



FREMONT PLANNING BOARD
October 5, 2011
Meeting Minutes
Approved October 19, 2011

Present: Chairman Roger Barham, Vice-Chair John (Jack) Karcz, Member John (Jack) Downing, Alt. Andrew Kohlhofer, Selectman Brett Hunter, RPC Circuit Rider Brian Groth, Building Official Bob Meade and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham opened the meeting at 7:10 pm.

MINUTES

Mr. Downing made the motion to approve the minutes of the September 21, 2011 meeting as written.

Motion seconded by Mr. Karcz with unanimous favorable vote except for Mr. Hunter who abstained as he was not present at that meeting.

JOINT MEETING WITH RAYMOND

There was a discussion relative to the September 22, 2011 multi-town informational forum held in Raymond attended by Mr. Barham, Mr. Karcz, Mr. Downing, Mr. Kohlhofer and Mrs. Bolduc. This forum was attended by representatives of several surrounding Towns and designed for each town to relate current projects and issues in their Town and to learn about the same in surrounding Towns. All attendees agreed that it was informative and well worth going to.

CIP

Mr. Barham reported he will meet with RPC Assistant Director Glen Greenwood on Friday (October 7, 2011) relative to resuming the CIP process.

SEACOAST FARMS

(Shirkin Road, Map 5 Lot 035)

Mr. Barham reported that he sent an e-mail message to the Selectmen outlining the results of the research reported on at the September 21, 2011 Planning Board meeting and advising them of proposed action of the Planning Board relative to Seacoast Farms and to ensure them that the Planning Board acts with the agreement of the Board of Selectmen and Town Council. He related to the Selectmen that:

- The Board is pursuing an investigation to determine if Seacoast Farms is out of compliance with the approved site plan, and if so, propose to require Seacoast Farms to seek an amendment to the site plan at which point the Board would impose revised conditions. The Board is of the opinion that compliance with the approved site plan is a distinctly separate matter to the ongoing litigation.

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- RPC GIS Department is preparing a composite plan detailing
 1. GIS 2010 color ortho detailing current site layout
 2. 1999 Approved Site Plan accurately aligns within GIS.
 3. Wetlands delineation based on a 2008 plan.
- At the next Planning Board meeting the Board will review the RPC composite plan and determine if the plan indicates whether Seacoast Farms is in compliance with the approved site plan. If the Board believes Seacoast Farms is not in compliance then the Board would propose to follow up with a site visit to verify the situation in the field.
- Asking that the Selectmen review the information and advise on how they wish the Planning Board proceed.

Mr. Barham related to Mr. Hunter that the Board wants the Selectmen to know that any action the Planning Board may take relative to Seacoast Farms will be with the Selectmen's full knowledge.

Mr. Groth submitted a final draft of the overlay composite plan of Seacoast Farms for the Board to review. Superimposed is the approved 1999 approved site plan detailing the approved site layout. He said the wetland delineation was left off this plan, but the lines on this plan were nearly the same as the digital ones. Mr. Groth said he does not think there is a violation of wetland buffers, but there seem to be violations of the approved site plan.

Mr. Barham listed the following observations from the overlay plan.

1. Site office/scales:
 - Located 250' from approved position
2. Non-approved piles:
 - Unknown white piles (possibly sand/gravel) located in approved mixing area.
 - Piles of tailings possibly not approved.
 - 5 or more piles in vicinity of "loam & manure"
 - Large pile behind approved office/scales.
 - 2 piles located at approved office/scales.
3. Soil production area:
 - Configuration not in accordance with approved plan.
 - Plan defines windrows sizes as 150' – 200' (long) x 25' – 25' (wide).
 - Actual size area approximately double in length and width.

There was a conversation relative to the approved Seacoast Farms site plan and approved practices as per the State requirements. It was agreed that a site visit is in order at this time, but prior to a visit the Board should find out what the best management practices are as it pertains to this operation. Mr. Karcz suggested it might be a good idea to get a copy of the rules of "best management practices" from the State. He added that without doing a site visit the Board does not know what is currently going on at the site.

Mr. Barham noted that the question of compliance with the approved Site Plan is a separate issue to the off-site odor issue that is the topic of current litigation. Mr. Hunter said he will add to tomorrow evening's Selectmen's agenda (October 6) to 1) find out where the Town is with the

litigation and 2) relate that the Planning Board would like to do a site visit. Mrs. Bolduc was asked to research what has been agreed between DES and Seacoast Farms prior to litigation for discussion at the next meeting.

ZONING ORDINANCES PROPOSED FOR 2012

- Adult Use = The Members have reviewed the sample Adult Use ordinance that were distributed at the last meeting. There was a conversation relative to what to include in such an ordinance and Mr. Groth offered to create a draft ordinance for the Members to review and consider.
- Article XI –E; 4 (d) – add “except for propane and natural gas”.
As per the May 4, 2011 PB meeting minutes:
Rational: This would put the Town in line with NH DES model ordinance in excluding propane and “*other liquefied fuels which exist as gases at normal atmospheric temperature and pressure*”.

After some discussion Mr. Downing made the motion approve the amendment to Article IX-E; 4 (d) of the Fremont Zoning Ordinance by adding “*except for propane and natural gas*” and move this on to public hearing.

Motion seconded by Mr. Karcz with unanimous favorable vote.

- Article IV Section 9 (paragraph 2) to change “State of New Hampshire Water Supply and Pollution Control Commission” to *New Hampshire DES Water Division, Subsurface Systems Bureau and/or its successor*. The rational is that the NH WSPCC is the same agency, but is now the NH DES Water Division, Subsurface Systems Bureau. Mr. Groth said the Board could make this change without it needing to go before the voters because it is not a substantive change and does not change the intent of the ordinance.

Mr. Karcz made the motion to change the wording in the Article IV Section 9 (paragraph 2) in the Fremont Zoning Ordinance from “State of New Hampshire Water Supply and Pollution Control Commission” to *New Hampshire DES Water Division, Subsurface Systems Bureau and/or its successor*.

Motion seconded by Mr. Downing with unanimous favorable vote.

- Article IV Section IV-A “In Law Apartments”: There was a discussion relative to sections G & H of Article IV-A of the Fremont Zoning Ordinance.
 1. Section G, second sentence: *Any new entrances shall be located on the side or rear of the building and shall be at ground level*. Access was discussed and Mrs. Bolduc pointed out that an in-law situation is not always an older relative such as a parent or grandparent, but can be a younger relative such as a daughter, son or sibling of the owner. This condition eliminates the option of having even a couple of steps to an entrance. She noted that there are a lot of older, existing homes that have existing entrances with a few steps and this condition would make them not eligible to add an in-law unit. Whether or not to allow new entrances was also discussed.
 2. Section H: “All in-law/accessory apartments shall have accessible entrances and shall conform to dwelling unit Type-B construction, as specified in the International

Residential Code (IRC)”.

The description of “dwelling unit type B” as noted at the end of the Ordinance is “*A dwelling unit designed and constructed for accessibility in accordance with ICC/ANSI A117.1, intended to be consistent with the technical requirements of fair housing required by federal law.*”

Mr. Meade said that this code is in place for accessibility and if a unit must comply with ICC/ANSI A117.1 there can be no stairs not only on the outside of the egress, but immediately on the inside. There must be 2 doors for egress and there has to be a straight shot between them with no obstruction (including a stairway). There are other conditions such as 3’ wide doors, wheelchair turn around bathroom, future blocking in the walls for grab bars (handicap items), replacement of kitchen sink cabinet, etc. It was agreed that this makes it more difficult and complicated to meet the requirements in order to be allowed to construct an in-law apartment and it would make more sense to eliminate the requirement for Type-B accessible dwelling unit. It was noted that the IRC would still need to be complied with.

Following further discussion, Mr. Hunter made the motion to approve the amendments to the following sections of Article IV-A of the Fremont Zoning Ordinance and send them on to Public Hearing.

- Delete the second sentence of Section G: “*Any new entrances shall be located on the side or rear of the building and shall be at ground level*”.
- Delete Section H: *All in-law/accessory apartments shall have accessible entrances and shall conform to dwelling unit Type-B construction, as specified in the International Residential Code (IRC).*

Motion seconded by Mr. Karcz with favorable vote.

- Article XIX, 1.3-C - Signs - “For Sale Signs”. There was some conversation relative to specifying a size limit for “for sale” signs, particularly pertaining to the sale of land. Mr. Hunter made the motion to approve the amendment to Article XIX, 1.3-C of the Fremont Zoning Ordinance by adding “*and do not exceed six (6) square feet in size*” and send it on to Public Hearing.
Motion seconded by Mr. Karcz with unanimous favorable vote.
- Article XVIII-10 Open Space Preservation Ordinance: The Members agreed to defer discussion of amendments to a later date.

BUDGET

The Board received and reviewed the updated draft of the 2012 Planning/Zoning Budget which was last updated on September 21, 2011 to include the Department requests, Selectmen’s recommendation and Budget Committee recommendation. The result of an increase in the clerical line and decreases in the office supplies and the postage lines is a flat budget over 2011 of \$42,771.

INCOMING CORRESPONDENCES

The Board received and reviewed the notice of the November 16 & 17, 2011 annual LGC Conference. Mrs. Bolduc asked that anyone wanting to attend submit their information to her instead of registering online so she can submit all registrations all under one check. Mr. Downing, Mr. Karcz and Mrs. Bolduc will attend the November 17th session.

Mr. Hunter made the motion to adjourn at 9:00 pm.
Motion seconded by Mr. Karcz with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

Next regular meeting: October 19, 2011.

ACTION ITEMS

From the October 5, 2011 meeting.

Groth: create a draft adult use ordinance for the Members to review and consider.

Bolduc:

- Find out what the best management practices are as it pertains to Seacoast Farms.
- Research what has been agreed between DES and Seacoast Farms prior to litigation.

From the August 10, 2011 meeting.

Groth: Speak with RPC Senior Planner Julie LaBranche relative to available funding for an Energy Chapter to the Master Plan.

Barham: Discuss resuming the CIP process with RPC Assistant Director Glen Greenwood.

From the March 16, 2011 Meeting.

Groth:

- Work with Mrs. Bolduc on restructuring the regulations and present a draft to the Members at a future meeting.
- Take a look at the new NHDES Alteration of Terrain Program's criteria and report back to the Board.

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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 5, 2011.
- 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 5, 2011.

Updated project timeline table below.

RPC

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		