



FREMONT PLANNING BOARD

June 6, 2012

Meeting Minutes

Approved June 20, 2012

Present: Chairman Roger Barham, Vice-Chair John (Jack) Karcz, Member John (Jack) Downing, Alternate Chris Silk, Selectman Greta St. Germain, RPC Circuit Rider Brian Groth, Building Official Bob Meade and Land Use AA/Recording Secretary Meredith Bolduc.
Also present: Fremont Boy Scout Timothy King.

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

BOARD MEMBERS/ALTERNATES

At the June 15, 2011 meeting and the March 7, 2012 meeting Mr. Barham designated Alternates Andrew Kohlhofer and Chris Silk, respectively, to fill the vacancies on the Planning Board until such time as the Selectmen have appointed someone to serve as a full Board Member to fill that vacancy. These appointments remain in effect.

MINUTES

Mr. Downing made the motion to approve the minutes of the May 16, 2012 meeting as written. Motion seconded by Mr. Karcz with unanimous favorable vote.

SEACOAST UNITED SOCCER CLUB (SUSC)

Map 6 Lot 020-001

Mrs. Bolduc reported that the Land Use Office has received a copy of the Forest Management Plan prepared by Bay State Forestry Service for SUSC. She has contacted Eben Lewis of DES about a Wetland Restoration Plan that DES required for the property and is waiting to hear back from him.

There was a conversation relative to the violations and enforcement ability. Mr. Barham said because of violations to the conditions of the existing approved Site Plan requiring "buffer planting of hardwood and softwood trees be put in place for noise and visual barrier" SUSC will be obliged to apply for a site plan amendment. Mr. Barham said the Board may want to consider requiring an improved buffer system that is reasonable to achieve the Planning Board goals in mind. Mrs. St. Germain asked if the Board has ever discussed a sound barrier (wall). Mr. Karcz answered that they have not, but they could in the future.

There was a discussion about the rubber pellets that have been observed spilling off the SUSC site. Mr. Groth noted that it is not proven whether or not the pellets are an environmental hazard or a health hazard, but at the very least the runoff could be considered litter. He suggested that

Planning Board Meeting Minutes
June 6, 2012

the Board could hire a consultant at the owner's expense to advise the board on appropriate storm water strategies to keep the rubber pellets from running off the property.

Mr. Barham showed the map he has scanned of the SUSC site plan and Mr. Groth superimpose it onto the aerial photo to view possible violations to the existing Site Plan and see if there is any impact to wetland.

SEACOAST FARMS

Map 5 Lot 035

Mr. Barham reported that the application for an amendment to the Seacoast Farms Site Plan has not been received; deadline for submission is June 30, 2012.

Mr. Meade reported a recent complaint relative to trucks going to the Seacoast site earlier than allowed.

Town Engineer Dan Tatem included the following in his May 22, 2012 report as a result of the annual site visit for the Galloway excavation operation. *While on-site we observed the 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 (see photo). Furthermore, many of the stock piles appeared to exceed the allowable height limit of nine feet. We recommend the operator of the composting operation discuss these issues with the Board.*

JACOB'S COVE

Map 1 Lot 098-1

Mrs. Bolduc reported that Mr. Donigian has not yet responded to the May 3, 2012 correspondence from her advising him that that according to the Town Engineer's estimate as a result of the April 18, 2012 preconstruction meeting approximately \$7,000 needs to be added to the escrow as soon as possible to fund the estimated engineering costs.

ECONOMIC DEVELOPMENT/CORPORATE COMMERCIAL DISTRICT

The Corporate Commercial District is comprised of 29 parcels of property (with a total of 16 owners) that total almost 400 acres.

At a previous meeting Mr. Groth submitted revised maps of the Board reviewed the Corporate Commercial District along with a table of containing the current landowners of the parcels and a spread sheet of the ownership and acreage and some information on his research on Economic enterprise zone (State tax breaks for development).

He forwarded the maps to Ms. Davis for her information and to see if she has ideas for next step.

MASTER PLAN

ENERGY CHAPTER

RPC Senior Planner Julie LaBranche was scheduled to meet with the Board at 7:30 tonight to review the most recent draft of the proposed Energy Chapter of the Master Plan, but she did not keep the appointment. Mrs. Bolduc will follow up with her to reschedule.

EXCAVATION SITE VISITS

On May 10, 2012 Town Engineer Dan Tatem conducted the annual site visits for the four gravel operations (Merrill, Galloway, PJP and Governor's Forest). Also in attendance were PB Members Jack Karcz, Jack Downing and Building Official Bob Meade. The Board comments and Mr. Tatem's reports are included in the respective reports below.

Merrill/Fremont Park (Beede Hill Road, Map 4 Lot 015)

Owner Gary Merrill was present at the site visit. The comment sheet submitted as a result of the May 10, 2012 site visit says that Town Engineer Dan Tatem, Planning Board Member Jack Downing, Building/Code Enforcement Officer Bob Meade and owner Gary Merrill attended the site visit. Mr. Merrill said he is going to regrade by excavation area #8 on the east side of the pit, stabilize the slope near the wetlands and install a silt fence.

Mr. Tatem's May 22, 2012 report:

At the request of the Town, Stantec attended the scheduled site walk for the subject excavation operation with one of the Planning Board members, the Building Inspector and the property owner May 10, 2012. During our site walk we noted two areas where silt fence should be installed until the vegetation has stabilized the recently placed loam.

- 1. The back slope of excavation area #8, approximately 20' from an existing wetland (see photo)*
- 2. The side slope of excavation area #8, adjacent to an existing low point (see photo)*

Additionally we noted an unstabilized area adjacent to the entrance of the project, on the left side of the access road that should be stabilized with loam and seed (see photo).

The remainder of the active excavation areas appear to be self contained and should not direct stormwater runoff from the site.

After discussing these three issues with the property owner, he agreed to install the necessary silt fence noted in items #1 and #2 and to loam and seed the unstabilized area within 30 days of the date of the site walk. He also agreed to provide a letter and photographs documenting the completion of this work.

The active, unstabilized excavated areas appear to be less than the allowed 5 acre maximum, and the overall excavated areas appear to be similar to the approved excavation plan.

The Board discussed the comments and recommendations made by Mr. Tatem and Mr. Downing as a result of the site inspections.

Mr. Downing made the motion to approve the Excavation Permit Renewal for George Merrill/Fremont Park Map 4 Lot 15, with an expiration date of July 1, 2013 with the following conditions.

1. Prior to July 1, 2012 payment in the sum of \$549.00 is received by the Town of Fremont for the replacement of escrow withdrawal relative to the Town Engineer annual inspection and a separate \$40 payment to the Town of Fremont for associated administrative fees.
2. Prior to July 1, 2012 a silt fencing be installed in the back slope and side slope of excavation area #8.
3. Stabilized the area adjacent to the entrance of the project, on the left side of the access road with loam and seed.

4. That the owner provides a letter and photographs documenting the completion of this stabilization work.

Discussion: Mr. Downing said he understands the court order from the late 1980's says the owners cannot bring in equipment to the site to spread loam to recondition the area when the owner reseeds. He said that Mr. Tatem said the Planning Board would need him to give Mr. Merrill permission to bring in loam for reconditioning. This prompted a conversation relative to whether the Board has the right to modify any condition of the court order and Mr. Karcz suggested that the Board get a ruling from Town Counsel before allowing the court order to be modified. The Members agreed to investigate the court order for restricting the processing of loam to the site for restoration.

Motion seconded by Mr. Karcz with unanimous favorable vote.

Mr. Barham explained the excavation permit renewal process to Timothy King. Mr. King left the meeting at this time.

John Galloway (Shirkin Road, Map 5 Lot 035)

The owner was not present at the site inspection. The comment sheet submitted as a result of the May 10, 2012 site visit says that Town Engineer Dan Tatem, Planning Board Member Jack Downing, and Building/Code Enforcement Officer Bob Meade attended the site visit and found that the blacktop is still on the site and no further work has been done this year.

Mr. Tatem's May 22, 2012 report:

At the request of the Town, Stantec attended the scheduled site walk for the subject excavation operation with one of the Planning Board members and the Building Inspector on May 10, 2012. During our site walk we noted the following:

1. *It does not appear that any ledge blasting or gravel excavation has occurred since the date of the 2011 annual site walk.*
2. *The 6" to 12" thick layer of crushed asphalt pavement that was noted in the 2011 annual site walk letter remains.*

We understand that the owner of the subject operation discussed item #2 with the Board last year, and reportedly informed the Board that the pavement was placed to provide a durable surface to park trucks on. At that meeting the Board agreed to allow the pavement to remain for one year. It was also agreed that if the pavement was not removed within one year, the approved excavation plan must be amended, to include the crushed pavement "parking area". It is our understanding that the amended plan has not been submitted to the Planning Board for review and approval.

Additionally, while on-site we observed the 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 (see photo). Furthermore, many of the stock piles appeared to exceed the allowable height limit of nine feet. We recommend the operator of the composting operation discuss these issues with the Board.

The Board discussed the respective comments and recommendations made by Mr. Tatem and Mr. Downing as a result of the site inspections. It was noted that last year Mr. Galloway told the Board that he wanted to use the pavement he had brought to the site to park trucks and it was agreed that it could remain for one year, but if it was not removed after that it would be "an amendment to the excavation plan for permit renewal". It was also noted that there has been no

action by Mr. Galloway relative to comply with last year's agreement. Mr. Barham suggested that the Board should require Mr. Galloway to bond the asphalt if it remains at the site. The Members of the Board agreed.

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, 2013 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 \$589.00 be received by the Town of Fremont for the replacement of escrow withdrawal relative to the Town Engineer annual inspection; and a separate \$40.00 payment to the Town of Fremont for associated administrative fees.
3. Within 60 days from the date of the July 1, 2012 permit renewal, the owner shall comply with one of the following:
 - Remove the 6" to 12" thick layer of crushed asphalt pavement that is present on the site.
 - File for a Excavation amendment for the presence of said asphalt, or as an alternative, Provide the Town with a bond in the amount to be recommended by the Town Engineer for removal of the asphalt.
4. All conditions of this permit renewal must be met in order to maintain the permit.

Motion seconded by Mr. Karcz with unanimous favorable vote.

Governor's Forest/Martin Ferwerda gravel operation (Rt 107, Map 3 Lot 002)

Owner Martin Ferwerda was present at the site inspection. The comment sheet submitted as a result of the May 10, 2012 site visit says that Town Engineer Dan Tatem, Planning Board Members Jack Downing and Jack Karcz, Building/Code Enforcement Officer Bob Meade and Owner Martin Ferwerda walked the site and Mr. Ferwerda indicated that no activity is anticipated in the near future. There was new grass at the top of the hill, some erosion near the entrance gate from the road to the retention pond and some material had been trucked in from Exeter.

Mr. Tatem's May 22, 2012 report:

At the request of the Town Stantec attended the scheduled site walk for the subject excavation and crushing operation with two of the Planning Board members, the Building Inspector and the property owner on May 10, 2012. During the site walk we noted the following:

1. *It appears that no excavation has occurred since the 2011 annual site walk.*
2. *The erosion issues at the entrance of the site, noted in our 2011 site walk letter, were appropriately stabilized with additional rip rap.*
3. *Several large stock piles of loam that were imported prior to our 2011 letter remain unstabilized. As we have previously recommended, these piles should be hydro-seeded so that the piles are stabilized with vegetation (see photo).*
4. *Approximately half of an acre of the excavation area to the right of the access road was stabilized with loam and seed (see photo).*

Planning Board Meeting Minutes
June 6, 2012

5. *The active, unstabilized excavated area appears to be less than the maximum 5 acres allowed by the Town's regulations and State excavation RSA's and the overall excavated area appears to be similar to the approved excavation plan.*

Please see the attached photos that were taking during the site walk.

The Board discussed the respective comments and recommendations made by Mr. Tatem, Mr. Karcz and Mr. Downing as a result of the site inspections.

Mr. Karcz made the motion to approve the Excavation Permit Renewal for Governor's Forest Map 3 Lot 002, with an expiration date of July 1, 2013 with the following conditions.

1. Prior to July 1, 2012 payment in the sum of \$457.50 is received by the Town of Fremont for the replacement of escrow withdrawal relative to the Town Engineer annual inspection and a separate payment of \$40.00 to the Town of Fremont for associated administrative fees.
2. Within 60 days from the date of the July 1, 2012 permit renewal, the owner shall either stabilize the existing loam piles or provide the Town with a bond in the amount to be recommended by the Town Engineer.
3. The owner shall submit photos to the Planning Board of all required condition improvements.
4. All previously approved conditions shall remain in effect including:
 1. Hours of operation are from 7:00 am to 6:00 pm Monday – Friday with no excavation operation on weekends.
 2. Noise reduction on Saturday.
 3. No blasting on the weekends.
 4. One week's written notice to abutters and to the Town prior to blasting.

Motion seconded by Mr. Downing with unanimous favorable vote.

PJP, Inc./Dan Olson gravel pit (Rt 107, Map 2 Lot 151.2)

Owner Dan Olson was not present. The comment sheet submitted as a result of the May 10, 2012 site visit says that Town Engineer Dan Tatem, Planning Board Members Jack Downing and Jack Karcz, Building/Code Enforcement Officer Bob Meade and a representative of owner Dan Olson were in attendance at the site visit and walked the perimeter of the site. There are places that need a barrier to keep people from going off the face of the cliff. About 2 acres had been loamed and seeded. There was new activity at the top of the cliff, but he they felt that the activity was within his 5-acre limit. Some asphalt & concrete is awaiting processing. The recommendation was that more barriers need to be added along the face of the cliff.

Mr. Tatem's May 22, 2012 report:

At the request of the Town, Stantec attended the scheduled site walk of the subject excavation operation with two of the Planning Board members and the Building Inspector on May 10, 2012. During our site walk we noted the following:

1. *The active excavation area appears to be self contained and therefore should not direct stormwater runoff from the site.*
2. *The excavation and grading of the site appears appear to be similar to the approved excavation plan.*

Planning Board Meeting Minutes

June 6, 2012

3. *Screened loam was recently spread over approximately 1.5 to 2 acres of previously excavated area. The loamed area was seeded; however, no vegetation had germinated. After this area is stabilized, it appears that the active excavation area will be less than the allowed 5 acres.*
4. *Several areas along the ledge face were not protected with large boulders due to excavation activities along the top of the ledge face and boulders should be placed along these areas.*

The Board members discussed item #4 and #5 with the owner's representative (loader operator) and requested that additional boulders be placed in the areas along the unprotected areas of the ledge face. It was agreed that this work would be completed. We recommend that the property owner or his designee provide an update to the Board including pictures of the boulders to be added and the vegetation growth in the recently loamed area within 30 days of the date of this letter.

The Board discussed the comments and reports made by Mr. Tatem, Mr. Karcz and Mr. Downing as a result of the site inspections.

Mr. Downing made the motion to approve the Excavation Permit Renewal for PJP, Inc, Map 2 Lot 151.2, with an expiration date of July 1, 2013 with the following conditions.

1. Prior to July 1, 2012 payment in the sum of \$589.00 is received by the Town of Fremont for the replacement of escrow withdrawal relative to the Town Engineer annual inspection and a separate payment of \$40.00 to the Town of Fremont for associated administrative fees.
2. That within sixty (60) days the owner shall place boulders along the areas of the ledge face that are not protected with large boulders due to excavation activities.

Motion seconded by Mr. Karcz with unanimous favorable vote.

REGULATIONS

Mrs. Bolduc reported that the Public Hearing for Driveway Regulation and Subdivision Regulation amendments is scheduled for the next meeting (June 20, 2012).

SUSTAINABILITY COMMUNITY INITIATIVE

Mr. Groth related that there is a Community Planning Grant Program through HUD administered by NHHFA New Hampshire Housing Finance Authority to conduct a regulatory review of the sum of the Town's ordinances and regulations for inconsistencies, conflicts and other potential shortfalls. The grant amount is \$10,000 and requires 25% match; 25% of that must be cash (\$625) and the remaining match is "in kind" which could be volunteer hours. The application must be post marked by June 15, 2012. Mr. Groth said that if we do move forward with this grant we get priority for the second round of the grant process.

Mr. Groth said he has the application which he will bring in next week for the Town to file if the following items that are required for the application are in place:

1. Planning Board motion to commit to the grant and the \$625 match.
2. A letter on Town letterhead committing to the match.
3. Motion and letter of commitment from the Selectmen.

Mr. Barham asked if it would be possible to use this grant for a complete redraft of our zoning ordinance. Mr. Groth said this grant is to identify inconsistencies, not to draft changes. He added that amending the zoning ordinance would be a future project.

Planning Board Meeting Minutes
June 6, 2012

Mr. Downing made the motion that the Planning Board commit to the community planning grant and to apply for the regulatory review. Further the Board authorizes funding of \$625 from the Professional Services line of the current Planning/zoning budget for the Towns required cash match.

Motion seconded by Mrs. St. Germain with unanimous favorable vote.

ABDALLAH CONSTRUCTION
Map 2 Lot 181

Public Hearing
Site Plan Review

The Board reviewed and signed the mylar and plans for the recently approved Abdallah Construction Site Plan Review. The mylar will be recorded at the Rockingham Registry of Deeds within 3 business days. Mr. Barham signed the notice of decision which will also be recorded.

INCOMING CORRESPONDENCES

The Board received a May 24, 2012 correspondence from Pierce Rigrod, Environmentalist with NH DES commending the Town for being 1 of 90 towns that have adopted an Aquifer Protection ordinance and requesting that Fremont consider amending the ordinance to include wellhead protection areas.

COOPERS VILLAGE

Mr. Meade reported that the prospective buyer of the Coopers Village project visited him yesterday and said he is closing on the property next week.

Mr. Karcz made the motion to adjourn at 9:10 pm.

Motion seconded by Mr. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

Next regular meeting: June 20, 2012.

ACTION ITEMS

From the 6-6-12 meeting:

Bolduc:

- Follow up with LaBranche to reschedule for the draft of the Energy Chapter of the MP.
- Process all excavation renewal approvals.
- Research the Fremont Park court order and send it to the PB Members.
- Draft a letter of funding commitment for the Community Planning Grant Program.
- Record the Abdallah mylar and decision.

Groth:

- Apply for the Community Planning Grant Program – if all letters are in place.

Planning Board Meeting Minutes
June 6, 2012

PROJECTS PENDING/COMPLETED WITH RPC

- 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 this date.
- 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 this date.
- Vision Chapter of MP - Funded with the 2012 Targeted Block Grant (TGB); completion date of June 30, 2012. Paid Towns share of **2,500** in November 2011. Pending as of this date.
- Energy Chapter of MP – Funded through the Energy Technical Assistance Program (ETAP) (no Town cost-share). Completion date of April 30, 2012.

Updated project timeline table below.

RPC

Projects Non-CTAP	Status	2009 30 June	2010 30 June	2010 22 Sept	2010 27 Oct	2012	2012 April 30	2012 June 30
CIP Process Submittal Materials (2010 TBG)	Pending		Contracted Completion Date					
1 final copy of updated MP, CIP elements (2010 TBG)	Pending		Contracted Completion Date					
MP Vision Chapter update	Pending							Contract Completion date
MP Energy Chapter	Pending						Completion date	