



FREMONT PLANNING BOARD
September 26, 2012
Meeting Minutes
Approved October 3, 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 7:10 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 September 5, 2012 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote.

WATER TOWER

As a follow up to the conversation at the last meeting about painting the water tower at the old mill site, Mrs. Bolduc reported that she contacted Tom Nisbet of Precision Machines who told her that the water tower is owned by an association that includes the brick smokestack. He said it is his understanding that the Town owns several units and may be the majority unit owner. Mr. Nisbet is very interested in repairing and/or painting of the tower and said he would help in any way he can.

Chuck Minasalli, new owner of the Cooper's Corner project has also said he has the necessary equipment and would be willing to help with the water tower project.

There was a question of whether this project needs to be run by the Board of Selectmen.

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

The Board received several color printer copies of pictures of the loam piles in the excavation area of Governor's Forest.

Mr. Downing and Mr. Karcz said they will go to the site with the pictures to check the

improvements.

SEACOAST FARMS

Map 5 Lot 035

At the last meeting it was noted that the Cease & Desist was not issued and some of the Members questioned why, when the instruction was to issue a Cease & Desist, did Town Counsel issue a letter of inquiry instead.

The Board received and reviewed a Petition for Temporary and Permanent Injunction against Seacoast Farms.

Mr. Karcz made the motion to authorize Mr. Barham to sign the injunction. Motion seconded by Mr. Downing with unanimous favorable vote. The injunction was signed by Mr. Barham and will be forwarded to the Selectmen.

Mrs. Bolduc reported that received a phone message from Robert Kelly of Seacoast Farms. He apologized for the delay in the plan, said Mr. Galloway was “running the show with the surveyor for his thing and he was waiting for them to give him (Kelly) direction”. Mr. Kelly did come into the Land Use Office this morning with a recently drawn plan of the property and asked if that is what the Board would be looking for. Mrs. Bolduc told him the Board would be looking for an amended site plan for Seacoast Farms showing exactly what was different than the approved 1999 plan. With prior permission of Town Counsel, Mrs. Bolduc advised him of the injunction that is about to be served. Mr. Kelly said he now understands what he needs to submit, and that the Board has probably run out of patience with him, and he will get the amendment package out by Friday.

Mr. Hunter said that, for clarification, a Cease & Desist is only valid for ZBA action. For Planning Board action it is termed a Petition for Temporary and Permanent Injunction.

CIP

Mr. Barham said the CIP Committee administrates the CIP by getting the project information from the Department Heads, then it is up to the Budget Committee to review and rank projects for merit and schedule financing before it goes back to the CIP Committee or the Selectmen for report and comment. Mr. Barham said he will talk to Budget Committee Chairman out the process.

Mr. Hunter stated that the Budget Committee takes ownership of recommended budgets.

JOHN GALLOWAY EXCAVATION

Shirkin Road, Map 5 Lot 035

Present: Owner John Galloway and Engineer Dennis Quintal

At 7:30 pm Mr. Galloway and Mr. Quintal met with the Board to discuss the Excavation amendment requested by the Board due to the presence of an area of crushed asphalt pavement. The Board wants to know what Mr. Galloway is planning to do on the site so they can be sure he is making the appropriate application.

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

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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.*

Mr. Quintal presented an amendment plan of the Galloway property on Shirkin Road that showed the areas of excavation and updated wetland delineation areas. He said Mr. Galloway's intent is to level off the area and do some more excavating on the easterly side of the property and near the entrance on the northerly side.

The plan shows what is on the property at the current time vs. what was on the property at the time of the original excavation permit in 1987 including the wetland buffer. It also showed:

- Several fingers of wetland that have developed beyond the original site plan as a result of activity on the site.
- Remaining areas Mr. Galloway wants to excavate.
- The asphalt area west of the entrance of the site.
- The area of the Seacoast Farms operation. Mr. Galloway said the Board should restrict the amount of tailings he is allowed to have on site.

Mr. Groth said Mr. Galloway is looking to update his excavation operation.

Mr. Galloway said, to bring the Board up to speed since he bought the property, he has finished working in the area of the piles (on the map) and he entered into an agreement with Seacoast Farms so they used the area. Mr. Kelly had moved to the area where Mr. Galloway put the asphalt. Mr. Galloway said that one reason for placement of the asphalt was to keep Mr. Kelly from encroaching onto that area with his composting operation.

Mr. Galloway stated that per the Selectmen's instructions when he started the excavation operation he paved the road from Beede Road to the site. The Town had an engineer come out to the site for inspection and he said he didn't feel there is a need for an engineer when they had not done anything. As for the newly delineated wetland, Mr. Quintal said it is a result of the work done on the site and it is a true wetland.

Mr. Barham said that the Board was discussing the project and the biggest discussion was the asphalt area. In answer to questions by the Board, Mr. Galloway said the area of the asphalt is 120' x 200' (3/4 acre), his plan is so he can drive over the area and eventually he would like to put up a building. Mr. Quintal said that long term is to develop a restoration plan.

There was a discussion of whether the presence of the asphalt pad changes the excavation area thus triggering an amendment to the already approved Excavation operation, or changes the site thus triggering the need for a Site Plan Review application. Mr. Barham said he thinks an amendment to the Excavation is the right approach. Mr. Barham polled the Board and they agreed.

Mr. Groth said the Board would want to see primarily the excavation operation on the plan. Mr. Meade suggested to ghost the Seacoast Farms operation on the plan so that could be sighted also.

Mr. Quintal agreed to do that.

Mr. Groth said as part of the excavation amendment the Board will need a reclamation plan. Mr. Barham said the area has to have a reclamation plan as long as this is an excavation plan. It was agreed that the status would change to a site plan if and when a building is erected on the site. Mr. Karcz suggested that a note be added to the plan that says “temporary asphalt pad to be utilized during the excavation process”, or something on that idea. Mr. Quintal agreed to add the note.

Mr. Quintal said he has the application for Excavation amendment almost ready to submit. He will contact Mrs. Bolduc if he has any questions and submit the application soon.

At 8:25 pm Mr. Galloway and Mr. Quintal thanked the Board and left the meeting.

It was noticed that the plan shows the asphalt area closer than 100’ to a wetland. If this is true, the asphalt area should be moved to be outside the 100’ wetland buffer to be compliant with Article IX Section H of the Fremont Zoning Ordinance. The Planning Board cannot approve an amendment to the Excavation permit if it is not zoning compliant. Mr. Galloway and Mr. Quintal will be contacted to advise them that the asphalt area needs to be moved or they will need to go before the ZBA for a Special Exception.

SUBDIVISION & DRIVEWAY REGULATIONS

There was a continued discussion about the conflicts of the following regulations.

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. Mrs. Bolduc reported that she looked at the Driveway Regulations surrounding towns including Candia, Brentwood, Chester, Epping and Raymond, and none of them have any mention of turnarounds or hammerheads for driveways.

Mrs. Bolduc reported that she spoke with the Fire Chief about this regulation conflict he recommended 400’ to 500’ long be considered as “excessive length” and a turn around should be no closer than 100’ to any building. He also said that a turn around is sufficient and he sees no need for a hammerhead. The Road Agent said he would defer to whatever the Fire Chief feels is reasonable.

During further conversation Mr. Hunter said he would consider that 300' was sufficient to be considered as "excessive length" of a driveway. The Members all agreed with Mr. Hunter.

Mr. Downing made the motion to send to public hearing the following:

Amend Fremont 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. And add: see Article 5 Section 7 of the Fremont Driveway Regulations.

2. Driveway Regulation Article 5 Section 7: Amend: Any new driveway of excessive length (greater than ~~two hundred and fifty (250')~~ *three hundred (300) feet*) shall provide a turnaround for emergency vehicles. Such turnaround shall be located ~~within fifty (50') feet~~ *no closer than one hundred (100) feet* of the structure.

Motion seconded by Mr. Hunter with unanimous favorable vote.

SITE PLAN REVIEW REGULATIONS

Major/Minor

Mr. Groth reported that he and Mrs. Bolduc met and came up with a process and criteria for a minor Site Plan Review. He submitted draft of minor Site Plan Review regulation for the Boards review.

At 8:50 pm Gene Cordes came into the room and Mr. Barham spoke to him about the Budget Committees role in the CIP process. Mr. Barham agreed to e-mail Mr. Cordes the pertinent RSA and discuss it further with him. Mr. Cordes left the meeting at 8:55 pm.

The Board resumed their review of the Minor Site Plan Review criteria and it resulted in the following.

1.8.1 Minor Site Plan Review

- A. To permit the expedited and cost-effective review of minimal impact developments within Fremont, these regulations provide for minor site plan review applications. For an application to be considered as a minor site plan it must comply with the following:
 1. The applicant must first schedule a pre-application meeting with the Planning Board.
 2. The application must be in full compliance with Fremont Zoning Ordinances.
 3. The application shall be accompanied by a letter submitted by the applicant to the Planning Board attesting to full compliance with Article XVIII Section 8.6 of Fremont Zoning Ordinance. The letter shall also state that the proposed plan is consistent with the purposes of Site Plan Review section 1.5.
 4. The proposal shall create no impacts that require consideration of mitigation strategies for impacts such as, but not limited to, noise, light, traffic, visual impacts and/or odors.
 5. Appropriate buffers – fencing or natural vegetation - exist between abutting properties.
 6. The character of the area will not be impacted by the proposal. The nature of the property remains consistent relative to architecture, transportation, scale of coverage, scale of building size, and consistency of adjacent uses.
 7. Maximum total floor space of any proposed buildings/structures shall be one thousand (1000) sq feet including the basement.

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8. No proposed alterations to the natural terrain or vegetation at the site is planned (except that which is immediate to the any proposed buildings/structures)
 9. The proposed activity **shall not** be located within:
 - a) A flood plain
 - b) Any wetlands or wetland protection district
 - c) One hundred (100) feet of a Prime Wetland
- B. If the Board determines that the impact of the proposed project presents greater than minimum impact, the application shall not be eligible for Minor Site Plan Review.
- C. Minor site plan review applications shall follow the same procedure subject to Section 1.12 of these regulations.
- D. Required exhibits and fees: Minor site plans are not required to be prepared by a professional engineer or licensed surveyor, but must accurately depict distances, setbacks, and other required information necessary for Board review. Fees shall be paid in accordance with the Town of Fremont fee schedule. The following items shall be shown on the minor site plan unless a waiver(s) is requested:
- a) The name and addresses of the property owner, authorized agent, the person or firm preparing the plan, and the person or firm preparing any other data to be included in the plan.
 - b) Scale, north arrow, and the date prepared.
 - c) Location of the site (vicinity sketch), street, address, zoning district location, abutting properties and owners, and applicable tax map information.
 - d) Description of the existing site and proposed changes thereto, including, but not limited to: approximate size (including height) and placement of new buildings and accessory structures, new parking and loading areas, new signage, new lighting, new landscaping and the amount of land to be disturbed.
 - e) Location of existing and proposed easements, (if any). Copies of such easement language must be submitted to the Board.
 - f) Location of existing and/or proposed water supply, sewage disposal facilities, gas and/or electric lines, paved areas, structures, (both primary and accessory), driveways, parking areas, and drainage facilities.
 - g) A completion schedule of all proposed improvements.

This will be further discussed at the next meeting.

ZONING AMENDMENTS

Flexible Use Residential (Red roads), vs. Commercial Districts

Mrs. Bolduc reported that she has contacted Town Attorney John Ryan relative to the legality of the upcoming zoning amendment. The other reason for contacting Attorney Ryan was for clarification of Fremont's overlapping districts. Corporate Commercial District and the Commercial Highway District/ Flexible Use Residential (Red roads). Attorney Ryan said that there should be an amendment to the zoning ordinance to eliminate the overlap and inconsistencies. This would be a new and separate amendment from any other amendment and would need to be noticed as such.

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Attorney Ryan said that as an alternative to doing an amendment somehow the property owners could be given a choice as to which district their rules to comply with. This could be done, but there would be the risk of one property being residential and the next commercial.

Mr. Groth said he feels the way the zoning is right now if a property is on two zones the owners have two options for uses.

There was discussion about whether to remove red roads out of each of the Commercial districts and the Village District.

This will be further discussed at the next 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 the Board decided to address this issue at the next meeting.

JACOB'S COVE

Map 1 Lot 098-1

The Board received a copy of a September 7, 2012 Stantec invoice in the amount of \$421.25 for engineering services rendered at the Jacob's Cove project and a copy of a September 18, 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.

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.

REGULATIONS EVALUATION

STORM DRAINAGE MANAGEMENT PLAN

Mr. Groth was to show the information relative to the Stormwater Drainage Management Plan to RPC Senior Planner Julie LaBranche and report her recommendations to the Board

ROCKINGHAM PLANNING COMMISSION

The Planning Board has received a copy of a September 19, 2011 correspondence from RPC relative to the 2012 dues in the amount of \$4,014.00. According to the letter, the cost is calculated based on the 2011 Office of Energy and Planning population estimate for Fremont of 4,316 and a per capita dues rate of .93 (the same as last year). The \$31.00 increase over last years' dues of \$3,983.00 is due to the estimated increase in population (33).

RPC determines a decrease or increase in population based on the 2010 Census.

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Mr. Downing made the motion to recommend the payment of the requested amount of \$4,014.00 to RPC for Fremont's 2013 dues.

Motion seconded by Mr. Hunter with unanimous favorable vote.

The following is a list of services and benefits Fremont gets as a result of the RPC dues.

Major Services:

- GIS Support – Map creation and maintenance. Software license maintenance.
- Targeted Block Grant funds – Matching grant funding. Vision Chapter of Master Plan
- Development of Regional Impact committee
- Training & Education for Land Use Boards
- Conservation Commission Circuit Rider
- Exeter River Management Plan; Assistance to ERLAC
- EPA Brownfields Site Assessment Program
- Broadband Mapping Program
- Circuit Rider Services: Review, analysis and drafting of zoning ordinances, subdivision and site plan regulations; assistance at Planning Board meetings; other general support.
- Safe Routes to School
- 604-B Water Quality Planning Support via the Exeter-Squamscott River Local Advisory Committee

Other Services:

- Informational mailings explaining the impacts of significant court decisions, amendments to state statutes; newly developed model ordinances, etc.
- Telephone support providing advice and assistance on a myriad of planning questions.
- Research and preparation of grant applications
- Organizational assistance to local land use boards
- Assistance with the National Flood Insurance Program
- RSA books

BUILDING OFFICIAL/CODE ENFORCEMENT OFFICER

1. Gristmill subdivision road:

Mr. Meade asked the Board to clarify what constitutes a road completion. He said he has a builder who wants to continue to build in Phase II of Gristmill. The Board agreed that the road needs to be completed to the Road Agent's satisfaction. Mr. Barham said nothing can be built in phase III until phase III road is completed.

2. Gated driveways:

Mr. Meade said he has a couple of people who want to put gates on their driveways. There are no regulations that speak to driveway gates. Mr. Groth said it would only be effective if it were a zoning ordinance. The question of whether there should be a regulation for gated driveways will be further discussed at later meeting.

3. Garage doors on the rear of Cooper's Village:

Mr. Meade asked whether installation of the garage doors on the rear of the Cooper's Village building needs Planning Board permission or if that falls under permitting. It was the consensus of the Board that installation of the garage doors is up to the Building Inspector through the permitting process.

4. AT & T cell tower at the LeClair property, Map 2 Lot 86.

Mr. Meade said he has been contacted by AT&T about adding antennas to their cell tower on the

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LeClair property. Mr. Barham said if AT&T wants to add antenna's that are not on the approved Site Plan they would need to submit an application for an amended Site Plan Review.

NOTICE

Mr. Groth announced that he has given his notice at RPC and his last Planning Board meeting in Fremont will be next week. The Board expressed disappointment that Mr. Groth was leaving as he is a valuable asset to the Board. We wish him well in his new venture.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

Mr. Karcz made the motion to adjourn at 9:40 pm.
Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: October 3, 2012.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From the 9-5-12 meeting:

Bolduc:

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

Groth:

- Meet with Bolduc re; SPR for Major/Minor applications. Completed.
- 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.

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.

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- 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		