



FREMONT PLANNING BOARD

June 29, 2011

Meeting Minutes

Approved July 27, 2011

Present: Chairman Roger Barham, Vice-Chair John (Jack) Karcz, Selectman Greta St. Germain, Member John (Jack) Downing, RPC Circuit Rider Brian Groth; and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham opened the meeting at 7:05 pm.

At the June 15, 2011 meeting Chairman Roger Barham designated Alternate Andrew Kohlhofer to fill the vacancy on the Fremont Board Planning until such time as the Selectmen have appointed someone to serve as a full Board Member to fill that vacancy. It is noted that the appointment remains in effect.

MINUTES

Mr. Downing made the motion to approve the minutes of the June 15, 2011 meeting as written. Motion seconded by Mr. Karcz with unanimous favorable vote except for Mrs. St. Germain who abstained as she was not present at that meeting.

MAP 1 LOTS 058 & 059

LOT LINE ADJUSTMENT

Goldens Realty Trust/Deborah Maslowski and Eleanor Gates Rev. Trust/Donald Gates, Jr.
35 & 38 Gates Lane

The Board reviewed and signed the plans and mylar sheets for the recently approved Gates/Maslowski Lot Line Adjustment. All fees have been received and the mylar will be recorded within 3 business days.

MERRILL/FREMONT PARK, gravel pit

(Beede Hill Road, Map 4 Lot 015)

The Board received a June 28, 2011 correspondence from Gary Merrill reporting that he has completed the conditions of his 2011 Excavation Permit renewal. He included pictures for the Board's review. The Board agreed that Mr. Merrill has satisfied the conditions of approval.

CIP

Mr. Barham briefly discussed with Mr. Groth about the need to contact RPC Assistant Director Glen Greenwood relative to resuming the CIP process. This will be reported at a later meeting.

RISLOVE'S WAY

Datchet Development – Map 6 Lot 50

The Board received a copy of a June 16, 2011 correspondence from Town Administrator Heidi Carlson to Datchet Development, LLC manager Tom Avallone, releasing the 2-year road bond for Rislove's Way (Map 6 Lot 50).

PRECISION PLACEMENT MACHINES

Map 3 Lot 037-2

326 Main Street Unit 12

Mr. Barham reported that in answer to questions that arose from the June 15, 2011 meeting relative to the responsibility of fixing Spaulding Road, Town Counsel has advised that a certificate of occupancy can be issued regarding Unit 12 at Coopers Corner and further that the road work relative to Spaulding and Frost Roads is not the responsibility of the unit/lot owners.

It was agreed that Mr. Nisbet be so notified. The Board also agreed that Charles Minasalli, who was previously interested in property at the Cooper's Corner location, but was concerned about the road responsibility, should be notified. This information will be shared with the Selectmen and Town Engineer Dan Tatem.

JOHN GALLOWAY, gravel pit
(Shirkin Road, Map 5 Lot 035)

Mr. Galloway met with the Board, at the Board's request, to address the following issues found as a result of the May 31, 2011 annual inspection by Town Engineer Dan Tatem and Board Members.

1. *The blasted ledge face appears to be close to the approved limit of excavation, as noted on the approved excavation.*

Mr. Galloway said he has just a little more blasting to do on the right side of the internal road and then he will slope off that area, but then the excavation is moving to the left side of the internal road. Mr. Karcz said they were looking just on the right when they did the site visit and did not realize the intent for the left side.

2. *A 6" to 12" thick layer of crushed asphalt pavement has been spread over an area approximately 150 feet by 300.*

Mr. Galloway said he put the asphalt in so he could park equipment and so that Seacoast Farms could not use the area for fill. He said he would like to park equipment for now and possibly use it for a building sometime in the future. Mr. Karcz said he thought the area was supposed to be reclaimed. Mr. Groth said Mr. Galloway has a site plan that does not include the asphalt area. A time limit for the asphalt to remain on site was discussed and Mr. Barham suggested to let it remain for this year, but for next year it would be an amendment to the excavation plan for permit renewal. The other Members and Mr. Galloway agreed that this would be fair.

Mr. Downing made the motion to approve the Excavation Permit Renewal for John Galloway, Map 5 Lot 035, with an expiration date of July 1, 2012 with the following conditions.

1. The hours of operation are to remain at 7:00 am to 5:00 pm Monday – Friday and 7:00 am to 12:00 pm on Saturday with no excavation operation on Sunday; and all previously approved conditions are to remain in effect.
2. Payment in the sum of \$500.00 be received by the Town of Fremont for the replacement of escrow withdrawal relative to the Town Engineer annual inspection; and \$40.00 for the Town of Fremont for associated administrative fees.
3. The asphalt that was brought in shall remain for this year, but for next year it would be an amendment to the excavation plan for permit renewal.

Motion seconded by Mr. Karcz with unanimous favorable vote.

SEACOAST FARMS
(Shirkin Road, Map 5 Lot 035)

In Mr. Tatem's Galloway excavation report he stated that *"while on-site we observed the permitted composting operation, located within the excavation operation. It appeared that the composting operation was not operating in compliance with the approved site plan. We understand that the composting operation was not to stockpile material on the left side of the entrance road; however we noted several stockpiles in this area. We recommend the operator of the composting operation discuss this issue with the Board."*

The Board agreed that although Mr. Galloway is the owner of the property, this is a matter to discuss with Bob Kelly who is the owner/operator of the Seacoast Farms composting operation. Mr. Galloway said Mr. Kelly has built a new road and has used the tailings that were not brought to Turnkey in Rochester. Mr. Galloway said he would like it if the Board had Mr. Kelly speed it up (remove any encroaching material piles including the area across the road from the Seacoast Farms site). He added that Mr. Kelly is bringing in material all the time.

Mr. Galloway stated that originally the perimeter of the property was above the wetlands. Downstream there was a beaver dam which flooded some of the area. He felt removal of the dam was not his responsibility, but the Towns. He added that some time ago the Planning Board went out to the property and said that there was wetland and Mr. Kelly lost a couple of acres due to the wet that the beavers cause so he took over another area. Mr. Galloway said now there is plastic (and other material) on the site that should not be on it. He said the Board should bring Mr. Kelly in and have him remove the material that should not be on the site. Mr. Karcz said the berms are made of the tailings. Galloway agreed. Mr. Galloway requested to be notified if the Board calls Mr. Kelly in.

Mr. Downing suggested that the Board review the approved site plan and visit the site. The Board agreed to have the Code Enforcement Officer visit the site with Mr. Karcz and Mr. Downing on July 6, 2011 at 2 pm. Mr. Galloway and Mrs. St. Germain said they would also like to attend. It was agreed that Mr. Kelly will be notified.

At 8:15 pm the Board thanked Mr. Galloway and he left the meeting.

MARK WOODMAN
BEST MACHINE, INC.
79 Beede Hill Road
Map 3 Lot 062

Site Plan Review – Public Hearing

Present: Owner Mark Woodman, abutters Tom Fontana and Douglas Murphy.

At 8:15 pm Mr. Barham opened this Public Hearing for Mark & Cheryl Woodman and read the public notice as follows:

In accordance with NH RSA 675:7 and 676:4, you are hereby notified that the Fremont Planning Board will hold a Public Hearing at 7:30 p.m. on Wednesday June 29, 2011 in the Basement Meeting room at the Fremont Town Hall, concerning a Site Plan Review application for Mark and Cheryl Woodman.

The applicants propose to expand their existing metal products business located at their residence at 79 Beede Hill Road, Map 3 Lot 062, Fremont, New Hampshire.

You are invited to appear in person or by agent or counsel.

Mr. Barham reported that this hearing was noticed on June 14, 2011 at the Fremont Post Office and Fremont Town Hall, and on the Fremont Website; in the June 14, 2011 edition of the Manchester Union Leader. The applicant and all abutters were notified via certified mail on June 14, 2011 and all returns have been received. The application package included: A June 6, 2011 Building Inspector/Code Enforcement Officer letter of denial, multiple copies of the drawn plan, proper check amount, letter of intent, list of requested waivers, a copy of the deed and a current list of abutters.

The Woodman's also submitted:

- Notices of Decision of the May 24, 2011 ZBA action:

1: Granting the Variance from Article XVIII Section 7 of the Fremont Zoning Ordinance and allowing the business by Conditional Use Permit through the Planning Board with the condition that they are obtain a successful Site Plan Review and Conditional Use Permit.

2: There was **no decision** made on the Special Exception application as the application was withdrawn.

The checklist noted that this application was sent to the Rockingham Planning Commission. However, it was found that this did not happen so Mr. Groth has not had a chance to review the application.

There was a conversation of whether to take jurisdiction of the plan and Mr. Groth said that since it was not submitted to RPC for review and there was no waiver for the regulation the plan is incomplete until it has been reviewed by RPC.

Comment sheets were received from the following: *comments in italics*
Fire Chief: *Site distance for trucks entering and exiting driveway.*

The plan Mr. Woodman originally submitted was the 1988 plan of land for the property drawn

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by David R. Noyes, LLS noted as job #8545 that was modified to show all improvements and proposed uses pertaining to this Site Plan Review. He also submitted a copy of a reduced copy of the tax map showing the entire property perimeter and an aerial printout of the property.

Mr. Woodman submitted a supplement/replacement plan drawn by Beals Associates, numbered NH-654 and dated June 1022, consisting of two sheets. Sheet 1 = Existing Conditions; Sheet 2 = Site Plan. This plan included the entire 32+ acre parcel, locations of all existing buildings, the proposed building, well, septic, driveway/parking, and location of abutting properties. The plan showed the property contours, Aquifer boundary and all property lines. It is stamped by Christian O. Smith, PE. Notes on the plan addressed Site Plan Review Regulations 1.13-J (calculation of the road traveled mileage and route from the local fire and rescue) = 1 miles; 1.13-K (calculation of the increased daily average automobile traffic) = 0; 1.13-K-1 (estimate noise generated) = consistent with milling machines, no offsite noise; 1.13-S-19 (hours of operation) 6:00 am – 7:00 pm; 1.13-T-4 (list liquids, flammables and chemicals) = Cimcool (1070), Simple Green.

The proposed driveway is within the Aquifer Protection District. There was a discussion relative to whether the driveway that will be used for the business must be outside of the Aquifer Protection District. Mr. Groth stated that issues are:

- Changing the use of the driveway
- One of the spaces of the parking area is located in the Aquifer Protection Area.
- No chemicals can be used in the Aquifer Protection District; i.e. salt or chemicals in the driveway.

Mr. Groth said he will research this item and include it in his written report.

Mr. Woodman said he has another option for a driveway if he is not allowed to use the one he is suggesting.

Mr. Barham said the Board will defer taking jurisdiction over, and accepting the plan until Mr. Groth has had a chance to review the plan and issue a written report. The requested waivers will be addressed at the continuation of this Public Hearing.

There was further review of the plan. There was a discussion relative to whether the plan or just the notice of decision needs to be recorded. The Members agreed that the plan should be recorded as well as the notice of decision. Mrs. Bolduc advised Mr. Woodman that the mylar needs to be pre-approved at the Registry of Deeds prior to the Board signing it.

Doug Murphy asked what kind of truck traffic there would be. Mr. Woodman answered that the truck traffic is mostly UPS and deliveries. In answer to more questions from Mr. Murphy Mr. Woodman said he has two employees at this time, but may add one or two more; and the building is a wood structure. Mr. Fontana asked if the layout of the driveway would be the same as it is now and Mr. Woodman said it would be.

A site visit was discussed and at 8:20 pm Mr. Karcz made the motion to continue this Public Hearing for a site visit of the subject property at 79 Beede Hill Road (Map 3 Lot 062) at 3:00 pm on July 6, 2011; and to 7:30 pm on July 20, 2011 at the Fremont Town Hall.

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Motion seconded by Mr. Downing with unanimous favorable vote.
Mr. Woodman, Mr. Fontana and Mr. Murphy left the meeting at 8:20 pm.

INCOMING CORRESPONDENCES

The Board received a copy of a June 10, 2011 correspondence to the Selectmen from DES Commissioner Thomas Burack seeking volunteers to serve on the local advisory committee for the Lamprey et.al. Rivers. A copy of this was e-mailed to all members of the Planning Board, ZBA, Conservation Commission and Open Space Committee.

Mr. Downing made the motion to adjourn at 8:55 pm.
Motion seconded by Mr. Karcz with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

Next regular meeting: July 20, 2011.

ACTION ITEMS

From the June 29, 2011 meeting.

Mr. Barham:

- Report to the Board on the CIP process.

Mrs. Bolduc:

- Relay the status of the responsibility of Spaulding and Frost Roads to interested parties.

Mr. Groth:

- Submit a written report relative to the Woodman SPR.

PROJECTS PENDING/COMPLETED WITH RPC

- Master Plan Audit - Funded with CTAP Phase II funds = **\$3,500**; completion date of August 1, 2010. Completed February 16, 2011.
- CIP Annual Process - Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009. Pending as of October 27, 2010.
- Provide one (1) final paper copy and one (1) electronic version of the updated MP. Provide one (1) final copy of all elements of the CIP annual update process- Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009. Pending as of October 27, 2010.

Updated project timeline table below.

CTAP Phase II

| Projects | Status | 2010 1 Aug | 2010 22 Sept | 2010 27 Oct | 2011 16 Feb |
|--------------------------|-----------|---------------------------|-----------------|----------------|----------------|
| CTAP Phase II | | | | | |
| Master Plan Audit | Completed | Projected Completion date | | | Completed |

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NON-CTAP

| Projects Non-CTAP | Status | 2009 30 June | 2010 30 June | 2010 22 Sept | 2010 27 Oct |
|---|---------|-----------------|----------------------------------|-----------------|----------------|
| CIP Process Submittal Materials (2010 TBG) | Pending | | Contracted Completion Date | | |
| 1 final copy of updated MP, CIP elements (2010 TBG) | Pending | | Contracted Completion Date | | |