



**FREMONT PLANNING BOARD**  
**October 3, 2012**  
**Meeting Minutes**  
Approved October 17, 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 7:00 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 September 26, 2012 meeting as written.

Motion seconded by Mr. Karcz with unanimous favorable vote.

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

Mr. Downing and Mr. Karcz reported that they visited the Governor's Forest excavation site this morning and found the required improvements completed as depicted in the pictures submitted by Mr. Ferwerda. There were some piles of crushed stone that had been brought in that were not on the site at the last visit. Mrs. Bolduc agreed to check other town's regulations for bringing material in to an excavation site.

**SEACOAST FARMS**

Map 5 Lot 035

Mrs. Bolduc reported that as of this morning, the Seacoast Farms Site Plan amendment application has not been received and Town Attorney John Ryan has been in touch with Mr. Kelly's attorney extending the filing of the Petition for Temporary and Permanent Injunction. It will be filed with the court deadline for submission of the application to this Friday (October 5, 2012). The Board reviewed a return e-mail from Mr. Kelly's Attorney relating that Mr. Kelly is waiting for the plan he is submitting to be updated with his corporate name in the title block and asking if Mr. Kelly dropped off a copy of the prior draft plan would that suffice to forestall filing

of the injunction.

The Board collectively felt that the injunction should have been filed immediately after it was authorized by both the Planning Board and the Board of Selectmen last week. The Members also unanimously agreed that they expect Mr. Kelly to submit a complete application and the submission of a copy of a draft of a prior plan would not forestall filing of the injunction. Mr. Barham said he does not think this is unreasonable as Mr. Kelly has been notified several times to submit an amended site plan beginning last February. The Members unanimously agreed with Mr. Barham and further that the injunction should be immediately filed.

The Members agreed that Mr. Barham, as the Planning Board Chairman, will contact Attorney Ryan tomorrow to relate that the Board is not happy with delay in filing the Petition for Temporary and Permanent Injunction against Seacoast Farms and to find out why Mr. Ryan delayed filing it with the courts when it was directed by both the Planning Board and the Board of Selectmen.

#### CIP

Mr. Barham said he will talk to Budget Committee Chairman out the CIP process and report back to the Board at the next meeting.

#### JOHN GALLOWAY EXCAVATION

Shirkin Road, Map 5 Lot 035

Mrs. Bolduc notified Mr. Quintal about the Board's finding that the plan he showed at the September 26, 2012 with the Board showed a portion of the asphalt area to be closer than 100' to a wetland. Mr. Quintal notified her via phone this morning that Mr. Galloway has agreed to removed the asphalt area portion that is within the 100' wetland buffer this week. Mr. Quintal said the Galloway application for Excavation Amendment will be submitted by Monday of next week (October 8) and the plan will show where the asphalt has been removed to be compliant with the Fremont Zoning Ordinance.

#### SITE PLAN REVIEW REGULATIONS

Major/Minor

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.

Planning Board Meeting Minutes  
October 3, 2012

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.
  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.

Mr. Karcz made the motion to send the Site Plan Review amendment to Public Hearing as submitted.

Mr. Downing seconded the Motion with unanimous favorable vote.

## ZONING AMENDMENTS

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

There was discussion about whether to remove red roads (zoned as Flexible Use Residential) out of each of the Commercial districts and the Village District. Mr. Groth suggested that residential could still be appropriate in Highway Commercial District. He suggested removing the red roads from the Village District, Corporate Commercial District, and Commercial Highway District and then adding residential as a permitted use in the Commercial Highway District.

Mr. Hunter asked if the Commercial Highway District has to remain commercial. Mr. Barham said no, but the reason the Board made those areas commercial was that there was commercial activity at the time of designation. Mr. Barham offered that there is a conflict with overlapping districts.

Mr. Groth suggested that the Board may want to look at whether both uses (commercial and residential) can be on the same property and how they would conflict. Variances from the ZBA were discussed as relief for someone who wanted to use their property for an unpermitted use.

This will be further discussed at the next meeting.

## ZONING AMENDMENT REGULATIONS

## PUBLIC HEARING

Present: Owners Emma Rankin, Rene and John King, Matthew Jensen

Mr. Barham opened this Public Hearing at 7:30 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 October 3, 2012 at 7:30 p.m. in the downstairs Land Use Meeting Room of the Fremont Town Hall to address amendments to the Fremont Zoning Ordinance and Subdivision Regulations.

*A second Public Hearing will be held on Wednesday October 17, 2012 at 7:30 p.m. if necessary.*

### 1. ZONING ORDINANCE:

*Article XVIII: Corporate Commercial District: Amend 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.*

### 2. SUBDIVISION REGULATIONS:

Amend 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".

- Amend Article 2 Section 2, A as follows:

**Preliminary Conceptual Consultation. Required** for subdivision applications that ~~do not~~ require a new road; **strongly encouraged** for subdivision applications that will not require a road or applicants that wish to pursue a Conditional Use permit for an Open Space Preservation Design (OSPD) subdivision.

Planning Board Meeting Minutes  
October 3, 2012

*The public is invited to attend. Written comments will be accepted up until the hearing date. The full text of all proposed amendments will be posted at the Fremont Town Hall, Library, Safety Complex, and Post Office, will be on file in the offices of the Selectmen, Planning/Zoning and Town Clerk, and can be viewed during regular business hours.*

1. ZONING ORDINANCE:

Article XVIII:

Mr. Barham explained that this amendment came about from statements made by the owners of the subject parcels (Map 5 Lot 36, Map 5 Lot 37 and Map 6 Lot 1) at the August 1, 2012 meeting with the Planning Board that, for various reasons, they do not wish for their properties to be included in the Corporate Commercial District.

Rational: This amendment will eliminate overlapping zoning districts for the entire Beede Hill Road. It is documented that all three property owners wanted to be taken out of the Corporate Commercial District at the August 1, 2012 meeting.

Discussion: It was noted that Map 5 Lot 36, Map 5 Lot 37 and Map 6 Lot 1 are included in the Corporate Commercial District, but the Flexible Use District overlaps because the Zoning Map shows them to front on a Red Road.

Mrs. Rankin asked what advantage there is for her property to be zoned residential and what advantage there is for it to be zoned commercial relative to taxes. Mr. Barham said he believes her property would be taxed as residential until such time as there is a commercial use, but he was not sure. He explained that the three properties subject to this public hearing are currently included in the Corporate Commercial District. Mr. Rankin said she does not want her property to be zoned as residential and would rather it remain as Corporate Commercial. There was some conversation relative to the fact that Mrs. Rankin's property abuts residential property in Epping. It is an unknown factor if the Epping property would ever be rezoned.

Mr. Groth said the Board is reacting to the discussion that the owners wanted to be in a residential zone. Mr. Jensen said that Mrs. Rankin does not want her property to revert to residential because it makes sense for her to retain commercial use.

There was a discussion about whether the Red Road status (Flexible Use Residential) could be retained if two of the three properties along were taken out of the Corporate Commercial District, and the third property was left in the district.

Mrs. King suggested that because the Rankin property is on the north side of Shirkin Road, and the other two properties are on the south side of Shirkin Road, it would not be a big deal to allow the Rankin property to remain in the Corporate Commercial District. Mrs. King said she does not see commercial activity happening in the area soon. Mr. Barham noted that Corporate Commercial District contains a considerable amount of wetlands, no established road and no access to a highway so he agrees that there probably will not be any commercial activity happening any time soon. It is one large area of land that has not been developed. Mr. Karcz thought that development would probably hinge on an access coming in from the Epping side. Mr. Hunter noted that Beede Hill Road at the area of the subject properties is a Town Road as

State ownership ends at North Road.

There was further discussion relative to development and it was generally agreed that it could be possible to get a road through, as an offsite improvement tied to development, between the site entrance off Beede Hill Road and RT 101 as a potential access to exit 6.

Mrs. King asked how the property could be turned back to commercial if there comes a time when she sees the need to do that. It was explained that would be the same process as the Planning Board is going through now with public hearings and by assenting vote of the voting body.

After careful consideration by the Board Mr. Karcz made the motion that the Planning Board exclude Map 6 Lot 001 from the original notice of the proposed amendment to Fremont Zoning Ordinance Article XVIII and update the Fremont New Hampshire Zoning District Map dated December 13, 2006. And further to continue this Public Hearing to the second Public Hearing that is scheduled and noticed for 7:30 pm on October 17, 2012.

Motion seconded by Mr. Downing with unanimous favorable vote.

## 2. SUBDIVISION REGULATION AMENDMENT

Article III Section 10.02-F-4 = Driveway setbacks

After a brief discussion Mr. Hunter made the motion to approve the amendment to Article III Section 10.02-F-4 of the Fremont Subdivision Regulations as presented:

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. Karcz with unanimous favorable vote.

Article 2 Section 2, A = Preliminary Conceptual Consultation

After a brief discussion Mr. Hunter made the motion to approve the amendment to Article 2 Section 2, A of the Fremont Subdivision Regulations as:

**Preliminary Conceptual Consultation. Strongly encouraged** for *all* 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.~~

Motion seconded by Mr. Downing with unanimous favorable vote.

## 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. Mr. Groth said there is a small corner of Fremont on the southeast corner at the Riverside Drive area that may qualify as needing a management plan.

Mr. Groth said that Julie LaBranche and Theresa Walker are waiting for a technical assistance grant for communities to draft a Stormwater Drainage Management Plan and she will contact

Fremont when that grant is near.

**BUILDING OFFICIAL/CODE ENFORCEMENT OFFICER**

Coopers Village – Map 3 Lot 037-1

Mr. Meade said there is a note on the Cooper’s Village plan that the project is subject to Impact Fees. Mr. Barham said to leave the note as is and the Impact Fee would kick in if and when there was residential use within the project. The Members agreed.

Grass Drags: Peterson property Map 6 Lot 33

Mr. Meade reported that he is scheduled to go with the State Electrical Inspector to the Peterson property to inspect temporary service for the Grass Drags event.

PJP, Inc. – Map 2 Lot 151-2

Mr. Meade said there has been a mobile home brought in to the PJP property on Rt 107 for temporary placement, but with no permits pulled or issued.

After some discussion, Mr. Barham noted, and the Board agreed, that there is a conflict with the overlap in zoning for this property because the property is in Commercial Highway District and has been used commercially with the Excavation operation for a number of years, but it could also be considered conforming for residential because it is on a Red Road (Flexible Use Residential).

The Members agreed with Mr. Barham that based on the fact that the property lies in overlapping zoning districts and this is a temporary situation, that the Selectmen could exercise the option given them in the Zoning Ordinance to permit the mobile home to remain on the property temporarily for whatever period of time, and whatever conditions, they deem permissible. (Article III Section E-5; 3 & 4).

**2013 P/Z BUDGET**

The Members discussed the 2013 Planning/Zoning Budget that included the recommendations of the Selectmen and the Budget Committee:

4191030 - Clerical Wages – from \$20,996 to \$21,416	2% increase
4191100 - Postage from \$1,400 to \$750	\$650 reduction
4191119 - Office Supplies from \$600 to \$400	\$200 reduction
4191200 - Training & Workshops \$500	same as 2012
4191210 - Mileage Reimbursement from \$175 to \$100	\$75 reduction
4191250 - Advertising from \$1,250 to \$700	\$550 reduction
4191260 - Office Equipment \$200	same as 2012
4191310 - Recording Fees \$350	same as 2012
4191320 - Printing \$500	same as 2012
4191500 - Circuit Rider Planner \$9,900	same as 2012
4191700 - Professional Services from \$3,000 to \$1,800	\$1,200 reduction
4191750 - Matching Grants from \$3,000 to \$2,500	\$500 reduction

Total Budget:

Department Request = \$41,871

Selectmen & Budget Committee Recommendations = \$39,116

Planning Board Meeting Minutes  
October 3, 2012

Mrs. Bolduc said the office supplies line shows \$392 spent. This is through September with three months left in the year and there will be more supplies needed before the end of the year. She felt that \$400 was not going to be enough for next year. The advertising line shows \$461 spent and there are at least 3 applications that she knows of coming in that will each take \$100 or more. By the same token, more will be spent for postage, but there is no way to tell how much without knowing how many certified notifications will need to be sent out. Mrs. Bolduc said she sees no immediate problem with the reductions to the Mileage, Professional Services or Matching Grants lines at this time.

#### INCOMING CORRESPONDENCE

There was no incoming correspondence.

Mr. Karcz made the motion to adjourn at 9:00 pm.  
Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: October 17, 2012.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

#### ACTION ITEMS

From the October 3 meeting:

Bolduc:

- Check other town's regulations for bringing material in to an excavation site.

#### 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.



Planning Board Meeting Minutes  
 October 3, 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		