
**Town of Farmington
Planning Board Meeting Minutes
Wednesday, August 19, 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

1) Call to Order:

Chairman Pelkey called the meeting to order.

2) Pledge of Allegiance:

Chairman Rick Pelkey called the meeting to order and led the assembly in the Pledge of Allegiance, which was led by Kyle Pimental, Director of Planning and Community Development.

3) Approval of Minutes

Chairman Pelkey introduced the first agenda item, the approval of the minutes from the July 15, 2026 meeting.

Motion to approve the minutes of July 15, 2026 was made by Vice Chairman Stephen Henry and seconded by Secretary Michael Day. The motion carried unanimously.

4) Public Comment:

Chairman Pelkey opened the floor for public comment on items not already appearing on the agenda, noting that the board reserves time at the beginning of each meeting for members of the public who wish to speak on land use items or zoning matters not otherwise scheduled. Seeing no members of the public come forward, the Chair closed the public comment period.

5) Old Business:

There was no old business to address.

6) New Business:

A. Public Hearing and Possible Vote on a Waiver Request for Alton Rollinsford LLC, Tax Map R43, Lot 3 3:53

Chairman Pelkey introduced the first item of new business: a public hearing and possible vote on a post-approval waiver request for Alton Rollinsford LLC, Tax Map R43, Lot 3, located at 892 Meaderboro Road within the Agricultural Residential Zoning District. The applicant was seeking a waiver from Section 6.B.(1)(f)(i) of the Subdivision Regulations to subdivide the existing 6.38-acre parcel into two lots without meeting the 40,000 square feet of buildable area configuration requirement. The subdivision had been conditionally approved on December 3, 2025.

Chairman Pelkey prefaced the discussion by explaining the history of the matter. He noted that when the final plan set was brought to him for signature, he was not comfortable signing it due to significant differences between what the board had originally approved and what was being presented. He asked Director Pimental to display the two drawings side by side and walk the board through the timeline.

Staff Comments

Director Pimental presented a timeline of events. The subdivision received conditional approval on December 3, 2025. On February 12, 2026, a final plan set was received, but several conditions from the notice of decision had not yet been met, and the plans were returned to the applicant. A revised set was received on June 17, 2026; staff reviewed it and found additional outstanding items. All final materials — including monument certification, test pit data, and a subdivision approval from NH DES — were received on July 7, 2026. However, upon review with the Chairman, two issues remained unresolved.

The first issue was a note on the plan stating that a wetland delineation had been performed on July 23, 2025 and that no wetlands were found on the parcel. Director Pimental explained that this note needed to be removed, as a subsequent delineation revealed the presence of significant wetlands. The second issue was that the original conditionally approved plan — which was drawn without any wetlands — depicted the required 40,000 square feet of buildable area configuration as a rectangle on each of the two proposed lots. The newly delineated wetlands, shown in blue on the revised drawing, now bisected the buildable area on one lot such that the 40,000 square feet of upland was present but could no longer be configured

in the required rectangular or square shape. This, Director Pimental explained, was the crux of the need for a post-approval waiver. The matter had been brought before the board at its July 15th meeting under member comments, and the board's consensus at that time was that the applicant needed to apply for a post-condition approval waiver to Section 6.B.(1)(f)(i).

Applicant's Presentation

The applicant's representative addressed the board, explaining that the original wetland delineation was performed in winter when conditions were not ideal for identifying wetlands. A neighboring property owner had raised concerns about wetness near the front of the lot, prompting the request for a formal delineation. When the delineation was completed, wetlands were indeed identified, and a proposed driveway location for the rear lot was found to pass through one of the delineated wetland areas.

Board Discussion

Chairman Pelkey noted that the revised drawing submitted to the board still did not include an explicit square footage figure for the buildable area, only a general assertion that at least 40,000 square feet was present. He also observed that the drawing still bore a survey stamp from a licensed land surveyor but had no stamp from a wetland scientist, mirroring the deficiency of the first submission.

Select Board Member Charlie King asked who had performed the wetland delineation and whether that professional's name and stamp appeared on the plan. The applicant's representative indicated it was Sidney Boussius of Stoney Ridge Environmental, and that the professional's stamp would be added. Chairman Pelkey expressed concern that the situation — a note attesting to a wetland finding by a professional whose stamp did not appear on the drawing — was substantively the same problem the board had faced with the original plan. He stated that this was not an acceptable response from a professional appearing before the board.

Attention then turned to an existing driveway shown on the revised plan that was now overlapping with delineated wetlands. Chairman Pelkey noted that the existing driveway serving the front house appeared to cross directly through the newly delineated wetland area, and he indicated that the board would not approve a driveway configuration impacting a delineated wetland. The applicant's representative confirmed that the existing driveway would be abandoned and the wetland area reclaimed, and that a newly proposed driveway — running through a 53-foot strip — would serve the rear lot instead. The proposed driveway for the front lot had been redesigned to access the property directly from Meaderboro Road without any wetland impact.

Vice Chairman Henry raised the question of how the board could ensure the abandonment of the old driveway and reclamation of the wetland area would actually occur, noting a similar mechanism in other projects — a performance bond. Select Board Member King agreed, framing the choice as either requiring the work to be completed before signing the plans or requiring a bond. Director Pimental suggested that since the plans could not be signed until the condition was met, the inability to record the subdivision and convey the properties would serve as the primary leverage. He noted that if the applicant wished to have the plans signed prior to completing the driveway abandonment and wetland reclamation, an escrow bond in an amount approved by the town's third-party engineer could be provided.

A related question arose regarding whether the applicant could obtain a driveway permit for the new rear-lot driveway before the plans were signed. Director Pimental suggested that a note in the notice of decision could authorize the applicant to obtain the driveway permit prior to the signing of plans. The board recognized that the sequence of work was inherently interlocked: the new driveway must be built before the old one could be abandoned. Chairman Pelkey and others agreed this was an unusual and fact-specific situation, and that the applicant's stated intent to install separate driveways rather than a shared easement was the preferred approach.

Conditions as Read by Staff

Director Pimental summarized the four conditions the board had developed through discussion:

1. The note stating a wetland delineation was performed in accordance with ENV-WQ-1014.04 by Paul F. Zuzco on July 23, 2025 and that no wetlands were found on the parcel shall be removed from the plan.
2. The applicant shall eliminate the existing driveway that was being used to access the back portion of the lot, and the wetland area impacted by that driveway shall be reclaimed, prior to the signing of plans.
3. If the applicant chooses to have plans signed prior to completing the driveway elimination and wetland reclamation, a bond in an amount approved by the town's third-party engineer shall be provided.
4. The applicant shall be allowed to obtain a driveway permit prior to the signing of plans for the proposed new rear-lot driveway.
5. All prior conditions from the December 3, 2025 conditional approval remain in effect, including the requirement for the certified wetland scientist and licensed land surveyor to sign and stamp the final plans.

The board also noted that the post-approval waiver, if approved, would be added to the notice of decision as an additional condition.

Public Comment

The Chair opened the hearing to public comment. A member of the public in attendance asked a general question regarding whether wetland maps are periodically updated. Chairman Pelkey and Select Board Member King explained that wetland surveys are typically conducted on a site-by-site basis when development activity is proposed, and that a National Wetlands Inventory exists from the mid-1990s, but on-the-ground delineations by certified scientists are required to define precise boundaries for regulatory purposes. The public member acknowledged the clarification.

Chairman Pelkey closed the public comment period.

Vote on Waiver

Chairman Pelkey made a motion to approve the waiver, finding that the proposal meets the spirit and intent of the zoning ordinance. Select Board Member King offered discussion, noting that the minimum continuous upland requirement was likely still met given the parcel size of approximately 3.3 acres, and that even accounting for wetland area, the upland area would exceed requirements — the issue was

simply one of the shape configuration rather than buildable area quantity. Vice Chairman Henry added that the pre-existing structures on the property were relevant context supporting the waiver.

Motion to approve the post-approval waiver from Section 6.B.(1)(f)(i) of the Subdivision Regulations, finding that the proposal meets the spirit and intent of the zoning ordinance, was made by Chairman Pelkey and seconded by Vice Chairman Henry. The motion carried 6-0, with no members opposed.

Vote on Amended Subdivision Approval

Motion to approve the subdivision with the conditions as read by staff was made by Chairman Pelkey and seconded by Select Board Member King. The motion carried 6-0, with no members opposed.

B. Public Hearing and Possible Vote on Amending a Condition of Approval for Farmington Ridge LLP and Campbell Resources LLC, Tax Map R47, Lot 41-1 36:36

Chairman Pelkey introduced the next item: a public hearing and possible vote on amending a condition of approval for Farmington Ridge LLP and Campbell Resources LLC, Tax Map R47, Lot 41-1, located off Grandview Lane within the Suburban and Rural Residential Zoning Districts. The Site Plan was conditionally approved on May 6, 2026, for a 7-unit development off Grandview Lane. The applicant was requesting that the condition requiring a NH DES Wetland Dredge and Fill permit and a U.S. Army Corps of Engineers permit be moved to after the signing of plans, in order to allow certain site work to begin before those permits are issued.

Applicant's Presentation

Christopher Berry of Barry Surveying and Engineering appeared on behalf of the applicant. He explained that since receiving conditional approval, the applicant had obtained an Alteration of Terrain permit, filed for a wetlands permit, filed for a sewer discharge permit, and received comments back on the sewer discharge permit — with resolution expected shortly. Most conditions of approval had been or were nearly ready to be met. However, the wetlands permit and Army Corps permit were taking longer than anticipated.

Mr. Berry explained that approximately 90 percent of the required site work could be completed without touching any wetlands. The bulk of the remaining work consisted of extensive earthmoving — relocating rock material from one portion of the site to another — which would take months. He stated that if the applicant were required to wait for the wetland and Army Corps permits before beginning any work, construction would effectively not begin until the middle of winter, creating significant practical difficulties. He also noted that the two required stormwater detention/infiltration ponds, which together cover approximately 1.5 acres, need to be constructed and seeded during the fall growing season to establish vegetation.

Mr. Berry described the proposed stop-gap: the applicant would be permitted to begin mobilization, earthwork, stormwater construction, and preparation of roadways, and to bring water and sewer utilities to the site boundary — but would not extend utilities onto the site, and would not disturb any wetlands or begin road construction, until the DES and Army Corps permits were in hand.

Staff Comments

Director Pimental presented the procedural status of the state wetland permit. He noted that as of the time of his memo, the permit had been deemed administratively complete by NH DES on July 10, 2026, and was under technical review. He outlined the statutory timeline: DES has 50 days from the date of administrative completeness to determine if more information is needed; the applicant then has 60 days to respond; and DES then has 30 days to render a final decision. Mr. Berry noted in discussion that the agency had not yet issued a request for more information, but that one was anticipated, which would add 30 days to the process.

Director Pimental also noted that the Conservation Commission had reviewed the wetlands permit application at its August 13, 2026 meeting, pursuant to RSA 482-A:11, and determined that environmental considerations had been addressed in the DES application and that plans were in place to ensure preservation of surrounding wetland areas. The Conservation Commission did not choose to intervene.

Director Pimental further reported on a conversation he had with Evan Lewis, the Southeast Region Supervisor at NH DES, on August 7th. Mr. Lewis expressed no direct concerns for the board to act upon, but made clear that DES is not obligated to accommodate applicants who proceed with work before permits are issued, and that any direct impacts to wetlands prior to permit issuance would result in immediate enforcement orders, potential penalties, and site restoration requirements that could seriously impact the project timeline.

Director Pimental highlighted two matters for board consideration. First, while it appeared unlikely, if DES required changes to the approved plans during its review, those changes would need to come back before the planning board as an amended site plan. Second, he suggested the board consider whether additional emphasis on wetland impact monitoring should be incorporated into the third-party engineering oversight scope — noting that the existing condition (Item 7.D) already required an escrow account for third-party construction oversight and up to six site visits per phase milestone, but that no language specifically called out monitoring for potential wetland disturbance during the pre-permit period.

Board Discussion

Chairman Pelkey noted that the project's wetland crossing areas were located near the front entrance of the site off Grandview Lane, while the mass earthmoving work was concentrated in the interior upland portions. Mr. Berry confirmed this, explaining that the existing haul road provides access to the interior without requiring any new wetland crossings.

Select Board Member King inquired about the scope change for third-party oversight, questioning whether starting construction earlier would require modifications to the oversight agreement. Director Pimental acknowledged that a construction-phase scope of services from the town's third-party engineer had not yet been finalized as it was tied to the signing of plans. He suggested the board could direct staff

to ensure that any wetland monitoring emphasis be included when that scope is negotiated, rather than prescribing it formally in the notice of decision. The board and applicant agreed that this approach was reasonable — the third-party engineer would be visiting the site regardless, and professional judgment during site visits would naturally include observation of potential wetland impacts.

Mr. Berry confirmed that under the Stormwater Pollution Prevention Plan, the applicant's environmental professional would be on-site at least once per week, and that any concerns observed would be addressed immediately.

The board reached consensus that no modification to the third-party oversight agreement was necessary at this time, and that if issues arose, the scope could be revisited. Chairman Pelkey stated that the approach would be to start with the least impact on the applicant and increase oversight if warranted, citing the model used on the LILEC Solar project.

Director Pimental then presented the proposed amended notice of decision language, which had been reviewed by the town's legal counsel. The key change was the removal of the pre-signing conditions requiring the NH DES Wetland Dredge and Fill permit and the U.S. Army Corps of Engineers General Permit, and the substitution of a new condition reading in substance: site work including mobilization, earthwork, stormwater construction, and roadway preparation may begin, but the applicant proceeds at their own risk prior to obtaining NH DES approvals; any subsequent plan changes will require submission of an amended site plan; and prior to any wetland disturbance or extension of water and/or sewer utilities onto the site, the NH DES Wetland Dredge and Fill permit and the Army Corps General Permit must be obtained.

Director Pimental noted that the language also specified that the town's conditions in no way replace, waive, or supersede the requirements of NH DES or the U.S. Army Corps of Engineers.

Public Comment

Chairman Pelkey opened the hearing to public comment. No members of the public came forward to speak. The Chair closed the public comment period.

Vote on Waiver

Motion to approve the waiver request was made by Chairman Pelkey and seconded by Member Jerry DeLemus. The motion carried 6-0, with no members opposed.

Vote on Amended Conditions of Approval

Chairman Pelkey offered findings of fact, stating that the sensitive areas of the site would continue to be protected through NH DES oversight, Army Corps of Engineers oversight, the applicant's own engineering oversight, and the town's third-party engineering oversight; that the applicant had made a good-faith effort to minimize wetland impacts during the original site plan review; and that the amended conditions adequately protected the site's sensitive areas while allowing the project to proceed.

Motion to approve the amendment to the conditions of approval as presented by staff was made by Chairman Pelkey and seconded by Vice Chairman Henry. The motion carried unanimously.

C, D & E. Public Hearing and Possible Vote on Special Use Permits (×2) and Subdivision Application for Ryan Heath, Tax Map U4, Lot 1 — 46 Spring Street 1:14:40

Chairman Pelkey introduced Items C, D, and E together, as directed by the agenda. The three applications concerned Tax Map U4, Lot 1, located at 46 Spring Street within the Suburban Residential Zoning District. The first special use permit (Item C) was required for disturbance within 100 feet of a waterbody within the Waterfront Protection Overlay District. The second special use permit (Item D) was required for disturbance within the 50-foot wetland buffer within the Wetlands Conservation Overlay District. The subdivision application (Item E) proposed to subdivide the existing 2.1-acre parcel into three lots.

Preliminary Discussion — Late Submission

Before proceeding to the applicant's presentation, Chairman Pelkey noted that the updated plan set for Items C, D, and E had not been included in the original board packet sent home to members. The revised drawings, reflecting changes made following the Technical Review Committee (TRC) meeting held on July 30, 2026, were received by staff on Monday, August 17th, and transmitted to board members that same week — leaving very little time for a thorough review. The Chairman expressed concern that the submission was effectively late, noting that these drawings came from a source with which the board had had previous questions regarding the quality of the plans, and that given the sensitivity of the site — bordering the Cocheco River — he had not had adequate time to review the materials to the depth he felt they required.

Select Board Member King raised additional questions about the plan's wetland delineation and whether a qualified professional had stamped the work, drawing a direct parallel to the Alton Rollinsford matter discussed earlier in the evening. Director Pimental confirmed that the TRC meeting had been held, that a deadline for revised plans had been set, and that the revised set was received within the statutory 21-day window. However, because the packet had been sent out before the revised plans arrived, board members received the updated materials only a few days before the meeting.

After brief discussion, the board agreed to hear the presentation but to reserve judgment on whether to act or continue the matter.

Procedural Motions

Motion to determine the application substantially complete was made by Chairman Pelkey and seconded by Select Board Member King. The motion carried unanimously.

Motion to determine that the project is not a development of regional impact was made by Chairman Pelkey and seconded by Select Board Member King. The motion carried unanimously.

Applicant's Presentation

Ryan Heath appeared as agent for the property owners, Adam and Allison Giles, and as a partner in Apex Land Solutions. He provided an extensive background on the property and the evolution of the project.

Mr. Heath recounted that the parcel at 46 Spring Street was acquired at a town tax deed auction, and that approximately one year had been spent studying its development potential. The parcel had originally been assessed to yield up to 10 units based on municipal water and sewer capacity. He had initially brought a 9-unit site plan before the board for preliminary discussion, and at that time received approval of special use permits for both the 50-foot and 100-foot buffer impacts. A variance to the front setback, still in effect, was also obtained from the Zoning Board of Adjustment.

Mr. Heath explained that extensive professional work had since been performed on the site, including geotechnical borings, structural engineering, wetland delineation, and site design. He named the five professionals engaged: Stephanie Richards as the original design engineer; Varandas as the structural engineer; Stoney Ridge Environmental (Cindy Valsias) as the wetland scientist; Paul at Prospect Mountain Surveying as the land surveyor; and a geotechnical firm that conducted the borings.

The multi-unit project was ultimately abandoned for financial reasons. The structural engineers had designed a cantilever retaining wall nearly 14.5 feet high and approximately 600 feet long, at a cost of approximately \$1 million, which rendered the project economically infeasible. As a result, the applicant returned with a significantly scaled-down proposal: a three-lot subdivision with three single-family ranch-style homes, each approximately 1,080 square feet with three bedrooms, slab-on-grade construction, two off-street parking spaces, and separate driveways.

Mr. Heath reported that the applicant had received a variance from the Zoning Board of Adjustment to allow a minimum lot size for a three-lot subdivision, and that the property had sufficient frontage to accommodate three driveway cuts, each appropriately spaced from intersections. A 11-foot front setback variance remained in effect. All three lots would be served by municipal water and sewer. The existing deteriorated structure on the property — a building the applicant described as actively sliding down toward the Cocheco River on an old stone foundation, unsecured, and visited by unauthorized persons on at least two occasions — would be demolished under an existing demolition permit.

Mr. Heath described the proposed site approach: each home would be placed within a modest footprint (approximately 30 by 40 feet with a porch), natural vegetation and tree cover between and behind the lots would largely be preserved, and impervious surface would be dramatically less than the prior multi-unit proposal. He noted the applicant owns another similarly configured lot at 86 Spring Street, already prepped for construction, which was being developed under the same design concept. He stated that the intent was to create modestly priced housing appropriate for families near the school.

Staff Comments

Director Pimental noted that the prior special use permits, though approved by the board in September of the prior year for the 9-unit project, could not be carried forward because the condition attached to them required a site plan approval — and since the applicant was no longer pursuing the site plan, the condition could not be met. Accordingly, new special use permits were required, and there was no procedural harm in revisiting them given the substantially different nature of the revised proposal.

Director Pimental identified several items for board discussion.

Stormwater Management Waiver: The subdivision regulations require a stormwater management and erosion control plan for subdivisions involving three or more dwelling units. Director Pimental acknowledged uncertainty about how to interpret this threshold given that one existing structure was present and would be demolished. He framed it as an interpretation question — whether this constituted a three-unit subdivision or the addition of two units to an existing structure — that would affect whether a formal stormwater management plan was required. He noted that regardless of the board's interpretation, the proximity to the Cocheco River made it advisable to require some residential stormwater best management practices (BMPs), such as stone drip lines, rain gardens adjacent to gutters, or similar low-impact measures.

Proximity to Sensitive Areas: Director Pimental expressed concern about the closeness of the proposed structures to the delineated wetland boundaries and the NH shoreland protection reference line. He indicated that proposed Lot 1, the lot closest to the existing structure location, appeared on the two-dimensional plan to be within as little as 5 to 10 feet of the delineated wetland boundary, though he acknowledged the actual distance was greater due to elevation change. Lots 1-2 and 1-3 were similarly situated against the 50-foot shoreline reference line — a zone that, under state shoreland protection law, carries significant encroachment restrictions.

Director Pimental noted that the primary unresolved staff concern was how to structure the notice of decision to ensure that if wetland or shoreland impacts occurred during construction — even unintentionally — there would be a clear mechanism for the town to respond. He indicated this language had not been finalized and would need more work.

Utility Plan: The water and sewer department had provided detailed comments at TRC identifying the pipe materials, sizes, and connection specifics they expected to see in a full utility plan. While Mr. Heath indicated the connections were straightforward single-family taps, Director Pimental noted that a formal utility plan had not yet been submitted.

Floodway vs. Floodplain: Director Pimental took care to distinguish the floodway line shown on the plan from the 100-year floodplain. He explained that the floodway — the channel of the river plus its adjacent floodplain area — carries a strict no-encroachment standard, and that any encroachment requires a full hydrologic and hydraulic analysis to demonstrate no rise in flood elevation. He strongly encouraged the applicant to remain clear of this area, noting that unlike the broader floodplain, the floodway cannot be addressed simply by elevating utilities or structures.

Board Discussion

The board engaged in substantive discussion across several areas. Select Board Member King raised the question of how the town could verify that the wetland boundaries shown on the plan were accurately

represented in the field, and who bore professional responsibility for that verification. Mr. Heath confirmed the wetland flags were still in place and GPS-located, and that the licensed land surveyor and certified wetland scientist would stamp the final plans. Director Pimental noted that this professional licensure and stamping is the primary mechanism by which the town relies on the accuracy of the plan.

Chairman Pelkey asked about foundation design, specifically whether the homes would be on full foundations or slab-on-grade. Mr. Heath confirmed the intent was slab-on-grade, which would eliminate the need for footing drains and reduce the concern about dewatering impacts near the wetland boundary. However, he noted that frost walls would still be required and might need to be deeper toward the rear of the lots given soil and elevation conditions; the concrete frost wall itself might serve as the retaining element in lieu of a separate retaining wall.

Vice Chairman Henry and Member DeLemus raised concerns about potential retaining wall requirements on the sides of the homes and how backfill and compaction would be managed in such close proximity to the wetland. Mr. Heath acknowledged these were valid concerns and confirmed that the structural details would be resolved through the building permit process.

Select Board Member King pressed on the question of how the town could ensure, once a lot was sold to a subsequent buyer, that construction would be carried out in conformance with the subdivision conditions. He and Director Pimental agreed that the subdivision plan of record — which would carry the board's conditions — would be referenced at the building permit stage, and that code enforcement could verify compliance. Director Pimental noted this was an area where the language in the notice of decision needed to be carefully drafted to ensure that constraints tied to proximity to sensitive areas would be clearly communicated to any future builder.

Vice Chairman Henry raised the scenario of a future property owner selling one of the lots and a new buyer proceeding without awareness of the nuances. He and Member DeLemus agreed that as long as the conditions were on the plan of record and referenced at permitting, the mechanism existed to enforce them.

The board also discussed whether a formal stormwater management plan was warranted. Mr. Heath argued that the dramatically reduced scale of the project — three single-family homes versus a nine-unit development with extensive parking — meant that a full engineered stormwater plan was not proportionate and not clearly required by the regulations. He pointed out that the existing nonconforming structure on the lot also triggered certain state exceptions regarding shoreland construction. Director Pimental acknowledged that the regulatory threshold was three or more units, and that a reasonable argument could be made that only two new units were being added. He suggested that even if a formal plan was not required, the board could as a condition require residential BMP measures such as stone drip lines and rain gardens, which Mr. Heath agreed were acceptable.

Decision on Continuance

Chairman Pelkey ultimately proposed continuing Items C, D, and E to the September 2, 2026 meeting, citing the late receipt of revised plans, the complexity and sensitivity of the site, and the need for staff to finalize language addressing potential wetland and shoreland impacts during construction. He made clear that the goal was not to obstruct the application but to ensure the notice of decision was properly structured given the unique and constrained nature of the site.

Motion to continue Items C, D, and E (Special Use Permits and Subdivision Application for Ryan Heath, Tax Map U4, Lot 1 at 46 Spring Street) to the September 2, 2026 Planning Board meeting at 6:30 PM was made by Chairman Pelkey and seconded by Secretary Day. The motion carried, with Vice Chairman Henry casting a dissenting vote.

F, G & H. Public Hearing and Possible Vote on Subdivision Applications (Phase 1 & Phase 2) and Special Use Permit for Field of Dreams at Post Road, LLC, Tax Map R16, Lot 6 1:47:03

Chairman Pelkey introduced Items F, G, and H together. The applications concerned a 27-acre parcel at the corner of Chestnut Hill Road and Dodge Cross Road, Tax Map R16, Lot 6, within the Rural Residential Zoning District. Item F was a subdivision application for Phase 1, proposing five new lots. Item G was a Special Use Permit for 1,861 square feet of impacts within the 50-foot wetland buffer under Section 4.02 of the Wetlands Conservation Overlay District, related to the construction of access driveways for Phase 2 lots. Item H was a subdivision application for Phase 2, proposing four additional new lots, for a combined total of ten lots (nine new).

Procedural Motions

Motion to determine the applications for both Phase 1 and Phase 2 substantially complete was made by Chairman Pelkey and seconded by Select Board Member King. The motion was carried unanimously.

Motion to determine that neither application constitutes a development of regional impact was made by Chairman Pelkey and seconded by Select Board Member King. The motion was carried unanimously.

Applicant's Presentation

Christopher Berry of Barry Surveying and Engineering appeared on behalf of the applicant. He provided the following overview.

The parcel is located at the corner of Chestnut Hill Road and Dodge Cross Road and totals 27 acres. A structure formerly existed on what was being designated as Lot 6 (the parent lot), but was removed years ago; an informal driveway and pull-off area remain. An on-the-ground survey of the entire parcel — including topographic and boundary data — had been completed. Wetland delineation was performed by Deirdre Benjamin, a certified wetland scientist on Barry Surveying's staff. All wetlands on the site were identified as poorly drained, jurisdictional, Class 3. One wetland complex in the corner of the parcel adjacent to Chestnut Hill Road and Dodge Cross Road had appeared on the National Wetlands Inventory map and was discussed with Director Pimental as a Class 2 wetland carrying a 50-foot buffer into the wetland itself.

Topographically, the entire site slopes from the upper Dodge Cross Road frontage downhill toward Chestnut Hill Road, at an average grade of approximately 8 to 10 percent. Two 24-inch culverts under

Dodge Cross Road collect runoff from the eastern side of the road and direct it through the parcel and then onto the abutting lot to the northwest.

Phasing Rationale

Mr. Berry explained that the two-phase approach was chosen because Phase 1 — the five lots with direct frontage on Dodge Cross Road — required no wetland permitting and no outside permitting beyond a standard NH DES subdivision approval. The applicant wished to proceed immediately with those lots. Phase 2, which included the four interior lots accessible only via a proposed private road, required the Special Use Permit (Item G) due to approximately 2,500 square feet of wetland buffer impacts at two access driveway crossings. Both crossings had been reviewed and favorably endorsed by the Conservation Commission at its August 13, 2026 meeting.

Phase 2 Design

The two wetland crossings proposed in Phase 2 were designed with 24-inch culverts, each embedded with a 6-inch bury to allow for continued amphibian and wildlife passage. The first crossing provided access to a large upland area in the center of the parcel containing three of the four Phase 2 lots, which were accessed via a shared private drive. The second crossing provided access to one additional Phase 2 lot near the entrance of the shared drive.

Stormwater Management

Mr. Berry described in detail the three-part stormwater mitigation strategy, which he characterized as one of the more significant topics discussed at TRC.

The first component involved intercepting the northern roadside swale along Dodge Cross Road — capturing all runoff from Lilac City Road south — and redirecting it onto the applicant's property through a large stone level spreader. This would slow the velocity of water, allow it to sheet across the upland and into the site's lower wetland complex, increasing the travel time from hilltop to wetland significantly. Mr. Berry noted that DPW had been supportive of this approach and saw it as a net improvement to the existing drainage situation along that stretch of Dodge Cross Road.

The second component was a shallow detention system at the lower driveway entrance, designed to intercept the southern ditch-line flow, knock sediment out of the water, and meter it back into the wetland system. The third component was a detention facility at the terminus of the proposed private drive (informally referred to as "Baldarelli Drive"), collecting all stormwater from the upper lots and private drive, detaining it, and releasing it at a reduced peak rate. Mr. Berry confirmed the stormwater system had been modeled to a 50-year storm event using the latest Cornell Atlas rainfall data.

Easements

Mr. Berry described five proposed easements. Easements 3, 4, and 5 were access easements over the proposed private drive for the benefit of the Phase 2 lot owners. Easements 1 and 2 were drainage-related. Easement 1 surrounded the lower detention facility and was intended to grant the town the ability — but not the obligation — to access and maintain the facility if the property owner failed to do so. Easement 2

was at the upper level spreader turnout, carrying similar terms. Mr. Berry emphasized that the town was being offered the ability to intervene, not the obligation to assume full maintenance.

Fire Protection

Director Pimental noted that each proposed home would be equipped with a residential NFPA 13D sprinkler system to satisfy the fire protection requirements that apply to subdivisions of this size — the first time such a requirement had arisen in recent memory, as this was the largest subdivision the board had reviewed since at least 2019.

Staff Comments

Director Pimental reiterated the stormwater offset approach, calling it a "pretty unique" strategy of capturing road-generated runoff onto private land to benefit the broader watershed. He noted DPW's general support for the concept but outlined several of Highway's specific comments: confirmation that the northern system captured all flow from Lilac City Road south; questions about sediment controls at the level spreader sump (which Director Pimental confirmed were in place); a recommendation for additional riprap armoring at the lower driveway corner where water velocity could be significant during storm events; and questions about cleanout access to certain pipe sections — which were determined to be manageable given the 2-foot drop across that segment.

Director Pimental also highlighted the need to ensure clarity in the easement language: Easement 1 (town access to lower facility) and Easement 2 (town access to upper facility) were intended to have slightly different scope — one access-only, one access and maintenance — and the distinction needed to be reviewed by legal counsel and clearly articulated in the recorded documents. Highway had also requested that the maintenance agreement include explicit language compensating the town for any work it performs in the easement areas.

Director Pimental raised the question of active and substantial development language, noting that the town's subdivision regulations set a threshold of 25 percent of total infrastructure. He suggested the board discuss whether to adopt this standard for both phases or a more tailored definition, and that "substantial completion" needed to be defined in the notice of decision rather than leaving it tied to the issuance of all certificates of occupancy — a standard the board agreed was not reasonable for a project of this scope.

Director Pimental also noted that the private road name would need to go through the RSA 231:133-a review process with the Board of Selectmen and E-911. Select Board Member King confirmed the process was straightforward.

Finally, Director Pimental raised the question of whether an as-built plan or a certified letter from the engineer confirming conformance of construction should be required prior to the issuance of certificates of occupancy, noting that for a project of this scale — with a private road, stormwater infrastructure, and multiple lots — an as-built plan was the more appropriate standard.

Public Comment

Chairman Pelkey opened the public comment period. Several abutters and residents of Dodge Cross Road came forward, and the Chair accommodated each in turn.

A resident identifying herself as Margaret Gallagher of 58 Dodge Cross Road, the abutter at the highest elevation adjacent to the upper access road, spoke first. She noted that she had experienced significant drainage problems requiring repeated excavation of an easement on her property since 2014, largely due to siltation from the road. She commended the applicant for identifying the appropriate location for the upper drainage easement relative to her property, but asked whether a corresponding easement should be considered on the opposite side of the road to capture faster-moving water from higher up the hill. She also asked about the surface treatment of the proposed private road (gravel/packed), whether it would be privately maintained (yes), and raised concerns about the presence of Japanese knotweed — an invasive species — in the ditch lines and culverts along Dodge Cross Road. Mr. Berry confirmed that the applicant's stormwater pollution prevention plan included an invasive species management protocol and that work within the ditch line would be carried out under the supervision of an invasive species specialist. He clarified, however, that the contractor's obligation extended only to areas the applicant was physically working in, not to the broader road corridor.

A resident of 69 Dodge Cross Road raised concerns about the setback between the proposed upper access road and his property line, which Mr. Berry confirmed was approximately 10 to 12 feet at the closest point — the toe of grading. The resident also asked about potential impacts to his existing well, given that 10 new wells were proposed. The board noted that well impacts in New England are generally less of a concern than in arid regions, though the outcome is ultimately site-specific.

A resident identifying himself as Adam Rourke of 30 Dodge Cross Road offered detailed testimony about the severity of the existing drainage and road maintenance problems. He described how grading of the road by the town — while well-intentioned — released large quantities of sand and sediment during the first rainfall, which had on one occasion filled his drainage easement to the point that it took more than eight hours of manual excavation to clear. He stated that trees on his property were falling due to chronically saturated soils, and that culverts installed on the side of the road were already fully clogged. Mr. Rourke questioned whether the town had sufficient resources to maintain the new easement infrastructure, and whether the obligations placed on future homeowners would be meaningfully enforced. He expressed concern that once the lots were sold, the developer would no longer be present to ensure maintenance occurred. Vice Chairman Henry explained that the maintenance burden would transfer to property owners by deed, that the easement language would prevent property owners from barring the town from entering to make repairs, and that in the event of non-compliance, the town retained authority to lien the property. Select Board Member King acknowledged the systemic nature of the Dodge Cross Road drainage problem and confirmed it was a known priority. He stated that Dodge Cross Road was at or near the top of the town's list for paving of currently unpaved roads, though he acknowledged it remained an aspiration rather than a commitment. Director Pimental confirmed that Easement 2 (the upper level spreader) was being proposed as town-maintained, while the private drive infrastructure (Easements 3, 4, and 5) would remain the responsibility of the homeowners association or individual lot owners.

A member of the public asked whether a planning board approval could legally obligate the town to accept an easement. Director Pimental and Mr. Berry both acknowledged that the select board would need to formally accept any town maintenance obligations; however, the proposal was framed as an offer to the town, not a compelled obligation.

A resident of 22 Chestnut Hill Road raised drainage concerns from the Chestnut Hill Road side of the parcel, noting that water flowing through the site ultimately crosses onto abutting properties. Mr. Berry confirmed that the site drains entirely toward the wetland complex at the bottom of the slope and then onto the neighboring property, and that this flow pattern had existed for thousands of years. He reiterated that the stormwater model was designed to ensure post-development flows did not exceed pre-development flows.

Margaret Gallagher returned to ask whether the development might prompt installation of additional streetlights on Dodge Cross Road and whether the applicant's invasive species contractor might offer reduced-rate services to neighboring property owners. Mr. Berry indicated the town's street lighting was outside the scope of the application, and that while he could provide general guidance on invasive species management methods, the applicant's contractors would not be retained for work on neighboring properties.

A resident expressing general concern about the pace of development in Farmington offered remarks about the loss of open land and the pressures on schools, roads, and municipal services. Chairman Pelkey acknowledged the concern, noting that property owners have legal rights to develop their land and that the board's role was to ensure development was done correctly and in accordance with the regulations.

Chairman Pelkey closed the public comment period.

Waiver — Phase 1 (Shape of Buildable Area Configuration)

Director Pimental summarized the single waiver request for Phase 1: a waiver from Section 6.B.(1)(f)(ii) of the Subdivision Regulations, which requires the 30,000-square-foot contiguous buildable area to meet a specified rectangular or circular shape. Mr. Berry explained that every lot in both phases of the subdivision technically required this waiver, not because of insufficient upland area, but because the lots' configurations — driven by topography, road geometry, and wetland locations in New England terrain — could not conform to the rigid geometric shapes prescribed in the regulations. He noted the irony that a perfectly rectangular lot with no wetlands and exactly 30,000 square feet of upland might still fail to meet two of the prescribed shape alternatives. He argued that the lots were highly developable, generously sized, and that the waiver was clearly warranted.

Member DeLemus and Director Pimental both suggested that the buildable area shape requirement, as currently written, warranted a future policy review, particularly given the disproportionate relationship between the required shape dimensions for the Agricultural Residential zone (3-acre minimum, 40,000-square-foot buildable) versus the Rural Residential zone (1-acre minimum, 30,000-square-foot buildable).

Motion to approve the waiver from Section 6.B.(1)(f)(ii) of the Subdivision Regulations for Phase 1, finding that the lots meet the spirit and intent of the subdivision regulations regarding buildable area, was made by Chairman Pelkey and seconded by Member DeLemus. The motion carried, with Select Board Member King casting a dissenting vote.

Phase 1 Conditions of Approval

Director Pimental read the proposed conditions of approval for Phase 1 as refined through board discussion. Select Board Member King raised the question of whether the drainage easement (Easement

2, the upper level spreader) should be included in the Phase 1 conditions given that its associated infrastructure was more properly part of Phase 2. After discussion, the board agreed that the easement language and associated infrastructure should be addressed as part of Phase 2 approval, not Phase 1, and the condition requiring draft easement language was removed from the Phase 1 notice of decision.

The board also discussed whether a foundation location plan requirement (a condition used on smaller, more constrained lots) was appropriate here. The board agreed it was not necessary given the lot sizes and that the building permit process provided adequate oversight mechanisms through the building inspector.

The final Phase 1 conditions of approval were:

Prior to Signing of Plans:

- Provide physical and digital copies of the final plan set for recording at the Strafford County Registry of Deeds with appropriate fees, including the LCHIP fee, with owner's signature and professional stamps by the licensed land surveyor and certified wetland scientist, revised as detailed in the minutes (Plan No. SUB26-005).
- Add a note to the plan identifying the approved waiver and its date.
- Obtain NH DES subdivision approval.
- Submit a certificate of monumentation confirming all monumentation referenced on the plan has been accurately set.

Prior to Issuance of a Building Permit:

- Obtain NH DES septic system construction approval.
- Obtain a driveway permit from the Town of Farmington.

Prior to Issuance of a Certificate of Occupancy:

- Inspection of the residential sprinkler system to demonstrate compliance with applicable NFPA standards.
- Obtain NH DES septic system operational approval.

Motion to approve Phase 1 of the Field of Dreams at Post Road, LLC subdivision (Tax Map R16, Lot 6), with the conditions as discussed, was made by Chairman Pelkey and seconded by Member Rourke. The motion carried unanimously.

Continuance of Items G and H — Phase 2 and Special Use Permit

Given the hour and the substantial remaining discussion needed on Phase 2 — including six waiver requests, the Special Use Permit, easement language, third-party oversight scope, active and substantial development requirements, and the town's responsibilities under the proposed drainage easements — the board determined that a continuance was appropriate. Select Board Member King moved to continue, noting that he was unavailable on September 2nd, and the board agreed to reschedule to the September 16, 2026 regular meeting. Director Pimental confirmed staff would prepare a memo to the Board of

Selectmen outlining the proposed easement structure and seeking their preliminary feedback prior to the September 16th meeting.

Motion to continue Items G and H (Special Use Permit and Phase 2 Subdivision Application for Field of Dreams at Post Road, LLC) to the September 16, 2026 Planning Board meeting at 6:30 PM was made by Select Board Member King and seconded by Chairman Pelkey. The motion was carried unanimously.

The board noted for the benefit of members of the public in attendance that, per RSA 676:4, this continuance constitutes notice and that no additional public notice by mail would be sent.

7) Member Comments:

Chairman Pelkey informed the board and public that a scam involving a fraudulent invoice had recently been directed at one of the board's applicants. The fraudulent communication bore Chairman Pelkey's name and requested payment via wire transfer. He confirmed that the applicant had identified the scam and contacted the town before any money was transferred. The matter had been forwarded to the Town Administrator and the town's IT department.

8. Staff Comments

Director Pimental reported that the New Hampshire House and Senate had, earlier that day, held a special session and voted overwhelmingly to override the Governor's veto of the 10-Year Transportation Improvement Plan. The Senate vote was unanimous; the House vote was approximately 245 to something. Director Pimental noted that this was significant for Farmington because the town's TAP grant project — redesign of sidewalks from Canal Street to Paulson Road — had been held up pending the plan's enactment. Staff planned to follow up with the town's transportation planner to explore whether the TAP project could be combined with another sidewalk-related 10-year plan project in the interest of efficiency and reduced administrative burden. Director Pimental noted this was a significant step forward for the town's infrastructure planning.

Director Pimental also mentioned the availability of aerial photography of the LILEC Solar site if board members wished to view it.

8. Any Other Business Before the Board:

No additional business was brought before the Board.

9. Adjournment:

Motion to adjourn was made by Secretary Day and seconded by Member DeLemus. The motion carried unanimously.

The meeting was adjourned.

Written and submitted by,

Roberta Earvin, Land Use Assistant

DRAFT