



FREMONT PLANNING BOARD
December 19, 2012
Meeting Minutes
Approved January 23, 2013

Present: Chairman Roger Barham, Vice-Chair John (Jack) Karcz, Member John (Jack) Downing, Selectman Brett Hunter, RPC Circuit Rider Glenn Greenwood, and Land Use AA/Recording Secretary Meredith Bolduc.
Also present: Charles Black

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. Karcz made the motion to approve the minutes of the December 5, 2012 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote.

ALFRED PATTERSON

Present: Alfred Patterson and Richard Hardsog

At 7:15 pm Mr. Patterson and Mr. Hardsog met with the Board relative to the possibility of the operation of an asphalt plant on property in the Corporate Commercial District. Mr. Hardsog said he is looking at Map 5 Lot 35 which is a 26 – acre parcel with frontage on Shirkin Road as a possible site for the plant. Mr. Hardsog said the operation would involve heating sand, stone and liquid asphalt to make asphalt paving and they would probably be using propane for the fuel. The actual plant would take 2 or 3 acres, but there would be a need for more space to accommodate parking and loading trucks.

Permitted uses were discussed. Mr. Greenwood said the Corporate Commercial definition leads away from industrial use, but the table talks about a couple of uses that are typically seen as industrial or light industrial, not specifically asphalt plants.

Mr. Barham said Mr. Hardsog would need to meet with the Selectmen about upgrading Shirkin Road because it is a class 6 road. In answer to questions by the Board Mr. Hardsog said thought

Planning Board Meeting Minutes
December 19, 2012

it would be at least 700'-800' of road upgrade. Mr. Hunter measured the zoning map and found it to be about 3,300' from Beede Road to the nearest corner of the lot.

It was the collective opinion of the Board that based on other permitted uses for the Corporate Commercial District, an asphalt plant would fit for that district. Mr. Hardsog said their next step would be to start on property purchase and the engineering and then bring it back to the Board for Site Plan Review.

At 7:25 Mr. Hardsog and Mr. Patterson thanked the Board and left the meeting.

BUDGET

The Board received and reviewed the P/Z budget report updated on December 18, 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. The report also showed the revenues for the year.

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, Charles Black, Robert Kelly; abutters Thomas & Arlene Taudel and Pierre Belperron.

Also present via telephone conference: Abutter Susan Belperron.

Mr. Barham opened this Public Hearing at 7:35 pm and stated that this is a continuation of the December 5, 2012 portion of this hearing which was continued to allow time for a site visit.

Site Visit:

December 13, 2012: Among those in attendance: Planning Board members Jack Downing and Jack Karcz; Building Official Bob Meade, Joe Nichols & Chris Smith with Beals Associates, abutters Susan & Pierre Belperron and Thomas & Arlene Taudel.

The group walked the property looking at the terrain, keeping in mind proposed construction and wildlife habitat. There were many questions relative to the existing cul-de-sac, emergency access, conservation easement for the open space and cistern. Mr. Downing reported it is a nice piece of land.

It was noted that all certified returns of the meeting notice have now been received.

Additional comment sheets were received from: (comments in *italics*)

Police Chief: *I have no immediate concerns.*

Mr. Barham asked if comment sheets had been received from other Town Departments. Mrs. Bolduc said they were submitted at the December 5, 2012 portion of this hearing which Mr. Barham did not attend. Mrs. Bolduc read all comment sheets aloud.

The Board continued with their review of the Concept Yield plan #706 and the Concept Open Space plan #706 drawn by Beals Associates and dated October, 2012. Both plans showed wetland delineations.

Planning Board Meeting Minutes
December 19, 2012

Discussion:

Mr. Nichols said the total road length would be 939'. Mr. Karcz said the fire dept seems to be alright with the Open Space plan because of the proposed new cistern.

Mr. Nichols said the Open Space Ordinance calls for minimum lot size of $\frac{3}{4}$ of an acre. He said they took footprints of the houses on Spaulding Road and duplicated them onto the proposed lots on the plan to show they would fit. They straightened a line in the back and were able to give most of the lots at least an acre. Mr. Karcz said 120' frontage would be better than 100' as shown on several of the proposed lots. Mr. Nichols said they are restricted because of the wetland. Mr. Downing asked how large the wetland is and Mr. Nichols said it does not look like a significant wetland, but an area of poorly drained soil vs standing water. Mr. Nichols said there is the possibility of going to the ZBA for a special exception to the buffer of the wetland on the easterly lots so they could be made larger.

The emergency access trail was discussed and Mr. Nichols said the manner and form of maintenance for the trail and the open space would depend on who took ownership. As noted in the December 5, 2012 portion of this Public Hearing, according to Article XVIII Section 10.09-F of the Zoning Ordinance (Open Space Preservation) the options for the open space portion of the property are 1) it could be deeded to a homeowners association, 2) to a non-profit organization, the principal purpose of which is the conservation of open space, or 3) to the Town of Fremont with a trust clause insuring that it be maintained as open space. Mr. Downing said he understands that the Tuck Woods open space is owned by the property owners with a Conservation Easement. Mr. Karcz said the Town is involved in the Tuck Woods easement in that they are the owners of the easement and, as such, they monitor the owners. Mr. Hunter stated that he spoke with the other Selectmen and they are on board with the Town taking ownership of the open space for this project. It was noted that the Town would take ownership only with the conservation easement provided by the owner. Mr. Barham added that if the conservation was to be deeded to the Town the existing access road from Beede Hill Road would need to be constructed as a working emergency access.

Mr. Nichols said the developers want to put in a 12' wide gravel road, bars & gates and a proposed parking area off Beede Hill Road. He stated that he talked with the Fire Chief and related that if all utilities are underground the emergency road could be opened up easily. Mr. Nichols said the trail is going to be almost a nature conservation trail, it is not going to be a highway road or paved way. Mr. Smith said trail construction would include DOT crushed gravel.

Mr. Nichols asked the Board if they would be amenable to granting a waiver to the 100' well radius for the lots. He said they can meet the State requirement of 75'. It was agreed that waivers could be possible.

Abutters concerns:

Mr. Belperron stated that he would rather see the trail left as it is and not increased to 12' to alleviate the possibility of trash dumping. This prompted a conversation relative to the problem of dumping along trails and remote roadways.

Mr. Belperron also he said he would not like to see a parking area along Beede Hill Road. Mr. Barham said it is appropriate to have a parking area close to an open space so the public has access to it. He added that in his experience with having a parking area and restricting vehicle access to an open space property there is no problem with dumping. Mr. Smith clarified that the parking area would be large enough to park 2 or 3 vehicles and not larger and that the Police could patrol it from Beede Road.

Mr. Taudel asked if the emergency access road is not going to be used by the police or emergency personnel why build it.

Mrs. Bolduc presented the following questions Mrs. Belperron had forwarded to her via e-mail for this meeting noting that many of these issues were raised by different participants of the walking tour through the property. Answers and discussion are in *italics*.

1. Can we have specific language regarding the removal of the cul-de-sac in the permitting with regards to--
 - -Drainage and culvert design to prevent water accumulation. Mr. Nichols said *a drainage study would be done with the object to improve the drainage.*
 - How the driveways will be reconfigured and brought to the new street, and we would like to have input into the design. *Mr. Nichols said the cul-de-sac is on an easement so the adjacent property owners own it and the driveways will be extended out to the new road concurrent with the Fremont Driveway Regulations.*
 - Developer responsibility to:
 - move mail boxes – *Mr. Nichols said the developer will do this.*
 - move electric utility boxes – *Mr. Smith said there is no need to move them.*
 - build driveway extensions with a quality of pavement equal or better than existing driveway - *Mr. Smith and Mr. Nichols agreed.*
 - remove the gravel bed which surrounds the existing cul-de-sac paving – *Mr. Smith said the gravel bed gets taken out and replaced with seeding and loaming.*
2. Where would the cistern be placed and what would it look like? *Mr. Nichols said the cistern would be about 250' into the parcel from the end of the existing cul-de-sac, it would look like bollards and piping. It is a single 30,000 gallon structure.*
3. The Conservation area:
why gravel or pave that road? If the fire department doesn't need this as an emergency access, why not leave this as is? *Mr. Barham noted that this has already been discussed.*
4. Who would be responsible for the gates? (The likelihood that dumping would occur) – *Mr. Barham noted that this has already been discussed.*
5. Beede Hill Entrance: Prefer to not have any parking at Beede Hill entrance. (concerns about impinging on abutters rights) – *Mr. Barham noted that this has already been discussed.*
6. Signs: signs were discussed at tour and again, who is going to maintain these and don't these just invite behavior we don't want? *Mr. Nichols said signs are provided by the developer and taken over by the town.*

7. Guardrails: Will guard-rails be installed in new stretch of road? We don't like the ones on Spaulding now and don't want any adjoining our property. *Mr. Smith said there is no contemplation for guardrails and he does not think there is a fill section that call for them.*
8. Streetlights: assurance that there would be no streetlights. *Mr. Smith agreed that they do not want streetlights.*
- 9: Could a right-of-way to the conservation land be incorporated into the first lot on the right to allow current Spaulding residents access? No sign, no parking...just a path and an easement. *Mr. Smith said there is no plan for a path in that area. He added that area is not a good place for access because you would have to cross a wetland and it is right across the street from the cistern.*
10. We think there should be a requirement that the fees to convey the land to a conservation trust must be paid by the developer, plus an amount to be determined by the town to be placed in escrow for the future maintenance of the land. *Mr. Barham said it will be deeded to the Town and the developer will be responsible for paying for all fees associated with establishing and maintenance of the conservation easement.*
Mr. Kohlhofer said he would rather the homeowners association owned it and not the Town because it would take the land off the tax base. He stated that he is against the Town taking property for this reason.

Mr. Smith and Mr. Nichols advised that there is a possible lot line adjustment between the subject property and that of the Taudel's (Map 3 Lot 057) which would take about 6 or 7 acres from the property. In answer to questions by the Board Mr. Nichols said they did not take the lesser acreage into account when they drew the plan, but he does not think it will change the plan substantially and they could still get 14 building lots.

Mr. Barham said he felt that the discussions have been fruitful and given the developer a sense of development option. Mr. Smith said they would like to know; 1) the level of pit testing they would need to do to prove out the lots and; 2) they would like to not have to do high intensity soils mapping. He asked if the Board would be amenable to waivers for these requirements. It was agreed that the Board is open to considering waivers to these items. Mr. Greenwood said it is common to not require high intensity soils testing or 2 test pits on the entire parcel. With the conventional yield plan the purpose is to prove base density.

Mr. Nichols asked if the Board would give an idea for:

- Trail construction – It was agreed that the trail should be 12' wide with 2' slope, and gated.
- Upper parking off Beede Hill Road – The Board agreed that the parking area should be limited to spaces for 3 or 4 cars.
- Lot line adjustment between the Taudel property and the subject - This would be alright.

Mr. Barham reminded all that any discussions at this Preliminary Design Review Hearing are nonbinding.

With no more information or data to be discussed, Mr. Karcz made the motion to close this Public Hearing at 8:45 pm.

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

SEACOAST FARMS COMPOSTING, INC. Public Hearing Continuation
Map 5 Lot 035
Site Plan Permit Amendment
Present: Seacoast Farms owner Robert Kelly.

Mr. Barham opened this Public Hearing at 8:50 pm and stated that this is a continuation of the November 7, 2012 portion of this Public Hearing which was continued to allow time for the applicant to obtain the proper surveyors and soil scientists stamps on the plan he has submitted for which the Board to take jurisdiction. Also to realign the work area to be outside of the 100' wetland buffer. The continuation date was November 21, 2012, but there was no quorum for that meeting so Mr. Barham ordered it further continued to 7:30 pm on December 19, 2012.

At the November 7, 2012 portion of this Public Hearing it was agreed that the plan submitted will need to be recorded so Mr. Kelly would need permission to use the plan and he would need to get Mr. Quintal's information and stamps for this plan to be considered an official plan.

Mr. Kelly submitted plan #12066 drawn by Civil Construction Management, Inc. and dated August, 2012 with a revision on October 8, 2012 to show the asphalt removed from within 100' of wetland. This was the same plan he submitted at the first portion of this Public Hearing, but with Dennis Quintal's Certified Wetland stamp and his Professional Engineer Stamp. The Board considered it an official plan and reviewed it as such.

Mr. Kelly stated that he has moved the composting piles outside of the wetland buffer, but Mr. Quintal did not have time to survey them so the areas removed are indicated as a cross-hatch grid on the plan and labeled "Compost piles as measured. Area within 100' of wetland to be moved by applicant." Mr. Kelly said he has already removed the composting piles out of the wetland buffer as indicated by the grid.

DES agreements:

At the March 7, 2012 Planning Board meeting Mr. Groth reported that he had a phone conversation with Doug Kemp of DES and reported that the "gentlemen's" agreements between him and Mr. Kelly were:

- *Row height not to exceed 9 feet, where 50% of row heights no to exceed 8 feet*
- *Total quantity of materials permitted on site at one time = 6,000 cubic yards*
- *Turning of material shall not occur during west winds (blowing toward Beede Hill Rd)*

Per the April 4, 2012 Planning Board meeting minutes:

Mr. Groth reported clarification from Doug Kemp of DES relative to the following issues:

- *Whether the 6,000 cu yds means allowed in the windrows or completed products.*
Mr. Kemp said that this is the material in process and not the completed product. There was a conversation relative to how to tell if the piles are complete.
- *Define food product.*
Food products means stuff from restaurants; does not mean farm crop residuals. No more than 20% of the piles can be food product.
- *Raw pile:*
The time to get the material from the raw pile to wind rows is regulated by DES.
- *West wind direction, strength, range of windspeed (MPH) and temperature. And is this necessary given the other standards.*

Planning Board Meeting Minutes
December 19, 2012

Mr. Kemp said this was an agreement between Mr. Kelly and the Town of Fremont. Mr. Kelly is supposed to have a windsock as a clear indication of when he can or cannot operate.

- *How to address tailings (left over materials from compostable materials).*
Mr. Kemp suggested if there is a worry about encroachment on wetlands we should ask Eben Lewis for opinion, otherwise it is between Mr. Kelly and the property owner John Galloway.
Mr. Barham wondered if the excess material over a certain amount could be bonded against the owner going out of business so the Town would not be liable.
- *Does DES monitor the Monitoring wells?*
Mr. Kemp said he understood the monitoring wells were put in at the Town's request. DES does not monitor the wells.
- *Are any standards for manure.*
Mr. Kemp said the only standard for manure is it cannot be from domestic animals such as cats and dogs.

Mr. Barham said the Board could require a bond for Tailings over a certain amount (to be determined). Mr. Kelly said that Waste Management takes the tailings, which are left over material from the composting operation, and the big pile is gone from the site. There is a smaller pile (1,000 yds or so) on site at the moment. Mr. Karcz asked how fast the tailings pile will grow and Mr. Kelly answered that it depends on the amount of composting done onsite. Mr. Kelly answered that he would love to keep it at 1,000 to 2,000 yds, but for bonding purposes he would like it to be more. This prompted a discussion relative to the amount of tailings that should be allowed on the property at any given time.

Mr. Karcz made the motion that the Board take jurisdiction over the plan and application submitted. Motion seconded by Mr. Downing with unanimous favorable vote.

Mr. Kelly pointed out that the note relative to fuel onsite that was on the original plan somehow was not transferred to this plan and he will have it added back on this plan. The Board agreed.

With no further discussion, Mr. Downing made the motion that the Planning Board approve the requested amendment to the existing Site Plan for Seacoast Farms Composting, Inc./Robert Kelly located on Shirkin Road, Map 5 Lot 035 on property owned by John Galloway. All previous conditions and waivers still apply. This approval is pursuant to the updated amended site plan submitted (#12066 drawn by Civil Construction management, Inc. and dated August, 2012), that shows the existing conditions of the Seacoast Farms Composting operation and proposed grades with the following conditions.

Conditions:

1. *Applicant shall have the operational flexibility to work within the active work area.*
2. *The active work area shall be outside of the one hundred (100) foot wetland buffer.*
3. *Baseline testing of monitoring wells shall be conducted every three (3) years beginning March 1, 2013 and the results submitted to the Town.*
4. *Total quantity of produce materials (excluding finished product) shall not exceed six thousand (6,000) cu yds.*
5. *If the quantity of tailings on site exceeds two thousand (2,000) cu yds the Town shall have the option to require bonding for the purposes of allowing removal*
6. *The windrow height shall not exceed nine (9) feet and fifty (50) percent of the windrow height shall not exceed eight (8) feet.*
7. *Food product shall not exceed ten (10) percent of total product by volume.*
8. *Turning of materials shall not occur during westerly winds.*

9. *The Mylar and plans and all recording fees shall be submitted for signatures and recording within thirty (30) days of this decision.*
10. *The provisions of RSA 676:17 shall be applicable.*

Motion seconded by Mr. Karcz with unanimous favorable vote.

Mr. Kelly said he understood the conditions of approval and he will submit the Mylar, plans and recording fees before the 30 days (January 18, 2013) as required.

At 9:50 pm Mr. Karcz made the motion to close this public hearing. Motion seconded by Mr. Downing with unanimous favorable vote.

Mr. Kelly left the meeting at this time.

The Board received a November 11, 2012 offsite odor complaint as logged by the Code Enforcement Officer.

BUILDING OFFICIAL/CODE ENFORCEMENT OFFICER

Map 1 Lot 029

Mrs. Bolduc submitted that Mr. Meade wanted the Board to know:

1. That it has been brought to his attention that the owners of 102 Chester Road are advertising that they will be operating a maple sugar business. The former owners of this property received Site Plan Review approval in April of 1999 to operate an herb nursery and gift shop at the residence. The present owners purchased the property in October of 2010.

The Board consulted RSA 674:32-b (Agricultural Uses of Land). Mr. Greenwood agreed to research the issue further and report his findings to the Board at the next meeting.

2. Setbacks for generators:

He contacted 4 surrounding Towns to see what how they handle generator setbacks and found that 2 of the Towns required the current zoning setbacks as for a structure and 2 of the Towns have no setback requirements.

JOHN GALLOWAY

Excavation Permit Amendment

Map 5 Lot 35

The Board received the Mylar and plans for the recently approve Galloway excavation permit amendment and they were signed by the Chairman Barham and Secretary Bolduc by authority of the Board. The Mylar will be recorded within 3 business days as required.

VISION CHAPTER OF THE MASTER PLAN

Mr. Greenwood reported that Mr. Groth had been about half way through updating the section so he would like to bring the existing draft for the Board to review at the January 23, 2012 meeting. The Board agreed.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

Mr. Karcz made the motion to adjourn at 10:05 pm.
Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: January 9, 2013.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

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. Completed.

Bolduc:

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

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		

Planning Board Meeting Minutes
December 19, 2012