



FREMONT PLANNING BOARD

December 5, 2012

Meeting Minutes

Approved December 19, 2012

Present: Vice-Chair John (Jack) Karcz, Member John (Jack) Downing, Alt. Andy Kohlhofer, Selectman Brett Hunter, RPC Circuit Rider Glenn Greenwood, Building Official Bob Meade and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Karcz opened the meeting at 7:35 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.

There was no quorum of Planning Board members at the November 21, 2012 meeting so there was no meeting and Mr. Barham directed that all scheduled topics will be discussed at the next meeting except that, with the agreement of Robert Kelly, the Seacoast Farms public hearing will be rescheduled for 7:30 pm on December 19, 2012.

MINUTES

Mr. Downing made the motion to approve the minutes of the November 7, 2012 meeting as written. Motion seconded by Mr. Karcz unanimous favorable vote except for Mr. Kohlhofer who abstained as he was not present at that meeting.

JACOB'S COVE

Map 1 Lot 098-1

The Board received a copy of a November 7, 2012 correspondence from Town Administrator Heidi Carlson to Town Treasurer Kimberly Dunbar requesting withdrawal of \$2,059.34 from Mr. Donigian's escrow to cover Stantec's invoice #638542 for services rendered; and a separate \$40.00 for the Town's administrative processing fee.

The Board received an e-mail message from Town Engineer Dan Tatem advising that the current charges for Stantec have exceeded the \$7,128 that was originally provided by Mr. Donigian for engineering. He advised that they will come in substantially under the estimated amount, but request that Mr. Donigian submit "at least \$3,000 to get us through the rest of the fall and into the spring." He said he will continue to work on the job, but it is in the red now. Mr. Tatem

said when he receives notice that the escrow has been capped, he will send the Town a contract to revise Stantec's total budget.

After some discussion the Board agreed that a letter be sent to Mr. Donigian stating he needs to submit the \$3,000 that the Board requested to add to the escrow for Engineering fees.

LEWIS BUILDERS

The Board reviewed the as-built plan dated November 21, 2012 that Lewis Builders provided. Because their project is Condo's, 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.

STRATHAM ACQUISITIONS, LLC.; BANK OF NEW ENGLAND PUBLIC HEARING Map 3 Lot 56

Present: Christopher Smith PE with Beals Associates, Joe Nichols PE with Beals Associates, Frank Catapano of Stratham Acquisitions, Scott Gove, Charles Black; abutters Thomas & Arlene Taudel and Pierre Belperron.

Also present via telephone conference: Abutter Susan Belperron.

Mr. Karcz opened this Public Hearing at 7:45 pm and read the notice of the Public Hearing which was as follows:

In accordance with NH RSA 675:7 and 676:4 you are hereby notified that the Fremont Planning Board will hold a Public Hearing at 7:30 pm on December 5, 2012 at the Fremont Town Hall, downstairs Land Use meeting room, for the purpose of reviewing a Subdivision Design Review for a possible fourteen (14) lot open space preservation development for property located at Map 3 Lot 056, between Spaulding Road and Beede Hill Road, Fremont NH. : Stratham Acquisitions, LLC., applicant; Bank of New England, property owner.

You are invited to attend in person or by agent or counsel.

A copy of the plan can be viewed at the Fremont Town Hall during regular business hours.

Mr. Karcz stated that all discussions at this Preliminary Design Review Hearing are nonbinding.

It was noted that this hearing was noticed on November 21, 2012 at the Fremont Post Office and Fremont Town Hall, and in the November 23, 2012 edition of the Manchester Union Leader Newspaper. The applicant and all abutters were notified via certified mail on November 21, 2012 and all returns have been received except for that of abutters Belperron, Sequino and Broyer. The application package consisted of the application, checklist signed by the applicant, multiple sets of plans, cover letter of intent, current abutters list, and proper check amount.

Comment sheets were received from: (comments in *italics*)

Road Agent: *I like the idea of open space concept on this piece of property. I like the short road and keep more of the property in its natural state.*

Fire Chief: Concerns relative to:

- *Length of dead end cul-de-sac.*
- *Who will maintain proposed emergency access road to Beede Hill Road?*
- *Water supply for fire fighting.*

Fremont Conservation Commission: *The Conservation Commission would advise the Planning Board to consider the following:*

- *Deed restrictions be placed on the properties to prevent degradation of existing wetlands.*
- *The plan should include notes stating that this will be:*
 1. *No land alteration or filling of wetlands and it's buffer.*
 2. *That the existing hard pack road not be paved, sanded or salted. Such actions should take place to prevent degradation of existing wetlands.*

Health Officer: *I would rather see the development with a second means of egress in case there is ever an emergency.*

Code Enforcement Officer: *Given a choice, I would rather see homes built with more space between them. I would be in favor of the "Yield Concept".*

The letter of intent submitted by Christian Smith, PE with Beals Associates who are representing Stratham Acquisitions, LLC., states the intent is to meet with the Board to review a preliminary design for a 14 lot open concept subdivision.

The Board reviewed the Concept Yield plan #706 and the Concept Open Space plan #706 drawn by Beals Associates and dated October, 2012. Both plans showed the entire perimeter of the property and included wetland delineations. The Concept Yield plan showed a 14- lot subdivision of at least 3 acres per lot, and with the road going from the end of Spaulding Road through to Beede Hill Road. The Concept Open Space plan showed the 14 lots concentrated in 15 acres of the Southwest area of the property with the lot sizes ranging from .76 acres to 1.90 acres and the road going from the end of Spaulding Road to a cul-de-sac. There were no lot dimensions depicted on either plan.

Christian Smith conducted a presentation of the proposed Open Space subdivision using the plans to show the entire area of the property and how the lots are proposed to be layed out. He stated that this is a 75 acre parcel with 60 acres proposed to be put into open space and that Lavelle Associates has done a perimeter survey. He said that with the Open Space concept plan they would ask that a topo study and soil study be required for the building area only and not for the entire property.

The size of some of the lots being less than 1 acre was discussed. It was noted that some of the well radii would need to overlap onto an abutting lot. Mr. Meade commented that the small lot-size could lead to problems with building setbacks. This was discussed and it was noted that setback issues may not be a problem with the initial dwelling structures, but with further sheds etc. that the owners may want to construct.

Mr. Nichols said that this proposal is for 14 lots and they are not going for any bonus points as they probably could with an Open Space plan. He said the cul-de-sac was temporary and the road was designed to go through to Beede Hill Road. There is an existing access with culverts in place that would be used as an emergency access through to Beede Hill Road. Mr. Nichols said he has consulted the Open Space ordinance and he feels that the proposed Open Space plan meets the requirements of the ordinance. He said that the length of the road may be an issue in that it is 939' inclusive of the cul-de-sac which would make it a total of 2,771' from Spaulding to the intersection of Frost.

The Subdivision Regulations were discussed relative to road length and it was noted that according to Article III Section 10.02-R “*dead end or cul-de-sac streets shall not exceed eight hundred (800) feet maximum length, six hundred (600) feet exclusive of the cul-de-sac itself, and shall terminate with a turn-around area as prescribed by the Board but, in any event, with a right-of-way radius of one hundred (100) feet from the center to the outside edge. Under no circumstances shall a dead end street exceed fifteen hundred (1,500) feet in length.*” Mr. Karcz said when Spaulding Road was approved it was done so with the knowledge that the road would extend through to Beede Hill Road. It was never meant to be an added cul-de-sac extension. The Road Agent spoke to the cost of maintaining a through road and said he would rather see the project with a shorter road than going all the way through to Beede Hill Road.

Open space was discussed and Mr. Nichols said there is a trails system for proposed 60 acres of open space on the property.

Options for the open space portion of the property were discussed and according to Article XVIII Section 10.09-F of the Zoning Ordinance (Open Space Preservation) it could be deeded to a homeowners association, to a non-profit organization, the principal purpose of which is the conservation of open space, or to the Town of Fremont with a trust clause insuring that it be maintained as open space. Mr. Hunter said he would bring up the topic to the other Selectmen of whether the Town would be interested in purchasing the open space of Map 3 Lot 56 that would be available as a result of an Open Space subdivision of the property.

It was noted by Mr. Nichols and Mr. Smith that under the proposed Open Space plan no wetlands or wetland buffer would be impacted. Fire protection was discussed. Mr. Nichols said that a second egress would be the through road to Beede Hill Road whether it was a trail or road. There was a conversation relative to the need for it to be gravel and gated. Mr. Smith said there would be 1 additional cistern and he felt that is sufficient given that there is an existing cistern on Spaulding Road. It was agreed that the important input here would be that of the Fire Chief.

Abutters concerns:

Mr. Karcz asked if Mrs. Belperron was still on the phone line and there was no answer so her participation ended sometime prior to this portion of the Hearing.

Mrs. Bolduc presented the following questions Mrs. Belperron had forwarded to her via e-mail for this meeting:

1. How will the "circle" be addressed? We were told when we purchased our property that it would be removed. How would that look?

Answer: *The cul-de-sac was temporary; the road will be a straight continuation of Spaulding Road and the land utilized by the circle will be deeded back to the homeowners on the circle.*

2. Drainage, our property has a couple of places that we would be concerned about.

Mr. Belperron explained that there is a culvert that runs beneath the cul-de-sac was not done properly, allowing standing water on their property and the property across the street.

Answer: *Mr. Nichols said that may have been a temporary culvert and that would be part of a drainage study to improve the drainage.*

3. Street lights, are they a part of this plan? Answer: *no.*

Mr. Belperron said he was not worried about not having a through road, but would like to see the present character of the road maintained.

There were concerns relative to the construction and public access to the road if it were to be an access road and not a through road.

Mr. Tordel asked if restrictions could be put on the open space portion of the property. It was agreed that restrictions relative to use and activity are very possible.

In an unofficial consensus Mr. Hunter and Mr. Kohlhofer said they were ok with the open space concept. Mr. Downing said he would rather see the traditional subdivision with the road going through to Beede Hill Road.

It was agreed that the Planning Board will conduct a site visit at 10:00 am on Thursday December 13, 2012 meet at the Spaulding Road cul-de-sac. The site visit will be duly noticed.

At 8:45 pm, with no more information or data to be discussed, Mr. Downing made the motion to continue this Public Hearing to 7:30 pm on December 19, 2012.

The motion was seconded by Mr. Kohlhofer with unanimous favorable vote.

SEACOAST FARMS

PROTOCOL FOR NUISANCE COMPLAINTS

Mr. Hunter reported that he has not found a protocol for nuisance complaints in Fremont that would resolve the issue for the complaint. This prompted a discussion. Mr. Greenwood said a complaint should be directed to the Selectmen first and the complaint could be redirected or the complainant told that nuisance is a civil matter.

ZONING AMENDMENT REGULATIONS

PUBLIC HEARING

Present: There was no public present.

Mr. Karcz opened this Public Hearing at 9:15 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 December 5, 2012 at 7:30 p.m. in the downstairs Land Use Meeting Room of the Fremont Town Hall to address amendment to the Fremont Zoning Ordinance. A second Public Hearing will be held on Wednesday December 19, 2012 at 7:30 p.m. if necessary.

Amend Article XVIII of the Fremont Zoning Ordinance and update the Fremont New Hampshire Zoning District Map dated December 13, 2006 to reflect the following amendment.

- 1. Where a property falls within the Village District, Corporate Commercial District or the Commercial Highway District and is also located on a red road which is zoned Flexible Use Residential, the applicable zoning regulations will be that of Village District, Corporate Commercial District or the Commercial Highway District.*
- 2. Remove Shirkin Road west of Beede Hill Road from the list of Red Roads which are zoned*

Flexible Use Residential.

The full text of the proposed amendment 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.

After careful consideration by the Board, Mr. Downing made the motion to amend Article XVIII as presented and noticed and with no changes.

Motion seconded by Mr. Hunter with unanimous favorable vote.

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

BUDGET

The Board received and reviewed the P/Z budget report updated on December 3, 2012 to show 2012 budget lines spent to date as well as the information for the 2013 department requests and the Selectmen's and Budget Committees recommendations.

MERRILL GRAVEL OPERATION

Map 4 Lot 015

Mrs. Bolduc reported that Gary Merrill contacted her to advise as a courtesy that he has a gravel trucking job and there is going to be a lot of trucking from the Merrill gravel pit from now the end of the year. They go left on Beede Hill Road to Rt 107 – all State roads.

BUILDING OFFICIAL/CODE ENFORCEMENT OFFICER

Generators: Mr. Meade discussed the setback for the installation of generators in Fremont. He said FEMA has a 5' setback and FIRM has a 10' setback off lot line for a generator. In a flood plain a generator must be elevated. He asked 1) how far off the lot line should a generator be; and 2) Do we want to consider an ordinance for the placement of generators. He agreed to contact other Towns to see what how they handle generator setbacks.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

Due to the close proximity to the Holidays, the Members collectively agreed to move the January 2, 2012 meeting to January 9, 2013.

Mr. Downing made the motion to adjourn at 9:45 pm.

Motion seconded by Mr. Kohlhofer with unanimous favorable vote.

Next regular meeting: December 19, 2012.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From the November 7 meeting:

Hunter:

- Research the protocol is for nuisance complaints. Completed – no action.
- Report to the other Selectmen that Unutil has an arborist who is will to do a presentation on the benefits of tree trimming in the Town’s right-of-way.

From the December 5, 2012 meeting:

Hunter:

- Inquire of the other Selectmen whether the Town would be interested in purchasing the open space of Map 3 Lot 56 that would be available as a result of an Open Space subdivision of the property.

Bolduc:

- Correspondence to Jacob Donigian relative to an additional \$3,000 for his Engineer escrow.
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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	