



## FREMONT PLANNING BOARD

April 18, 2012

Meeting Minutes

Approved May 2, 2012

Present: Chairman Roger Barham, Vice-Chair John (Jack) Karcz, Selectman Brett Hunter, Member John (Jack) Downing, Alternates Andrew Kohlhofer and Chris Silk, 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.

### MINUTES

Mr. Karcz made the motion to approve the minutes of the April 4, 2012 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote.

### 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.

### TOM NISBET

Map 3 Lot 037-1

326 Main Street (former Fremont Fire House)

Mrs. Bolduc reported that Mr. Nisbet called and apologized that he could not attend tonight's scheduled meeting to discuss a proposed use of the former Fremont Fire House on 326 Main Street which he has recently purchased. He will reschedule for a later date.

### DRIVEWAYS

At 7:25 pm Road Agent Mark Pitkin met with the Board to discuss the 30' driveway setback as per Article 5 Sections 3 & 4 of the Fremont Driveway Regulations below:

3. *All driveways shall conform to the side and rear setbacks contained in their specific approved subdivision plan otherwise access right-of-way set backs shall reflect a thirty (30') foot sideline setback within the Town access right-of-way. Once outside of the access right of way the driveway may be positioned no closer than ten (10') feet from the property sideline. **Exceptions to the sideline setbacks may be approved upon inspection of the site and any existing conditions that so warrant.***
4. *All new subdivisions after the acceptance of these regulations shall provide for thirty (30') foot property sideline setbacks unless otherwise waived by the Planning Board.*

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Mr. Pitkin said that most towns he works in have no setback for driveways and he thinks 30' of property is a lot to ask of a property owner to give up for a driveway. Mr. Groth explained that the Driveway Ordinance says "thirty (30') foot sideline setback within the Town access right-of-way. Once outside of the access right of way the driveway may be positioned no closer than ten (10') feet from the property sideline." The regulations also say "All new subdivisions after the acceptance of these regulations shall provide for thirty (30') foot property sideline setbacks unless otherwise waived by the Planning Board."

Mr. Pitkin said he feels that it is a taking of property to require a driveway to be 30' inside of a lot. This prompted a conversation relative to the requirement and Mr. Barham asked the Board if anyone wants to retain the 30' or are they compliant to reduce it per the Road Agents request. Following some discussion it was the consensus of the Board to reduce the driveway setback to 10'.

Mr. Kohlhofer made the motion to send to public hearing an amendment to Articles 5.3 and 5.4 of the Driveway Regulations to reduce the driveway setback from 30' to 10'. Mr. Hunter seconded with unanimous vote.

Mr. Pitkin questioned the driveway culvert requirement. He said he had an instance recently where the culvert requirement was 20' long and he thought they should be 30'.

The Driveway Regulations were consulted and it was found that the culvert requirement is 30' long.

*Article 5.10 "Where required, culverts must be a minimum of twelve (12") inch HDPE (or sufficiently similar material) and a minimum of thirty (30') feet long and/or extend at least five (5') feet from the edge of pavement or gravel, whichever is greater."*

Mrs. Bolduc will review the driveway permit for compliance with the regulation and change it if necessary.

There was a conversation relative to Article 5.3 of the Driveway Regulations that says "Exceptions to the sideline setbacks may be approved upon inspection of the site and any existing conditions that so warrant", but does not specify who is authorized to do the inspection.

It was the consensus of the Board that the Road Agent be authorized to act as the Boards designee to make local driveway setback decisions and field amendments.

Mr. Karcz made the motion to send to public hearing an amendment to the Driveway Regulations to replace the last sentence of Article 5.3 with "*upon inspection during the driveway permit process the Planning Board or its designee may make exception to the sideline setbacks and any existing conditions that so warrant*".

Motion seconded by Mr. Hunter with unanimous favorable vote.

Mr. Barham said the purpose of these two amendments to the Driveway Regulations would be; 1) to modify the side setback from 30' to 10' within the public right of way; and 2) to modify the

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language of the regulations to make it clear that the Road Agent has the authority to make field amendments.

SEACOAST UNITED SOCCER CLUB (SUSC)

Map 6 Lot 020-001

The Board received a copy of an April 18, 2012 e-mail from Greta St. Germain to Chris Albert of Jones & Beach relating that the Board of Selectmen has decided to present the abutters concerns before the Planning Board alongside him and Paul Willis as applicants for the site plan amendment.

SEACOAST FARMS

Map 5 Lot 035

There was nothing new to report at this time.

ECONOMIC DEVELOPMENT/CORPORATE COMMERCIAL DISTRICT

The Corporate Commercial District is comprised of 29 parcels of property (with a total of 16 owners) that total almost 400 acres.

The Board reviewed the revised maps submitted by Mr. Groth. Mr. Groth also submitted a table of containing the current landowners of the parcels.

Mr. Groth said he forwarded the maps to Ms. Davis for her information and to see if she has ideas for next step. He submitted a spread sheet of the ownership and acreage and some information on his research on Economic enterprise zone (State tax breaks for development).

ADULT USE ZONING ORDINANCE

Mr. Groth said he spoke with RPC Assistant Director Glenn Greenwood relative to questions the Board had at the last meeting about signs, hours of operation and additional provisions of an Adult Use Ordinance. Mr. Greenwood said those decisions are up to the individual Town. Mr. Barham suggested that the Board leave these issues to individual site plan review. The Members agreed.

LAND USE BENEFITS

Mr. Groth suggested that a section on the Costs & Benefits of Different Land Uses be incorporate in the Vision Chapter of the Master Plan. The Members agreed.

FREMONT PARK (MERRILL) EXCAVATION

Map 4 Lot 15

The Board has received the excavation renewal application from Gary Merrill for the Fremont Park gravel operation on Beede Hill Road. Mrs. Bolduc reported that she has spoken with Martin Ferwerda who said he would submit his excavation renewal application for Governor's Forest by next week.

Mrs. Bolduc said she contacted Dan Tatem relative to scheduling and fee for the annual site visits for all excavation operations. She will contact the Board Members when the dates and times have been confirmed.

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Mr. Downing and Mr. Karcz agreed to accompany Mr. Tatem on the site visits. Mr. Kohlhofer said he would like to attend if his schedule so allows.

### ZBA

The Board received a comment sheet from the ZBA relative to a Special Exception and two Variance requests by Jeff and Patricia Ballantyne for a 54 sq ft addition on their home located at 26 Tibbetts Road, Map 7 Lot 004. The Board agreed that they have no concerns or comments.

### INCOMING CORRESPONDENCES

Received:

1. A copy of an April 5, 2012 correspondence from RPC Assistant Director Glenn Greenwood to the Selectmen relating that the NH Sustainable Communities Initiative proposal submitted to Housing and Urban Development Administration (HUD) was successful. The project will provide funding to each planning commission to undertake the preparation of a new regional plan that is useful to each town's individual planning efforts.
2. Notice of the Affordable Housing Workshop to be held at the Exeter Town Offices at 6:30 pm on May 8, 2012.

Mrs. Bolduc reminded the Members of the Regional Energy workshop at the Brentwood Recreation Center, April 30, 2012 from 6:00 – 8:45 pm.

Mr. Karcz made the motion to adjourn at 8:40 pm.

Motion seconded by Mr. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

Next regular meeting: May 2, 2012.

### ACTION ITEMS

From the April 4, 2012 meeting.

Groth:

- Research the possibility of an economic enterprise zone and State tax breaks for development.
- Forward the map to Ms. Davis for her information. Completed.

From the April 18, 2012 meeting.

Bolduc:

- Schedule the Public Hearing for Driveway Regulation amendments.
- Schedule annual site visits for each of the 4 gravel operations.
- Review the driveway permit for compliance with the regulation and change it if necessary.

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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 April 18, 2012.
- 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 April 18, 2012.
- 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 April 18, 2012.
- 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		