Third-Party Construction Oversight:** A scope of services agreement between the developer and TRC was required prior to plan signing, covering a preconstruction meeting and up to five site visits at key milestones (erosion control installation, stormwater infrastructure construction, and final walkthrough). An escrow account for this purpose would be established separately prior to construction commencement, not at plan signing.
- **Fire Protection:** Director Pimental clarified that the fire protection regulations applicable to this project are found in Article 5 of the Site Plan Regulations (not the Subdivision Regulations appendix), and that because the project exceeds the threshold for required fire protection, all homes would be equipped with NFPA 13R residential sprinkler systems as an alternative to cisterns. The applicant confirmed these are wet, pressurized systems connected to the domestic water supply.
- **As-Built Documentation:** The Board discussed whether to require a certified letter from the engineer-of-record or a full as-built plan. The consensus was that these should be combined: if construction proceeds per approved plans, a certified letter is acceptable; if field conditions require deviations, as-built plans showing those changes must be submitted.
- **Private Road Naming:** Director Pimental noted that road naming falls under the jurisdiction of the Board of Selectmen per state statute, and the applicant would need to work with them through Farmington's E911 process. Board members briefly joked about naming the road after the applicant's representative.
- **DRI Determination, Monumentation, Preconstruction Meeting, EPA General Permit, NHDES Permits, Driveway Approvals:** Standard conditions were confirmed. Director Pimental clarified the distinction between the permission-to-construct-entrance-approach (tied to building permit) and the final driveway inspection (tied to CO), and noted this more accurately reflected how the permits were actually implemented.

Vote on Subdivision Application — Phase 2

Motion to approve the Subdivision Application (Case #SUB26_007) for Field of Dreams at Post Road, LLC, Phase 2, with all conditions of approval as discussed, was made by Chairman Pelkey and seconded by Member Jerry DeLemus. The motion carried 4-2, with Vice Chairman King and Member Michael Day opposed. Vice Chairman King clarified that his opposition was based on his objection to the two lot-configuration waivers: "I think the rest of the plan is good," he stated. The applicant's representative thanked the Board for their time and thorough review.

6) New Business: (Items A and B will be heard together)

A. Public Hearing and Possible Vote on a Boundary Line Adjustment for Jason and Jeffrey Buote, Tax Map R59, Lot 15 and Tax Map R59, Lot 25 (Case #BLA26_001) 1:58:07

B. Public Hearing and Possible Vote on a Subdivision Application for Jason and Jeffrey Buote, Tax Map R59, Lot 15 (Case #SUB26_008) 1:58:07

Chairman Pelkey opened the combined hearing on Items 5A and 5B and read both case descriptions into the record. The applicant was represented by licensed land surveyor Randy Pedro.

Project Overview

The applicant's representative explained that the 116.7-acre parcel is a longstanding family holding, currently owned by Jason Buote's parents, with Jason's existing house lot (Tax Map R59, Lot 25) located adjacent to the larger parcel. Two related actions were proposed:

Boundary Line Adjustment (BLA26_001): Approximately 0.8 acres would be transferred from the larger parent parcel (Lot 15) to Jason's existing house lot (Lot 25), primarily to bring an existing driveway and rear garage structure fully within the property boundaries of the house lot. This would increase the house lot from approximately 5.5 acres to approximately 6.3 acres.

Minor Subdivision (SUB26_008): Following the boundary line adjustment, a 37.35-acre parcel would be subdivided from the remaining parent lot and conveyed for Jason Buote's future home. This parcel has an existing driveway, a constructed foundation, and a state-approved septic system already in place, the result of a building permit previously issued and approved. The remaining parent parcel would be approximately 78.5 acres (a narrative error of 79.4 was identified and noted for correction). The proposed lot takes its frontage from Aiken Road but accesses via an existing driveway off Ridge Road.

Housekeeping Motions

Chairman Pelkey made the following procedural motions:

Motion to find the Minor Subdivision Application (SUB26_008) substantially complete was made by Chairman Pelkey and seconded by Vice Chairman King. The motion carried unanimously. Motion to find the Boundary Line Adjustment Application (BLA26_001) substantially complete was made by Chairman Pelkey and seconded by Member Stephen Henry. The motion carried unanimously.

Motion to find that neither the Boundary Line Adjustment nor the Minor Subdivision constitutes a Development of Regional Impact was made by Chairman Pelkey and seconded by Member Stephen Henry. The motion carried unanimously.

Public Hearing

The public hearing was opened on both items. No members of the public came forward, and the hearing was closed.

Staff Comments and Discussion

Director Pimental noted that staff did not consider the boundary line adjustment to independently create a buildable lot, but because it was concurrent with the subdivision, the applicant was asked to consent to a public hearing notice, which they did.

A minor narrative error was identified: the application narrative incorrectly stated the remaining parent parcel as 79.4 acres, having subtracted acreage before the boundary line adjustment rather than after. The correct figure is 78.5 acres (or 78.6 in the condition language). This was flagged as a condition of approval.

Discussion arose regarding whether the boundary line adjustment and subdivision plans should be recorded as separate sheets or combined on one plan set. Director Pimental expressed a preference for two separate recordings for organizational clarity, but acknowledged this was a preference rather than a firm requirement. The applicant's representative noted that two sheets were already prepared—one showing the overall plan and one showing the lot line change and subdivision—and that all resultant deeds would reference the same plan. Vice Chairman King concurred that separating them was unnecessary given the circumstances: "I don't see the need where we won't require that to stand on its own versus it being encompassed as part of the overall plan." Director Pimental deferred, noting the Strafford County Registry of Deeds did not object.

Discussion also touched on the historical status of Trask-Avon Hill Road (also referred to locally as a section of Aiken Road), which runs along the boundary. The applicant's representative confirmed it had been closed by the Town but not formally discontinued, meaning title had not passed to private ownership. The abutting property owner, Mr. Baron, was present at the original Town meeting when the road was closed and was aware of the distinction. The representative noted this was why the tax map had previously shown the lots in an incorrect configuration—a gap in ownership had been discovered upon survey.

A brief discussion of historical range roads in Farmington ensued, with the applicant's representative providing context on how 18th-century range roads were originally laid out and how many have been formally or informally realigned over the centuries.

Waiver Requests — Minor Subdivision

The applicant requested three waivers from the Subdivision Regulations:

- **Section 8H5:** Full boundary survey with bearings, horizontal distances, and permanent markers for the full parcel. Given the 115-acre size of the parent lot, a full survey of the remaining acreage was waived.
- **Section 8H19:** Soil and wetland delineations for the full parcel.
- **Section 8H20:** Percolation tests and results, and 4,000-square-foot septic area delineation. This was waived given the existing state-approved septic system on the proposed lot.

Vice Chairman King moved the waivers, stating they were "usual and customary" given the large parcel size, and that the septic requirements had already been satisfied through the existing approved system.

Motion to approve the waiver requests for Sections 8H5, 8H19, and 8H20 of the Subdivision Regulations was made by Vice Chairman King and seconded by Member Stephen Henry. The motion carried unanimously.

Conditions of Approval — Boundary Line Adjustment

Director Pimental presented the following conditions for BLA26_001:

Conditions to be met prior to plan signing: provide physical and digital copies of the final plan set with appropriate recording fees for the Strafford County Registry of Deeds; include LLS stamp and signature and owner's signature; add plan number BLA26_001; correct the application narrative to state the remaining land for Lot 15 as 78.6 acres. Submit a certificate of monumentation confirming all referenced monumentation has been accurately installed.

Motion to approve the Boundary Line Adjustment (Case #BLA26_001) for Jason and Jeffrey Buote with the conditions of approval as presented by staff was made by Vice Chairman King and seconded by Member Michael Day. The motion carried unanimously.

Conditions of Approval — Minor Subdivision

Director Pimental presented the following conditions for SUB26_008:

Conditions to be met prior to plan signing: provide physical and digital copies of the final plan set with appropriate recording fees and a separate fee for the Land Conservation Historic Investment Program; include LLS stamp and signature and owner's signature; revise the plat as detailed in the minutes and this report; add plan number SUB26_008; add a note indicating which waivers were approved and the date; submit a certificate of monumentation.

Conditions to be met prior to Certificate of Occupancy: obtain final driveway inspection approval from the highway department (noting that the highway department had already signed off on the construction entrance, with final approval pending minor stabilization items to be resolved); obtain NHDES septic system operational approval.

Director Pimental also noted that the building permit had already been issued and construction of the foundation was underway, and that all dimensional requirements—lot size, frontage, and setbacks—had been confirmed as satisfied.

Motion to approve the Minor Subdivision (Case #SUB26_008) for Jason and Jeffrey Buote with the conditions of approval as presented by staff was made by Vice Chairman King and seconded by Member Jerry DeLemus. The motion carried unanimously.

7) Member Comments:

Chairman Pelkey noted for the record that he had signed the Phase 1 plan for the Field of Dreams at Post Road subdivision (Case #SUB26_007, Phase 1) since the last meeting, after the applicant had made the required revisions.

Member Michael Day noted he would not be present for the October meetings.

Vice Chairman King brought to Director Pimental's attention that a flat file cabinet containing four drawers of planning plans from the 1980s and 1990s had been discovered in the old courthouse building upstairs, in the former building inspector's office. He stated that these needed to be transferred to the Planning Department's current files: "I'll bring the flat file with it."

8. Staff Comments

Director Pimental provided the following updates:

ZBA Extension: At its September 3rd meeting, the Zoning Board of Adjustment (ZBA) voted to grant a one-year extension on a variance that was set to expire in December, allowing the applicant additional time to complete their pending subdivision application, which is expected to come before the Planning Board within the next few months.

Incoming Applications — Route 11 Specialized Contractor Facility: Staff had received a Special Use Permit application for wetland impacts within the 50-foot buffer and a Special Exception application for a proposed specialized contractor storage facility on Route 11. Director Pimental noted the applicant was seeking these approvals before proceeding with site plan design. The use had been affected by a recent zone change, converting what had been a permitted use by right into one requiring a Special Exception. He indicated the Special Use Permit would be placed on the October agenda and the Special Exception on the ZBA's November agenda.

Proposed Zoning Amendments — October 7th Agenda: Director Pimental confirmed that the October 7th meeting would begin the Board's annual zoning amendment work. He identified two primary legislative-driven changes requiring attention:

- **Childcare Facilities:** Recent state legislation requires changes to Farmington's zoning to allow childcare facilities more broadly. He flagged a notable provision: "Up to 30 children for a childcare facility does not require site plan review." He described this as a significant concern and noted there was already legislative pushback on this provision. He indicated the Board might want to monitor whether the legislature revisits it.
- **Multifamily in Commercial Districts:** A state requirement for multifamily housing to be allowed by right in commercial districts was under discussion statewide. Director Pimental noted that Farmington had already taken steps in this direction through its mixed-use district provisions. He recommended taking a cautious, wait-and-see approach: "My recommendation is to not touch that yet. If we're pushed in that direction by force, then maybe that changes things."

Chairman Pelkey expressed frustration with the multifamily mandate, noting the Town's limited commercial and industrial land: "We have very limited area that we can develop for business and industry, and all they're doing is screwing us—screwing up for residential that we don't actually need."

Cocheco River Signage: Director Pimental circulated physical samples of new metal interpretive signs for the Cocheco River. He explained that three larger signs were planned at river crossings on Cocheco Road, Bay Road, and Spring Street, and two smaller signs at other locations, potentially including the Town forest or the golf course (on private land, pending agreement). He noted that signage on state roads had been declined by NHDOT.

17 Central Street — First-Floor Commercial Conversion: Director Pimental reported on a situation involving the unauthorized conversion of a first-floor commercial space (the old post office at 17 Central Street) to a single-family residence. A building permit had been issued for this conversion despite the Village Commercial district's prohibition on converting first-floor commercial space to residential use. The error was caught after construction had commenced. He explained that after consulting with Town Legal Counsel, the determination was made that reversing the conversion would require Superior Court litigation and was not likely to succeed given the extent of investment already made by the owner. The applicant would be required to seek a variance from the ZBA in November.

Vice Chairman King expressed concern about this being a recurring pattern, noting that multiple code enforcement officers over the years had made the same mistake. He called for systemic reform: "We need to do some multiple layers of education and notification for staff all the way around." He emphasized that the issue lay in the lack of institutional knowledge being reliably conveyed to each new code enforcement officer. Member Stephen Henry suggested adding a zoning-district-based checkpoint or checklist to the building permit application to flag properties in the Village Commercial district before permits are issued. Director Pimental agreed this was a practical solution: "I think there's probably some flags that we could put in there that would say, is this in the VC? Is this on Central, Main, or Spring?" He indicated he would work on implementing such a process.

8. Any Other Business Before the Board:

No additional business was brought before the Board.

9. Adjournment:

Motion to adjourn was made by Member Mike ____ and seconded by _____. The motion carried unanimously.

The meeting was adjourned.

Written and submitted by,

Roberta Earvin, Land Use Assistant