



FREMONT PLANNING BOARD
September 5, 2012
Meeting Minutes
Approved September 26, 2012

Present: Chairman Roger Barham, Vice-Chair John (Jack) Karcz, Member John (Jack) Downing, 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 7:05 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 August 15, 2012 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote.

GOVERNOR'S FOREST EXCAVATION/Martin Ferwerda
Rt 107, Map 3 Lot 002

The Board received several black/white printer copies of pictures of the loam piles in the excavation area of Governor's Forest according to Martin Ferwerda's August 30, 2012 cover letter.

This was to comply with the conditions 2 & 3 of his July 1, 2012 Excavation Permit renewal that he had 60 days from the date of the July 1, 2012 permit renewal (August 30) 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.

Mrs. Bolduc reported that she contacted Mr. Ferwerda with a request for colored pictures as it was hard to see details in the black/white copies. Someone from the Planning Board will go to the site to check the improvements after the pictures are received.

JOHN GALLOWAY EXCAVATION
Shirkin Road, Map 5 Lot 035

Mrs. Bolduc reported that on August 29, 2012 she received a phone call from Dennis Quintal, Engineer for Mr. Galloway, advising that the Board will soon receive an application for Excavation Permit amendment within a few days. This is to comply with 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 on September 4, 2012 she received a phone call from Mr. Quintal relative to the Excavation amendment process. Mr. Quintal asked if the Planning Board would be amenable to a waiver of the \$250 application fee for the amendment as required by the Town of Fremont fee schedule and by Article 16-A of the Excavation Regulations:

An application fee consistent with the Town of Fremont Fee Schedule shall accompany any application for Waiver or Amendment to any already approved Excavation.

The Board discussed the placement of the asphalt at the Galloway pit. Mr. Barham said he feels that the Board may need to have the asphalt bonded even if Mr. Galloway files for an amendment to his Excavation Permit. One of the options in the conditions of approval was to bond the asphalt area and if the Board feels it needs to be bonded even with the excavation permit amendment perhaps Mr. Galloway should be made aware of that.

Mr. Groth said the question becomes are they changing the excavation area or are they changing the site by keeping the asphalt area. He questioned whether adding (or keeping) an asphalt pad for parking makes it a change to the site. He felt that if this is the situation it becomes a matter for Site Plan Review given that it is something other than digging or excavating.

Note: NH RSA 155-E: 1, II describes "Excavation" as "a land area which is used, or has been used, for the commercial taking of earth, including all slopes".

It was agreed that the Board will request Mr. Galloway and/or his Engineer to meet with the Board prior to submitting an excavation amendment so the Board understands what Mr. Galloway is planning to do on the site and to make sure he is making the appropriate application.

There was some discussion relative to application fees in general and this one in particular. Mr. Barham noted that those funds are needed to cover administration costs to process the application and if the Board were to waive it the costs would fall to the taxpayers. It was the unanimous consensus of the Board that they would not grant a waiver to Mr. Galloway for the required \$250 Excavation Permit Amendment application fee.

SUBDIVISION REGULATIONS

The Board discussed the following Regulations relative to driveways.

Setback

Subdivision Regulation Article III Section 10.02-F-4:

“All driveways shall conform to the side and rear setbacks contained in the current zoning regulations”. It was agreed that since the current zoning setbacks are 30’ this Subdivision Regulation is in conflict with the current Driveway Regulations which were recently amended to require 10’ property line setbacks.

Following some discussion Mr. Karcz made the motion to send to public hearing an amendment to Subdivision Regulation Article III Section 10.02-F-4 to delete “side and rear” and replace “zoning” with *Driveway* so it reads “All driveways shall conform to the setbacks contained in the current Driveway Regulations”.

Motion seconded by Mr. Downing with unanimous favorable vote.

Turn-around

1. Subdivision Regulation Article III Section 10.02 – F-7:

Any new driveway of excessive length shall provide a hammerhead turnaround for protection from radiant heat no closer than one hundred (100) feet to any dwelling.

2. Driveway Regulation Article 5 Section 7: Any new driveway of excessive length (greater than two hundred and fifty (250’) feet) shall provide a turnaround for emergency vehicles. Such turnaround shall be located within fifty (50’) feet of the structure.

There was a discussion relative to taking driveway specs out of the Subdivision Regulations and point anything to do with driveways to the Driveway Regulations.

It was agreed to get a recommendation from the Fire Chief and the Road Agent as to what point (distance) does a driveway need a turnaround for a fire truck. Mr. Groth suggested finding out what other towns have in place regarding driveway turn arounds.

SITE PLAN REVIEW REGULATIONS

The Board reviewed and discussed modification to Section 1.13 (Submission and Information Requirements) of the Site Plan Review Regulations for a modified application to accommodate minor Site Plan Reviews.

Mr. Karcz said the problem is we never defined “major” and “minor”. Mr. Groth suggested that he work with Mrs. Bolduc to refine this and report back to the Board. The Board agreed.

SEACOAST FARMS

Map 5 Lot 035

The Board received a copy of a complaint of a Friday August 31, 2012 off-site odor issue relative to Seacoast Farms on Shirkin Road as logged by Code Enforcement Officer/Building Official Bob Meade. Mr. Meade related that he notified Mr. Kelly of the complaint and Mr. Kelly responded that he had a load of fresh grass come in that he turned over. He felt the problem had been alleviated. This prompted a conversation relative to past offsite odor problems

with the site.

There was a discussion relative to where the Town stands with the recommended Cease and Desist order. At the last meeting it was noted that the Cease & Desist was not issued and some of the Members questioned why, when the recommendation from the Planning Board, and the instruction from the Selectmen was to issue a Cease & Desist, did Town Counsel issue a letter of inquiry instead of moving forward with the Cease & Desist order. Mr. Hunter said he will bring this issue up at the next Selectmen's meeting.

CORPORATE COMMERCIAL DISTRICT

- ECONOMIC DEVELOPMENT

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

Mr. Kohlhofer was to contact the three landowners who have said they are supportive of development, but since he was not present tonight the Board decided to address this issue at the next meeting.

CIP

Mr. Hunter asked where the Board is with the CIP update. Mr. Barham said there should be a subcommittee to work on the CIP. Mr. Hunter said he thought the committee was already formed. This prompted a conversation relative to the CIP process, how it should move forward and implemented. Mr. Barham suggested that he meet with the Selectmen to find out how they want it crafted and then move it forward. Mr. Hunter agreed that may be helpful.

Mr. Karcz said that the CIP should be a mechanism for the Budget Committee and Selectmen to use as a Master Plan. It was noted that in the past the Planning Board has collected all the data from the various departments and forwarded that information to the Selectmen for use by them and the Budget Committee.

ZONING AMENDMENT for 2013 VOTE

The Board discussed an amendment to Article XVIII of the Fremont Zoning Ordinance as discussed at the August 1, 2012 meeting with some of the landowners in the Corporate Commercial District relative to economic development. At that meeting the owners of the three properties that front on Beede Hill Road all agreed that they would prefer their properties were not in the Corporate Commercial District. The subject properties are Map 5 Lot 36 owned by John and Renee King, Map 5 Lot 37 owned by Bruce Randolph and Map 6 Lot 1 owned by Emma Rankin. The Planning Board agreed to go through the process of Public Hearing and submit an article for the 2013 Warrant asking the voters to change the Corporate Commercial District by removing the three parcels.

After some discussion, Mr. Hunter made the motion to approve an amendment to the Corporate Commercial District, Fremont Zoning Article XVIII, to exclude parcels located at Map 5 Lot 36, Map 5 Lot 37 and Map 6 Lot 1, and update the Fremont New Hampshire Zoning District Map dated December 13, 2006 to reflect this amendment; and move the approved Zoning Article amendments to a first public hearing at 7:30 pm on October 3, 2012, and a second public hearing, if necessary at 7:30 pm on October 17, 2012.

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Motion seconded by Mr. Downing with unanimous favorable vote.

COMMUNITY PLANNING GRANT

Mr. Barham said he still has not heard back from Ben Frost, Community Planning Grant Program Director for the NH Housing Finance Authority via phone to review the Board's recent Community Planning Grant application and question the funding decision. Mr. Barham said he will try to contact Mr. Frost again.

P/Z EXPENDITURE REPORT

The Board reviewed the expenditure report for the P/Z budget from January 1 through August 31, 2012.

Mr. Groth said the funds from the Community Planning Grant would have been used to do an evaluation of the regulations and the zoning ordinance for conflicts. He suggested that since Fremont was not awarded the Community Planning Grant the evaluation could be funded by the Professional Services line of the current budget. The Board agreed and Mr. Groth said he will look into implementing the project.

VISION CHAPTER OF THE MASTER PLAN

Mr. Groth submitted handouts of the data results of the survey recently conducted for the Vision Chapter of the Master Plan. Most of the 120 responses had to do with the schools, water tower, taxes, road conditions and safety issues. Some responders suggested the need for more business development as well as sidewalks along Main Street while other responders thought the Town should remain as it is. Mr. Barham suggested the results be put on the Town Web Site. Mr. Hunter requested that Mr. Groth send a copy of the results to Town Administrator Heidi Carlson for distribution to the Selectmen.

The Board commended Mr. Groth on an excellent job conducting the survey and putting the results together.

JACOB'S COVE

Map 1 Lot 098-1

Mrs. Bolduc reported that Mr. Donigian has submitted \$7,000 to the Town to be added to his escrow account. The Board received a copy of an August 10, 2012 Stantec invoice in the amount of \$518.58 for engineering services rendered at the Jacob's Cove project and a copy of an August 30, 2012 correspondence from Town Administrator Heidi Carlson to Town Treasurer Kimberly Dunbar requesting withdrawal of same from Mr. Donigian's escrow to cover the invoice amount.

AT & T CELL TOWER

Mrs. Bolduc reported that the Town has received a check for \$150 from AT & T to replenish their escrow account for the Cell Tower at the Cooper's Corner site.

WATER TOWER

There was a conversation relative to repairing the water tower on Main Street at the old mill site. Mr. Bolduc agreed to look into the ownership of the water tower and report her findings back to the Board.

BUILDING OFFICIAL/CODE ENFORCEMENT OFFICER REPORT

Mr. Meade reported that a builder came into his office and wants to build several houses in the Gristmill Road project. Mr. Karcz said he remembers an agreement for finishing the road once the first house was built in the next phase. The minutes will be consulted for road conditions and other final project agreements.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

Mr. Karcz made the motion to adjourn at 9:25 pm.
Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: September 26, 2012.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From the 8-15-12 meeting:

Barham:

- Contact Ben Frost via phone to review the Board's recent Community Planning Grant application

Groth

- Issue a report for the next meeting relative to the Vision Chapter of the Master Plan Survey responses. Completed.
- Investigate that development potential for the Town owned land in the Corporate Commercial District.

From the 9-5-12 meeting:

Bolduc:

- Contact Galloway and/or his Engineer for September 26, 2012 appointment.
- Set up Public Hearings for Zoning and Regulation Amendments.
- Meet with Groth re; SPR for Major/Minor applications
- Consult PB minutes for road conditions and other final project agreements for Gristmill.
- Find out who owns the water tower.

Groth:

- Meet with Bolduc re; SPR for Major/Minor applications
- Look for a prospect to do an evaluation of the regulations and the zoning ordinance for conflicts

Barham:

- Contact Ben Frost via phone to review the Board's recent Community Planning Grant application.
- Meet with the Selectmen relative to the CIP.

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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		