



FREMONT PLANNING BOARD

June 20, 2012

Meeting Minutes

Approved July 18, 2012

Present: Chairman Roger Barham, Vice-Chair John (Jack) Karcz, Member John (Jack) Downing, Alternate Andrew Kohlhofer, Selectman Brett Hunter, 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. Karcz made the motion to approve the minutes of the June 6, 2012 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote.

MERRILL EXCAVATION

Beede Hill Road, Map 4 Lot 015

The Board received a June 6, 2012 correspondence from Gary Merrill stating that, as per requirements by the Board, he has installed the silt fence in the back slope of excavation area #8 approximately 20' from an existing wetland; and the side slope of excavation area #8 adjacent to an existing low point. He has also stabilized the area adjacent to the entrance of the project, on the left side of the access road with loam and seed. Mr. Merrill included pictures showing the completed requirements. Mr. Downing and Mr. Karcz agreed to visit the site to verify Mr. Merrill's report.

Mr. Merrill has also submitted a \$580.00 check to replace engineering costs taken from his escrow and a \$40.00 check for the administration fee to the Town of Fremont.

There was a discussion relative to the court order from the late eighties restricting the owner from bringing in additional equipment for screening material onsite. Mr. Meade noted that Mr. Merrill brings in trucks in from his other site in Salem and Seacoast Farms is just down the street so he has other options for bringing in loam instead of needing to screen it onsite.

SEACOAST UNITED SOCCER CLUB (SUSC)

Map 6 Lot 020-001

The Land Use Office recently received and forwarded to the Planning Board Members a copy of the Wetland Restoration Plan that DES required for the SUSC property. A copy of the Forest Management Plan prepared by Bay State Forestry Service for SUSC was also previously forwarded to the Members.

Mrs. Bolduc reported that she spoke with Chris Albert of Jones & Beach this afternoon who related that he is expecting DES to approve the Wetland Restoration Plan within the next week or two. He said there has been some discussion with Paul Willis of SUSC about a sound wall, which Mr. Albert said is very expensive. He said he will meet with Mr. Willis soon and is expecting to file for an amendment to the existing Site Plan after that meeting.

There was a general conversation relative to the violations of the conditions of the original Site Plan Review including the planting of buffer trees and the Conservation Restriction Deed.

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.

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

Mr. Kohlhofer asked when the Board is going to move forward with contacting the landowners to find out what they want to do with their property. This prompted a discussion and the Board agreed to send a letter to the landowners in the Corporate Commercial Zone to invite them to a meeting on July 18, 2012 to find out how they feel about development of the land.

Kimberly & Kevin Daigneault
29 Rogers Road
Map 3 Lot 169-002

Site Plan Review – Public Hearing

Present: Owners Kimberly & Scott Daigneault, and Zak Daigneault.

At 7:40 pm Mr. Barham opened this Public Hearing 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 20, 2012 in the Basement Meeting room at the Fremont Town Hall, concerning a Site Plan Review application for Kimberly and Kevin Daigneault.

The applicant proposes to operate a produce and crafts business at 29 Rogers Road, Map 6 Lot 3-001, Fremont, New Hampshire.

You are invited to appear in person or by agent or counsel. Written comments will be accepted up until the day of the hearing.

This hearing was noticed on June 5, 2012 at the Fremont Post Office and Fremont Town Hall, and on the Fremont Website; in the June 8, 2012 edition of the Manchester Union Leader. The applicant and all abutters were notified via certified mail on June 5, 2012 and all returns have been received except for that of Engineers Jones & Beach. The application package included: the application, multiple copies of the drawn plan, proper check amount, letter of intent, list of requested waivers, a copy of the deed, a current list of abutters, and the SPR checklist indicating that the plan was sent to Rockingham Planning Commission for review.

Mr. & Mrs. Daigneault also submitted a copy of their application to the NH Department of Health and Human Services for a Homestead License for the sale of jams, jellies and baked goods. Mr. Daigneault said his wife is planning on having a sort of farmers market at their house on weekends and that the State sent their application and check back saying they did not need the Homestead License. The June 13, 2012 correspondence from the NHDHHS indicated that the application was returned because it “does not indicate location of sales or locations are unclear as to whether they are farmer’s markets or retail” and there were instructions for the applicant to refer to the attached (which was the Homestead License Requirements Guide) to find out if they qualify for a license. There was another application attached.

Comment sheets were received from the following: comments in *italics*

Building Official/Code Enforcement Officer: *Have been out to the site – have a concern about parking (which may go away once road construction is completed and can see what it is like then).*

Health Inspector: *Only the usual concerns about health issues and produce.*

Road Agent: *Needs to show proper parking area on plan for amount of business.*

Mr. & Mrs. Daigneault’s May 25, 2012 letter of intent relates that their intent is to sell local fresh produce and crafts, and that they have obtained a Federal Tax ID Number for the sale of crafts.

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Mr. & Mrs. Daigneault used a 1995 subsurface disposal design drawn by Jones & Beach Engineers as a base for their plan and enhanced it to include their 2.27-acre parcel, locations of all existing buildings, well, septic, driveway, and location of abutting properties. 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) = 2.5 miles; 1.13-K (calculation of the increased daily average automobile traffic) = 10; 1.13-K-1 (estimate noise generated) = 0; 1.13-S-19 (hours of operation) 9:00 am – 5:00 pm Saturday – Sunday.

Mr. Daigneault verified that the land is on the corner of Rogers and Shirkin Roads and the business will be in the barn that is on Rogers Road. The Board reviewed the plan and discussed issues including the locations of the barn and driveway.

Mr. Groth said his feeling is that this application is for an agriculture use and he suggested to Mr. Barham that he may want to get a consensus of the Board as to whether they consider it an agricultural use. Mr. Barham said that he understands crafts and consignment items will be a part of this business and if crafts are included the Board could not approve it as an agriculture use. Mr. Groth said he feels that crafts are incidental to the agricultural use business.

Hours of operation was discussed. Mr. Karcz asked if the business will be open year round and Mrs. Daigneault answered that it is possible. Mr. Karcz said there are concerns relative to parking and Mr. Meade voiced concern as to how traffic would be handled that would be parking along Rogers Road.

A sign was discussed and Mr. Daigneault said they do want to put up a sign. Mr. Groth said that the sign could be a 2-post sign the maximum size for which is 32 sq. ft.

It was noted that in 2005 Mr. Daigneault was granted Site Plan Review approval to operate his masonry contracting business at 29 Rogers Road. This current application was submitted as a separate Site Plan Review for a produce and crafts business at the property. There was a discussion relative to whether this should be considered an amendment to the existing site plan approved for the masonry contracting business on the property or if this is a separate site plan because it is a separate business. Mr. Karcz said he views this as an amendment to the original site plan because there are two different business uses for portions of the same piece of property.

The existing fencing was discussed. Mr. Barham noted that a condition of the 2005 decision was that “all debris is to be located behind a fence on the northwest corner of the property” so to remain compliant with the conditions the fence needs to remain within that location.

Mr. Groth said the plan needs to be clarified to define where the operation is going to be, locate the parking area and the fencing. He said the applicants need to submit an amended plan that shows the total site layout of the proposed “farmers market” business as well as the existing business. Mr. Groth suggested that hours of operation the farmers market may be for Sundays whereas the construction business hours are approved for Monday – Saturday 7am – 5pm. Mrs. Daigneault agreed to meet with Mr. Groth to go over the plan to clean up the waiver list and the plan for total site layout.

Mrs. Daigneault said she eventually wants to expand the original farmer's market idea and use the barn to cook, but she is not looking to do this for some time. Mr. Meade said there would be some concerns with water lines relative to a bathroom and kitchen. He stated that there could be no living space created in the barn. Septic system and composting were also noted as a future concern.

Mr. Groth submitted a July 20, 2011 report. This report was based on the plan submitted and some erroneous information. He will submit another report that will be based on the corrected plan.

A site visit was discussed and at 8:20 pm Mr. Kohlhofer made the motion to continue this Public Hearing for a site visit of the subject property at 29 Rogers Road (Map 6 Lot 3-1) at 6:00 pm on Monday June 25, 2012; and to 7:30 pm on July 18, 2012 at the Fremont Town Hall. Motion seconded by Mr. Downing with unanimous favorable vote.

The Daigneault's left the meeting at 8:30 pm.

PUBLIC HEARING REGULATIONS

There was no public present.

Mr. Barham opened this Public Hearing at 8:30 pm and read the notice of the Public Hearing which was as follows:

In accordance with NH RSA 675:6 and 675:7, you are hereby notified that the Fremont Planning Board will hold a Public Hearing on Wednesday June 20, 2012 at 7:30 p.m. in the downstairs Land Use Meeting Room of the Fremont Town Hall for the purpose of amending Article 5.3 and 5.4 of the Fremont Driveway Regulations to change the thirty (30) foot setback to ten (10) feet; and Appendix A of the Fremont Subdivision Regulations = Cul-de-sac Standards - to change the radius curve from thirty (30) feet to twenty five (25) feet.

Mr. Barham stated that this Public Hearing was noticed on May 30, 2012 on the Fremont Web site as well as the Fremont Post Office, Town Hall, and Library. It was also noticed in the June 4, 2012 edition of the Union Leader newspaper.

Driveway Regulations

With no public in attendance there was no further discussion relative to driveway setbacks.

Mr. Kohlhofer made the motion to replace Article 5.3 with: *"All driveways shall be positioned no closer than ten (10') feet from the property sideline. During the driveway permit process the Planning Board or its designee may make exception to the sideline setbacks and any existing conditions that so warrant"*.

And to amend Article 5.4 to change thirty (30) foot to *ten (10) foot* so the article reads: All new subdivisions after the acceptance of these regulations shall provide for a ten (10) foot property sideline setback for driveway unless otherwise waived by the Planning Board.

Motion seconded by Mr. Downing with unanimous favorable vote.

Subdivision Regulations

With no public in attendance there was no further discussion relative to the cul-de-sac standards of the Subdivision Regulations.

Mr. Kohlhofer made the motion to amend the Subdivision Regulations by changing the radius curve as described in Appendix "A" from thirty (30) feet to *twenty five (25) feet*.
Motion seconded by Mr. Downing with unanimous favorable vote.

Mr. Kohlhofer made the motion to close this Public Hearing at 8:35 pm.
Motion seconded by Mr. Downing with unanimous favorable vote.

MASTER PLAN ENERGY CHAPTER

Mrs. Bolduc reported that she contacted RPC Senior Planner Julie LaBranche about rescheduling the June 6, 2012 meeting with the Board to review the most recent draft of the proposed Energy Chapter. She said she would review the draft and check with the Energy Committee before rescheduling the meeting.

SUSTAINABILITY COMMUNITY INITIATIVE

Mr. Groth related that he has submitted the application for the 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.

VISION CHAPTER OF THE MASTER PLAN

Mr. Groth said he is working with Town Administrator Heidi Carlson and Mrs. Bolduc to getting the post cards printed relative to the survey for the Vision Chapter of the Master Plan. The survey will be a link on the Fremont's Town web site and appear online with the survey monkey service.

COOPER'S CORNER

Map 3 Lot 037-1
326 Main Street

Charles Minasalli of KMT Properties, prospective purchaser of the Cooper's Corner project, and architect David Gleason were scheduled to meet with the Board to discuss some improvements to the Cooper's Village property. They failed to keep this appointment, but Mr. Meade and Mrs. Bolduc related some revisions Mr. Minasalli and Mr. Gleason have mentioned including lighting and building design. Mr. Barham said the question would be whether the improvements Mr. Minasalli is considering would be within the scope of the existing site plan or would an amendment be necessary.

LEWIS BUILDERS

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The Board reviewed the as-built plan that Lewis Builders provided. Because their project is Condo's, they are required by law to record as built plans after every few that are built and submit a copy of the as-built plans to be kept on file with the Town.

INCOMING CORRESPONDENCES

There were no incoming correspondences.

Mr. Karcz made the motion to adjourn at 9:05 pm.
Motion seconded by Mr. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

Next regular meeting: July 18, 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. Completed.
- Process all excavation renewal approvals. Completed.
- Research the Fremont Park court order and send it to the PB Members. Completed.
- Draft a letter of funding commitment for the Community Planning Grant Program. Completed.
- Record the Abdallah mylar and decision. Completed.

Groth:

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

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				
1 final copy of updated MP, CIP elements (2010 TBG)	Pending		Contracted	Completion				

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MP Vision Chapter update	Pending			Contract Completion date
MP Energy Chapter	Pending		Completion date	
