



FREMONT PLANNING BOARD

October 17, 2012

Meeting Minutes

Approved November 7, 2012

Present: Chairman Roger Barham, Vice-Chair John (Jack) Karcz, Member John (Jack) Downing, Selectman Brett Hunter, RPC Circuit Rider Glenn Greenwood, 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.

RPC CIRCUIT RIDER

The Board welcomed Glenn Greenwood as temporary Circuit Rider. Mr. Greenwood is the Assistant Director of the Rockingham Planning Commission.

MINUTES

Mr. Downing made the motion to approve the minutes of the October 3, 2012 meeting as written. Motion seconded by Mr. Karcz with unanimous favorable vote except for Mr. Kohlhofer who abstained as he was not present at that meeting.

CHAMPIGNY, NANCY & PAUL

Map 2 Lot 119

The Board received the mylar and plans for the recently approved Champigny subdivision. The Mylar was signed by the Board and will be recorded within 3 business days.

SEACOAST FARMS

Map 5 Lot 035

Mrs. Bolduc reported that on October 5, 2012 a package was received by the Town from Seacoast Farms. The October 4, 2012 cover letter from Mr. Kelly included in the package is labeled "Site Plan Amendment Request" and in that letter Mr. Kelly acknowledged that the plan submitted is "a draft plan of an updated site plan of our composting operation and surrounding lands based on a recent survey" and said this draft plan should suffice for the actual site layout until he can have the title block changes made by the surveyor and he can supply the proper number of accurate plans to the Board. Other deficiencies with the application, if it is to be

considered an application for an amendment to the Seacoast Farms site plan, included an incomplete abutters list, wrong check amount, missing plan sets, the plan was not sent to RPC and the package was hand delivered.

Town Attorney John Ryan has not filed the Petition for Temporary and Permanent Injunction against Seacoast Farms with the courts because a statement in the injunction specifies that Mr. Kelly has failed to submit an application for amended Seacoast Farms Site Plan as required by the Board and agreed by Mr. Kelly. This has changed in light of the partial submission Mr. Kelly hand delivered.

Mrs. Bolduc reported that Mr. Kelly came in to the office this afternoon to update the abutters list and do what he could to complete his application. She further reported that she received an e-mail late this afternoon from Mr. Kelly with the following attachments:

1. Copy of a certified mail receipt from the Exeter PO dated October 17, 2012 as confirmation of a package mailed to the Town of Fremont.
2. Copy of a \$35.25 check for 3 additional abutters
3. Updated abutters list.

Mr. Kelly's cover statement said included in the package was 6 full sized and 8, 11x17 drawings of the plan and he added that he will drop off a set to RPC tomorrow for their review.

Mrs. Bolduc said that the package was mailed late this afternoon so she would expect to receive it by Saturday or Monday.

It was the unanimous consensus of the Board that if the package is received and it includes data and plans that will complete Mr. Kelly's application Attorney Ryan will be instructed not to file the Injunction and the application it will be processed for a public hearing. But if the submission is still incomplete the Board will request Attorney Ryan to file the injunction with the courts.

SEACOAST UNITED SOCCER CLUB

The Board received and reviewed a copy of the October 4, 2012 NH DES Restoration Plan Approval for the Seacoast United Soccer Club. The approval is contingent on the Restoration Plan that SUSC filed with the State which the Board also received and reviewed.

Mr. Barham stated that DES looks at the area for wetland issues. The Town looks at it from a site plan regulation prospective to pursue for restoration of trees for the noise and visual buffer that was a condition of the original site plan review.

The issues brought about by the tree cutting and clearing on the property include:

1. Wetlands and Prime Wetlands encroachment and/or pollution. Brown Brook area is Prime Wetland area #10. This is NH DES jurisdiction.
2. Conservation Restriction Deed violations which is a Conservation Commission/Town issue.
3. Site Plan Review compliance which is a Planning Board issue.

It was noted that a condition of the February 11, 2004 Planning Board approved Site Plan Review was that there would be a buffer planting of hardwood and softwood trees for noise and visual barrier, which has not been done. (this is shown on sheet #6 of the plan)

Mr. Barham suggested that the Board schedule some time at the next meeting for review of the site plan and restoration plan and to discuss whether to require an amendment to the existing Site Plan. The Members agreed.

ZONING AMENDMENT PUBLIC HEARING
REGULATIONS

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

Mr. Barham opened this Public Hearing at 7:30 pm and referred to the following notice of the Public Hearing.

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.

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.

Mr. Barham explained that at the October 3, 2012 the Board voted to 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. This action came about because owner Emma Rankin stated that she wants her property to remain as Corporate Commercial.

After careful consideration by the Board, Mr. Karcz made the motion to amend Article XVIII with no further changes; to remove from the Corporate Commercial District the parcels located at Map 5 Lot 36 and Map 5 Lot 37, and update the Fremont New Hampshire Zoning District Map dated December 13, 2006 to reflect this amendment. Motion seconded by Mr. Downing with unanimous favorable vote.

Mrs. Rankin asked if this concluded the action and it was explained that that by this vote the zoning proposal is passed through the Planning Board and that there would be an article on the warrant for the 2013 voters to decide on the amendment.

Mr. & Mrs. King had questions about what is and is not allowed in the various districts and the use table in Article XVIII of the Zoning Ordinance was consulted.

This decision will be posted for a period of thirty (30) days.

ZONING AMENDMENTS

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

The Board continued their discussion about whether to remove red roads (zoned as Flexible Use Residential) out of each of the Commercial districts and the Village District.

Previous suggestions were:

- Leave the zoning as it is and allow there to be overlapping districts.
- Remove 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.
- Remove residential from all commercial districts.
- Change the applicability of Flexible Use Residential to “Commercial use with Planning Board conditional use permit is allowed on frontage lots that are zoned residential.

Mr. Greenwood offered to wordsmith a potential zoning amendment for the Board to consider and send it around to the Members for discussion at the next meeting. The Members agreed and thanked Mr. Greenwood for his participation.

CIP

Mr. Barham said he will talk to Budget Committee Chairman about the CIP process, the five year plan and he will send the agreed proposal to Mr. Greenwood and the Budget Committee for their consideration.

STORMWATER DRAINAGE MANAGEMENT PLAN

The Stormwater Drainage Management Plan was discussed. As was previously noted, there is a small corner of Fremont on the southeast corner at the Riverside Drive area that may qualify as needing a Stormwater Drainage Management Plan.

Mr. Greenwood said DES and EPA has been in touch with RPC Senior Planner Julie LaBranche. He understands that one of the 4 criteria that would prevent the Town's success to obtain a waiver to the requirement to develop a plan is that the Town could not be along a river that has been declared as protected. Ms. LaBranche does not think this is the case, but she is waiting for final word. In a recent e-mail message to Mrs. Bolduc, Ms. LaBranche related that she has been in touch with Jeff Andrews at NHDES (who sent the town a 2nd letter about MS4 compliance). She thinks it's clear what the town needs to do, but she wants to check further with Mr. Andrews.

Mr. Barham read the September 28, 2012 letter from DES and noted that the attached letter is a sample draft letter of waiver request for Fremont to submit to DES. Mr. Barham left the meeting to speak with Town Administrator Heidi Carlson about the draft letter. He agreed to contact Mr. Andrews for clarification of the waiver request draft and procedure.

It was previously reported by Mr. Groth that Ms. LaBranche and Consultant Theresa Walker are waiting for a technical assistance grant for communities to draft a Stormwater Drainage Management Plan and they will contact Fremont when that grant is near.

GRISTMILL

Map 2 Lot 156.2

The Board received and reviewed a copy of a September 16, 2012 letter to the Selectmen from Mike Weymouth and Wayne Kinney of Gristmill, LLC. requesting to be allowed to continue working with Boll Rollins (the project's original Engineer who worked for Stantec at the time the project began) as the Town's Engineer for the duration of their subdivision project of Gristmill Landing and Glen Oakes Subdivision. The letter points out that Mr. Rollins is the Engineer who reviewed and observed the actual building phase on the roads and is familiar with the project from the design phase through the construction phase.

It was noted that the Selectmen have reviewed, and are OK with, the Gristmill request pending approval of the Planning Board.

After some conversation the Board agreed that it would be advantageous to keep the same Engineer who is familiar with the Gristmill project. It was the consensus of the Board to allow Gristmill, LLC. to use Bill Rollins as the consulting Engineer for inspections and services of the Gristmill subdivision project as long as the Selectmen are in agreement and the proper insurances are in place.

At 9:00 Mr. Greenwood left the meeting.

LEWIS BUILDERS

Map 3 Lot 015-1

The Board reviewed the as-built plan that Lewis Builders provided. Because their project is a condominium ownership project, 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.

BUILDING OFFICIAL/CODE ENFORCEMENT OFFICER

Foundations for manufactured homes. Mr. Meade said there is an RSA that says that a town cannot be require a manufactured home to be put on a foundation. There is also an RSA that states a town can be more stringent than the state code and these seem to conflict. Article 3 Section 5-2: A of the Fremont Zoning Ordinance was consulted ("*All permanent manufactured housing shall be placed on a permanent foundation or on foundation piers.*") and the Members agreed that because it gives an alternative for piers we are not in conflict with the RSA.

VISION CHAPTER OF THE MASTER PLAN

Mrs. Bolduc related that she spoke to Mr. Greenwood earlier today about finishing the update to the Vision Chapter of the Fremont Master Plan. The survey for the chapter was completed, but the updates still need to be done to the chapter so the Board can hold a Public Hearing and complete the amendment. Mr. Greenwood said he would take a look at the issue and move forward with it.

INCOMING CORRESPONDENCE

Received:

- Map 1 Lot 62: August 10, 2012 “Wetlands Minimum Impact Forestry Notification” and Waiver request” to NH DES from Carsten Springer for work to be done on his woodlot at Map 1 Lot 62.
- Map 2 Lot 151.2: Copy of an October 11, 2012 correspondence from the Selectmen to Dan Olson relative to a temporary permit for placement of a trailer at 662 Main Street in accordance with Article III Section 5 of the Fremont Zoning Ordinance.

Mr. Karcz made the motion to adjourn at 9:50 pm.
Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: November 7, 2012.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From the October 17 meeting:

Barham:

- Talk to Budget Committee Chairman about the CIP process
- Contact Mr. Andrews (DES) for clarification of the waiver request draft and procedure for the Stormwater Drainage Management Plan.

Greenwood:

- Wordsmith a potential zoning amendment for the Board to consider and send it around to the Members for discussion at the next meeting

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.

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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		