



FREMONT PLANNING BOARD

July 18, 2012

Meeting Minutes

Approved August 1, 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.

Mr. Barham opened the meeting at 7:10 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 20, 2012 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote.

MERRILL EXCAVATION

Beede Hill Road, Map 4 Lot 015

Mr. Downing and Mr. Karcz reported that they met with Owners Gary & George Merrill at the site of the Merrill Excavation and verified the following:

- The silt fence has been installed 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.
- The area adjacent to the entrance of the project, on the left side of the access road has been stabilized with loam and seed.

The Board agreed that Mr. Merrill has met all of the conditions of his excavation permit renewal.

PJP, INC. EXCAVATION

Rt 107, Map 2 Lot 151.2

The Board received a June 25, 2012 correspondence from Dan Olson stating that, as per requirements by the Board, he has place boulders along the areas of the ledge face that are not protected with large boulders due to excavation activities. He also submitted pictures that showed the boulder placements. Mr. Olson has also submitted a \$589.00 check to replace engineering costs taken from his escrow and a \$40.00 check for the administration fee to the Town of Fremont.

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The Board agreed that Mr. Olson has met all of the conditions of his excavation permit renewal.

JOHN GALLOWAY EXCAVATION

Shirkin Road, Map 5 Lot 035

The Board received a \$589.00 check from Mr. Galloway to replace engineering costs taken from his escrow and a \$40.00 check for the administration fee to the Town of Fremont.

Condition #3 of the Galloway excavation permit renewal says:

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 an 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.*

Mrs. Bolduc reported that she received a phone call from Dennis Quintal, Engineer for Mr. Galloway, wanting to know what the Board would require for a plan if they go ahead with submitting an amendment to the excavation permit. His questions were whether the Board would accept the original plan that was used when the excavation operation was approved in 1988 or would they require a new plan showing what is currently on the site, including the asphalt, and any proposed uses.

The Board's unanimous consensus is that any plan submitted as part of an amendment to the existing Galloway excavation permit must be a new plan that shows what is currently on the site, including the asphalt, and any proposed uses. It also needs to identify the perimeter of the Seacoast Farms operation which is on the same property.

It was noted that the process for any amendment would include all associated fees to be paid by the applicant/owner.

GOVERNOR'S FOREST EXCAVATION/Martin Ferwerda

Rt 107, Map 3 Lot 002

The Board received a \$457.50 check from Mr. Ferwerda to replace engineering costs taken from his escrow and a \$40.00 check for the administration fee to the Town of Fremont. It was noted that Mr. Ferwerda has until August 29, 2012 (60 days from the July 1, 2012 permit renewal) to comply with the conditions 2 & 3 of his permit renewal to either stabilize the existing loam piles or provide the Town with a bond in the amount to be recommended by the Town Engineer, and submit photos to the Planning Board of all required condition improvements.

COMMUNITY PLANNING GRANT

The Board received a July 2, 2012 correspondence from Ben Frost, Community Planning Grant Program Director for the NH Housing Finance Authority, relating that Fremont's application submitted to conduct a regulatory review of the sum of the Town's ordinances and regulations was not chosen for Round 1 CPG grant funding. Mr. Frost explained that Round 1 was very competitive and he suggested that we submit another application for CPG funding when the Round 2 opportunities become available in 2013.

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A thank you letter will be sent to Mr. Frost and the NH Housing Finance Authority for their consideration of the application.

Mr. Groth said he would be interested in seeing the scoring of the application to get a feel of what we need to apply for next time. Mr. Barham agreed to do a telephone consultation with Mr. Frost to review the application and question the funding decision partly to show that the grant really matters.

SEACOAST UNITED SOCCER CLUB (SUSC)

Map 6 Lot 020-001

Mrs. Bolduc reported that at the July 16, 2012 Conservation Commission meeting, Janice O'Brien said she has spoken with Eben Lewis of DES who related that the Forest Management Plan submitted by SUSC to DES was sent back to SUSC as incomplete because each stump was supposed to be denoted in the plan and none were. She did not know of a deadline imposed for the resubmission. Mrs. Bolduc said there is some difference of opinion within the Conservation Commission Members as to whether or not the Conservation Restriction Deed has been violated.

Mr. Barham noted that from a planning prospective we are still waiting for SUSC to file for an amendment to their existing Site Plan Review. Mrs. Bolduc reported that the expected amendment application has not been received.

SEACOAST FARMS

Map 5 Lot 035

Mrs. Bolduc shared a July 3, 2012 e-mail message she received from Bob Kelly who advised that he has "done the field work on updating my site plan, and I am expecting a document that I can review shortly. I have all the other materials you asked for so I am just waiting for the plan to complete my submittal." The deadline for submission was June 30, 2012.

There was a conversation relative to the fact that the first deadline for Mr. Kelly to submit an amendment to the existing Seacoast Farms Site Plan application was May 20, 2012 and at Mr. Kelly's request the Board agreed to extend deadline to June 30, 2012. Mr. Hunter noted that Mr. Kelly's e-mail message was sent 2 weeks ago and there has been no application received.

There was a discussion relative to the Board's action to Mr. Kelly's non-compliance to the application submittal deadline. Mr. Groth suggested that Mr. Kelly be contacted to supply the Board with a definite submittal time line and the Members could decide if that timeline is acceptable. Mr. Hunter said he is in favor of issuing a cease and desist order at this time as Mr. Kelly has been given 2 submittal dates that he has not complied with. There was further discussion relative to issuing another compliance date to Mr. Kelly.

Mr. Kohlhofer made the motion that if a complete application for amendment to the existing Seacoast Farms Site Plan is not received by the Board by the end of business day on July 31 2012 the Board will, at their August 1, 2012 meeting, ask the Selectmen to issue a cease and desist order against Seacoast Farms for all activities at the site.

Motion seconded by Mr. Downing and the vote was all in favor except for Mr. Hunter who voted no stating that he felt the cease and desist order should be issued immediately.

A certified letter will be sent to Mr. Kelly advising him of the Board's decision.

KEVIN & KIMBERLY DAIGNEAULT Site Plan Review – Public Hearing Continued
29 Rogers Road
Map 6 Lot 3-1

Present: Owner Kimberly Daigneault.

At 7:40 pm Mr. Barham opened this Public Hearing and stated that this is a continuation of the June 20, 2012 portion of this public hearing which was continued to allow time for a June 25, 2012 site visit and for the applicants to revise their plan to comply with issues found at the June 20, 2012 hearing.

Site Visit:

Planning Board members John (Jack) Downing and John (Jack) Karcz and Building Official Bob Meade met with Kimberly and Kevin Daigneault at the property at 29 Rogers Road (Map 6 Lot 3-1) for the purpose of a site visit. The comment sheet issued by the Planning Board members stated that they "saw the inside of the barn to be used and discussed putting up the fence sections from the side of the barn out to shield the public view of equipment or materials on the side of the barn yet provide access to the area." The recommendations were:

1. Construct a fence to shield view of materials or equipment.
2. Place a two post sign about 15 feet from the pavement about ½ way from the end of the fence to the driveway.

A comment sheet was received from the Conservation Commission relating that they have no comment at this time.

The Board reviewed an amended plan submitted by the applicants that shows the total site layout of the proposed "farmers market" business as well as the existing business.

Mr. Groth submitted his report based on the revised plan as follows:

I received and reviewed a revised Site Plan Application for a farm stand at 29 Rogers Road in response to the Board's comments. I also met with the applicant to discuss the application to address comments made by the Board and myself. I have found that the revised application satisfies these comments. I recommend this application for approval with the stipulation that the comments below are addressed.

Site Plan Regulation Waiver Requests

The applicant has revised their list of waiver requests, per our conversations. The resulting list is, in my opinion, appropriate in the context of the proposed use, with the following comments:

- 1.13. I – location of solid/liquid disposal facilities: *The plan shows the location of the dumpster, which may meet this requirement to the Board's satisfaction. If so, this waiver is unnecessary.*

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1.15 – Roads/Streets, access drives and parking areas:

The revised application demonstrates capacity for the required number of parking spaces, although not in the configuration required by the Site Plan Regulations. As a matter of planning, it is my opinion that relaxed parking standards are appropriate for the proposed use as a farm stand. Requiring paved parking designed to the standards typical of a large shopping center or office complex are not conducive to a small, residentially based agriculture use such as this, and may inhibit future agricultural uses, which are encouraged in the Town of Fremont and the State of New Hampshire.

That said, I defer to the road agent and public safety officials to determine if it satisfies their criteria. Furthermore, should these officials find that the proposal ensures public safety, a waiver from Section 1.15.H would be unnecessary.

Mr. Meade said his concern was the repaving of Rogers Road and once finished this should not be an issue. He also brought up that the parking lot light needs to be Dark Sky compliant. Mr. Meade brought up whether issuing future building permits (to cover up wiring in the barn and renovation of this room) would violate the Planning Board agreement. Also a possible future bath or sink area with a septic plan. After some discussion it was decided that these changes would be covered and acceptable as long as permits were pulled and the usual process followed.

The existing fence that is in place between the Daigneault property and the abutting neighboring property was discussed and the Board determined that it needs to remain in place. It was also agreed that half of the existing fence at the Rogers Road street area is to remain in place and the other half would be moved to the barn (for the purpose of covering the same view). Mrs. Daigneault said the fence company is coming on Friday.

Following some review, Mr. Karcz made the motion to accept and take jurisdiction of the plan presented.

Motion seconded by Mr. Hunter with unanimous favorable vote.

The Board reviewed the list of waivers requested and there was some discussion relative to the rationale for most of them.

After careful consideration by the Board, Mr. Kohlhofer made the motion to approve the following waivers to Site Plan Review Regulations:

Chapter 1

1.13: E-1, E-4, H, L, L-1, L-2, L-3, L-4, L-5, L-6, N-1, O-1, P, Q, S-2

1.14: J, J, 1

1.15: C, I, K, L, L-1, 2, 3, 4, M, M-1

1.16

1.20: A

Motion seconded by Mr. Downing with unanimous favorable vote.

After further careful consideration by the Board, Mr. Kohlhofer made the motion that the Planning Board issue a Conditional Use Permit and approve the Site Plan Review as requested by Kimberly and Kevin Daigneault, pursuant to the information and site plan submitted and

including all approved waivers, to allow the applicants to operate a produce and crafts business at 29 Rogers Road, Map 6 Lot 3-001, Fremont, New Hampshire with the following conditions.

1. *The approval is for the current owner only and for the current business only and will not convey to a future party.*
2. *This approval is subject to all other Local, State or Federal permits and approvals that may be required and does not relieve the applicant from the obligation to obtain such other permits.*
3. *Any future expansion of the approved business shall require an amendment to this approval.*
4. *Outdoor lighting will be dark sky compliant as per the Site Plan Review Regulation 1.15.2*
5. *The provisions of RSA 676:17 shall be applicable.*

Motion seconded by Mr. Downing with unanimous favorable vote.

Mrs. Daigneault submitted the recording and administrative fees. The notice of decision will be recorded at the Rockingham Registry of Deeds.

Mr. Downing made the motion to close this Public Hearing at 8:40 pm.

Motion seconded by Mr. Karcz with unanimous favorable vote and Mrs. Daigneault left the meeting at this time.

COOPER'S CORNER

Map 3 Lot 037-1

326 Main Street

Present: Owners Tara Saxton, Charles Minasalli of KMT Properties, & architect David Gleason.

Mr. Gleason said the purpose of this meeting is to discuss some improvements. Mr. Minasalli and Ms. Saxton want to make to the Cooper's Village property including lighting and building design. Lighting was discussed and Ms. Saxton showed pictures of some LED lights she is proposing to use to replace the original approved lighting. Mr. Meade said they do meet the Dark Sky regulations. Mr. Groth agreed that the change in lighting does not conflict with the regulations. The project was approved as a package including lighting. Mr. Gleason said the original lighting do not meet the Dark Skies Regulation. Mr. Karcz asked if lights are going on all stantions and Mr. Gleason answered that they are. The four that abut the building will be wall pack on the building along the front so as to not block windows.

Mr. Barham said the question would be whether the lighting improvements Mr. Minasalli is considering would be within the scope of the existing site plan. Mr. Meade suggested that the type of lighting proposed for the parking lot should not make a difference. The Board agreed that the lights on the sides of the buildings are alright also. Mr. Barham said the lighting is a non-issue.

Reviewed updated revised building plans dated July 18, 2012. Mr. Gleason said they want to put in a type of slate landscape stone instead of mulch in the areas that do not have irrigation such as in front of the building and in the small areas around lighting posts. Ms. Saxton said the large

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areas will be green. The Board agreed that this is not an issue.

Mr. Gleason showed the back of the building where they want to install roll-up doors for truck access. Mr. Meade said he did not think there is space for big box trucks for loading, delivering and other trucks getting around the building. The possibility of entering on the side if the end unit was discussed. All agreed this could be looked at, discussed and either agree or change at phase 2 or 3.

Mr. Gleason said the site was approved for mixed use, but they want to address the mixed use - residential and commercial - at a later time. He said they really want to finish up phase 1, come back and complete phase 2, then come back and talk about phase 3 which is the mix-use area. Mr. Barham said that when they come in for phase 2 they should submit as-built plan for the finished phase 1.

Mr. Barham asked for a consensus of the Board relative to the proposed changes to the plan. The Board's unanimous consensus was that the changes as proposed are not significant and are in keeping with the original intent of the site plan, and the Members agreed that the developer may proceed with the changes without the need for requiring a site plan amendment at this time.

Mr. Gleason said the project currently meets the 2009 energy code. Mr. Meade asked when he could expect to see a complete set of updated plans and Mr. Gleason said he would have them to him by Monday.

AT & T CELL TOWER

Mrs. Bolduc reported that Town Treasurer Kimberly Dunbar has related that due to the \$24.00 per year administration fee over the course of the past 6 years or so, the AT & T escrow account for the Cell Tower at the Cooper's Corner site has been reduced to about \$350.00 from the required \$500 and needs to be replenished. Mrs. Bolduc was directed to draft a letter to AT&T to that effect.

JACOB'S COVE

Map 1 Lot 098-1

The Board received a copy of a July 6, 2012 Stantec invoice in the amount of \$488.25 for construction monitoring of the Jacob's Cove project and a copy of a July 17, 2012 correspondence from Town Administrator Heidi Carlson to Town Treasurer Kimberly Dunbar requesting withdrawal of from Mr. Donigian's escrow to cover the invoice amount.

In April Mr. Donigian's escrow account totaled \$7,128 and Town Engineer Dan Mr. Tatem estimated the Engineer fees for the Jacob's Cove project to be \$14,564.70. The Board sent a May 3, 2012 correspondence to Mr. Donigian stating that approximately \$7,000 needed to be added to the escrow to fund the estimated engineering costs. Since that time three invoices totaling \$1,686.18 have been received from Stantec and paid from the existing escrow account and the Town has not received the additional \$7,000 from Mr. Donigian for the account.

After some discussion the Board agreed that a letter be sent to Mr. Donigian stating he needs to submit the \$7,000 that the Board requested to add to the escrow for Engineering fees or risk the Board issuing a stop work order.

VISION CHAPTER OF THE MASTER PLAN

Mr. Groth said the survey post cards for the Vision Chapter of the Master Plan have been printed and sent to all residents of the Town. He reported that the survey is linked on the Fremont's Town web site and is online with the survey monkey service and there have been about one hundred responses to date.

SUBDIVISION REGULATIONS

Preliminary Conceptual Meetings

The Board discussed Article 2 Section 2, A of the Subdivision Regulations, particularly the verbiage: **Preliminary Conceptual Consultation. Required** for subdivision applications that do not require a new road; **strongly encouraged** for subdivision applications that will require a road or applicants that wish to pursue a Conditional Use permit for an Open Space Preservation Design (OSPD) subdivision.

Mr. Barham said it made more sense to require a preliminary conceptual consultation for subdivision applications that do require a new road and encourage it for those that do not.

Mr. Downing made the motion to draft the change to Subdivision Regulation Article 2 Section 2, A to require a preliminary conceptual consultation for subdivision applications that do require a new road and add it to the list of amendments for the next regulation amendment public hearing. Motion seconded by Mr. Karcz with unanimous favorable vote.

RPC CIRCUIT RIDER/PLANNER CONTRACT

The Board received and discussed the annual contract for the Circuit Rider Planner submitted by the Rockingham Planning Commission. The contract project period covers July 1, 2012 – June 30, 2013 with the core services and hourly rate the same as the last three year's contracts:

Night Meetings	24 meeting x 3.5 Hrs	84 Hours
General Assistance	52 Weeks x 0.5 Hrs	26 Hours
	12 Months x 4.0 Hrs	48 Hours
Contract Total		158 Hours x \$55.00/Hr = \$8,690

Mr. Karcz made the motion that the Board recommend approval and authorized Mr. Barham to sign the July 1, 2012– June 30, 2013 RPC Circuit Rider contract, and forward it to the Board of Selectmen for their Chairman's signature.

Motion seconded by Mr. Downing with unanimous favorable vote.

INCOMING CORRESPONDENCE: There was no incoming correspondence.

Mr. Hunter made the motion to adjourn at 9:15 pm.

Motion seconded by Mr. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

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Next regular meeting: August 1, 2012.

ACTION ITEMS

From the 7-18-12 meeting:

Bolduc:

- Contact Dennis Quintal, Engineer relative to the Galloway Excavation permit amendment submittal.
- Draft and send a certified letter to Mr. Kelly advising him of the Board’s decision.
- Notice of Decision – Daigneault.
- Draft and send a letter to AT & T relative to replenishing their escrow account for the Cell Tower at the Cooper’s Corner site.
- Draft and send a letter to Mr. Donigian relative to replenishing his escrow account for Jacob’s Cove subdivision project.
- Draft an amendment to Article 2 Section 2, A of the Subdivision Regulations.
- Forward the RPC Circuit Rider contract to the Board of Selectmen for signature.

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		