



**FREMONT PLANNING BOARD**

**May 16, 2012**

**Meeting Minutes**

Approved June 6, 2012

Present: Chairman Roger Barham, Vice-Chair John (Jack) Karcz, 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 7:05 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 May 2, 2012 meeting as written. Motion seconded by Mr. Karcz with unanimous favorable vote.

**ZONING ORDINANCE**

There was a conversation relative to the sign ordinance. No decisions were made.

**MASTER PLAN**

**VISIONING CHAPTER – Public Input Session #2**

Mr. Barham reported that the second public input session for the Visioning Chapter of the Master Plan was held on May 5, 2012 with PB Member John (Jack) Downing, RPC Circuit Rider Brian Groth, and ZBA/CC Alternate & Land Use AA/Recording Secretary Meredith Bolduc. There was no public in attendance,

The group met from 10:00 am to 12:30 pm in the main meeting room at the Fremont Town Hall and went through the results from the survey that was done when the Vision Chapter of the Master Plan was implemented in 2006 to replace the existing Community Goals Chapter. Topics discussed were recreation, youth programming, community development and the designated (red) roads where commercial operations are allowed in the Town.

The group also discussed opinions of the pros and cons of open space development.

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Mr. Groth will incorporate the results of the survey and discussions from these input sessions in the amendment to the Vision Chapter of the Master Plan to be presented to the Planning Board for approval. He said he is in the process of creating a survey for the Survey Monkey service. Mr. Groth relayed said there was a suggestion from the RPC AA that to save postage costs we could send out post cards letting people know that the survey can be picked up and submitted. The Members said they would consider the idea.

SEACOAST UNITED SOCCER CLUB (SUSC)

Map 6 Lot 020-001

Mrs. Bolduc reported that she has received a copy of the Forest Management Plan prepared by Bay State Forestry Service for SUSC. She has contacted Eben Lewis of DES about a Wetland Restoration Plan that DES required for the property and is waiting to hear back from him.

Mr. Barham has scanned the site plan and Mr. Groth will superimpose it onto the aerial photo to view possible violations to the existing Site Plan and see if there is any impact to wetland. This will be further discussed at the next meeting.

SEACOAST FARMS

Map 5 Lot 035

On May 9, 2012 correspondence was sent from Mr. Barham to Mr. Kelly via certified mail relating that the Board has agreed to accommodate his request for an extension of time to the end of June to submit an amendment of the Seacoast Farms existing site plan and that if he does not meet the deadline for submission of June 30, 2012 he could be subject to further action by the Board up to and including cease and desist of all activities on the site. The letter was received by Mr. Kelly on May 10, 2012.

Mr. Downing reported that when they went out to the site for the May 10, 2012 Galloway excavation site visit, which is on the same parcel, they found the piles at Seacoast Farms are exceeding the 7-foot height requirement by almost double.

JACOB'S COVE

Map 1 Lot 098-1

Mrs. Bolduc reported that Mr. Donigian has not yet responded to the May 3, 2012 correspondence from her advising him that that according to the Town Engineer's estimate as a result of the April 18, 2012 preconstruction meeting approximately \$7,000 needs to be added to the escrow as soon as possible to fund the estimated engineering costs.

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.

At the last meeting Mr. Groth submitted revised maps of the Board reviewed the Corporate Commercial District along with a table of containing the current landowners of the parcels and a spread sheet of the ownership and acreage and some information on his research on Economic enterprise zone (State tax breaks for development).

He forwarded the maps to Ms. Davis for her information and to see if she has ideas for next step.

#### EXCAVATION SITE VISITS

Mrs. Bolduc reported that on May 10, 2012 Town Engineer Dan Tatem conducted the annual site visits for the four gravel operations (Merrill, Galloway, PJP and Governor's Forest). Also in attendance were Planning Board Members Jack Karcz, Jack Downing and Building Official Bob Meade. Gary Merrill was at the visit for the Merrill pit, Martin Ferwerda was at the visit for Governor's Forest and an employee of Dan Olson's was present at the visit for PJP.

The Board has not received the reports and invoices for services rendered from Mr. Tatem so they will be addressed at the next meeting along with the Members recommendations and comments generated from the site visits.

SCOTT SUPRENANT  
459 Whittier Drive  
Map 3 Lot 169-002

Site Plan Review – Public Hearing

Present: Owner Scott Suprenant

At 7:30 pm Mr. Barham opened this Public Hearing and read the public notice 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 p.m. on Wednesday May 16, 2012 in the Basement Meeting room at the Fremont Town Hall, concerning a Site Plan Review application for Scott Suprenant.*

*The applicant proposes to operate a wholesale auto dealers business, license only, at 459 Whittier Drive, Map 3 Lot 169-002, Fremont, New Hampshire.*

*You are invited to appear in person or by agent or counsel. Written comments will be accepted up until the day of the hearing.*

Mr. Barham reported that this hearing was noticed on May 3, 2012 at the Fremont Post Office and Fremont Town Hall, and on the Fremont Website; in the May 3, 2012 edition of the Manchester Union Leader. The applicant and all abutters were notified via certified mail on May 4, 2012 and all returns have been received. The application package included: the application, multiple copies of the drawn plan, proper check amount, letter of intent, list of requested waivers, a copy of the deed, a current list of abutters, and the SPR checklist indicating that the plan was sent to Rockingham Planning Commission for review.

Mr. Suprenant also submitted a copy of if the States auto wholesale dealer's requirements and a copy of his "Application for Retail Dealer License and Registration".

Comment sheets were received from the following: *comments in italics*

Conservation Commission: *The Conservation Commission is recommending that the Fremont Planning Board require as a condition of approval that the final site plan include a note stating that an affidavit of compliance with the conditions of the site plan be submitted annually to the Fremont Planning Board for review. The Conservation Commission is further recommending that the site plan expressly prohibit usage of the property for either short or long term storage of*

*vehicles purchased by the Wholesale Auto Business and that the site plan include a note that that the plan is not transferable with the property. The Fremont Flood Zone, Aquifer Protection, and Zoning Map of 2007 shows that approximately two thirds of the property has a Flood Plain A designation. With the increasing frequency of extreme weather events (on the order of two 50 year floods and three 100 years floods during the last decade), the Conservation Commission is particularly concerned about the probability of water quality in the area being compromised should vehicles be stored on the site. Fremont needs to be concerned about the possible creation of another Brown Field site especially in a recognized flood plain.*

Building Official/Code Enforcement Officer: *Home Office only – no visible business (other than sign)*

Health Inspector: *The sign: My only concern would be how close to the corner, visibility or gawking.*

Mr. Suprenant submitted a drawn plan included the entire 1.166 acre parcel, locations of all existing buildings, well, septic, driveway, pool and location of abutting properties. Notes on the plan addressed Site Plan Review Regulations 1.13-J (calculation of the road traveled mileage and route from the local fire and rescue) = 3.5 miles; 1.13-K (calculation of the increased daily average automobile traffic) = 0; 1.13-K-1 (estimate noise generated) = 0; 1.13-S-19 (hours of operation) 9:00 am – 5:00 pm Monday – Friday.

Mr. Suprenant said this Site Plan Review application is for a wholesale auto dealer's license to enable him to purchase vehicles at auction and sell them to dealerships. He added he is not planning to store or sell autos from his residence, but is looking to have an office and a sign that he understood is required by the State. He said the sales are dealer to dealer; auction to auction.

Mr. Groth said he spoke with the dealer applications desk at the NH DMV today who told him that if local ordinance does not allow a sign the State does not require it. Mr. Suprenant said they told him the same thing when he spoke with them today. According to NH RSA 261:103-a and NH RSA 259:29-a the State of New Hampshire requires him to have a business location and (as it applies to a retail vehicle dealer) a sign at the place of business that displays the business name of the dealer with letters at least 10 inches tall unless prohibited by local zoning.

Mr. Barham said because of the residential location of the property the Board would be restrictive on size of a sign. Mr. Suprenant said he only went for the sign because the State said he had to have one and that he does not want a big sign if he does not need to have one.

Mr. Groth said that Mr. Suprenant meets all of the qualifications of Home Occupation except for the size of the sign being more than one (1) square foot in area. Mr. Suprenant and the Board agreed that he could meet the criteria of a home occupation except for the sign. After some discussion the Board agreed that because a Site Plan Review is not necessary in this case they will not take jurisdiction over the plan and not issue a decision. Therefore a sign larger than 1 sq ft is not allowed by the regulations.

Mr. Suprenant said the decision of the Board should satisfy the State and there was discussion relative to notification. Mr. Suprenant agreed to sign a copy of the Home Occupancy regulation saying that there would be no commercial vehicles stored or sold and no physical evidence of anything further than an administrative office at his residence at 459 Whittier Drive.

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At 7:55 pm Mr. Karcz made the motion to close this Public Hearing with no jurisdiction, no acceptance and no decision. Motion seconded by Mr. Downing with unanimous favorable vote.

ABDALLAH CONSTRUCTION                      Public Hearing, continued  
Map 2 Lot 181                                      Site Plan Review

Present: Owner George Abdallah, Sr., George Abdallah Jr., Matthew Abdallah and Engineer Eric Mitchell.

Mr. Barham opened the Public Hearing at 8:00 pm and said that this is a continuation of the May 2, 2012 portion of this Public Hearing which was continued to allow time for a site visit and for Mr. Groth's review of the plan and application submitted. Mr. Barham reported that all certified notice returns have now been received.

Mr. Barham reiterated that Abdallah Construction proposes to construct a 4-unit multi-family building at 107 Copp Drive, Map 2 Lot 181, Fremont, New Hampshire. He noted that the Board took jurisdiction over the plan and application at the May 2, 2012 portion of this Public Hearing.

Site Visit:

On May 14, 2012 at 6:00 pm Planning Board Members Jack Karcz, Jack Downing, and Andy Kohlhofer, and Building Official Bob Meade met with Owner George Abdallah, George Abdallah, Jr., Matt Abdallah and their Engineer Eric Mitchell at the property at 107 Copp Drive for the purpose of conducting a site visit. The group viewed the septic location and discussed septic soils. They also viewed the slope at the back of the proposed building, noted that approximately half of the driveway had been dozed down to grade and that the bad corner had been cleared of site obstructions. Trees had been marked for building envelope buffer and flagged for where construction would end. It was noted that about 4 or 5 more feet needs to be taken off the top of the hill for the foundation work.

The group left the property at 6:45 pm.

Mr. Mitchell submitted the plan that was submitted at the first portion of this Public Hearing with amendments generated by comments either by the last meeting or the site visit that include.

- Sheets 1 of 7
  1. The date was corrected in Note 12.
  2. Note 14 adds the area for 8 future parking spaces in addition to the proposed 16.
  3. Existing Note 15 indicates that fire sprinklers are required.
  4. New Note 22 addresses noise.
  5. New Note 23 states there is no area intended for public use.
  6. New Note 24, (formerly 22) has been modified for no more than 3000 cubic yards of excess material to be hauled off site.
  7. New Note 27 (Formerly 25) specifically refers to section 1.15-2, Dark Skies.

On Sheets 2, 4 and 5 the future parking has been delineated.

A new dumpster enclosure detail is shown on Sheet 4.

The pavement and crushed gravel detail on Sheet 7 has been corrected to provide 6 inches of crushed gravel and 3 inches of total pavement.

The address is 107 Copp Drive.

- Correct the date of the ZBA Variance approval.

- Correct the street address of the property.
- Correct Note # 22 - No excess material is planned to be removed from the site.

Mr. Mitchell stated at the last meeting that he has received the State subdivision approval and the condominium State approval for the septic system design.

The SPR checklist not included with the application has been received.

Mr. Groth submitted the following report relative to the application.

*I have received and reviewed a Site Plan Application for a multi-family building at 109 Copp Drive (Tax Map 2, Lot 181. This application was filed on behalf of Abdallah Construction Corp. by Eric C. Mitchell & Associates, Inc. The application is found to be complete in accordance with Fremont's Site Plan Review procedures. I also conducted a site visit with Mr. Mitchell on Wednesday, May 9, 2012.*

**Zoning**

*The application meets all requirements of Fremont's Zoning Ordinance.*

**Site Plan Regulations**

*The applicant has requested a waiver from Section 1.13.T.6 – Traffic Analysis. The waiver request indicates that minimal traffic will be generated by 4, 3-bedroom units. This site plan regulation is only invoked if specifically requested by the Board. I concur with the applicant that this study is not necessary in evaluating this application.*

*Other items for discussion:*

- *Section 1.13.M requires massing of all structures within 200 feet of the site in addition to architectural renderings of the proposed development. Upon visiting the site, and in light of the fact that the Board is conducting a site visit as well, I do not believe this is necessary in evaluating the application.*
- *Section 1.14 M requires sprinkler systems for all new multi-family dwellings. This is likely the intent of the applicant, but should be confirmed.*
- *Section 15.1-1 Off Street Parking requires a minimum of 2 spaces per unit and an additional guest space for every two units in a multi-family dwelling. The resulting minimum parking count for this application is 10 spaces. The applicant has provided for 16 parking spaces (8 surface spaces, 8 garaged spaces). This does not violate Fremont's Site Plan Regulations and is entirely up to the property owner, however the Board may want to consider encouraging the applicant to reduce impervious surface that may not be necessary.*
- *The application indicates the intent to conform to Fremont's lighting standards. For good measure, adherence to Section 1.15-2 Dark Skies should be discussed.*

**Recommendation**

*Barring any setbacks from the Board's site visit, the items above are resolvable through conditions or discussion, and I find this application acceptable for approval.*

Mr. Meade noted that the property is in the Flood Plain and this was not in Mr. Groth's report, but everything else on his report is correct. Mr. Meade said that according to the FEMA maps the property, in fact the whole road is in the Flood Plain so there should be a note for elevation on the foundation plan or a Letter of Map Amendment (LOMA). Note #3 on the plan says that a portion of this parcel is located in the 100-year Flood Zone, addresses the LOMA and states that and the proposed development is located above the required 150.5' elevation. The driveway is at 172' and the lowest point of the building is set at 177.5'. Mr. Mitchell said he has filed with FEMA for a LOMA and is comfortable that the request will be approved given the fact that this

lot elevation is higher than others in the area that have been approved. Mr. Mitchell said FEMA has issued LOMA's for all the houses on Kenniston Lane and some, if not most of the houses on Copp Drive. Mr. Meade noted that there was one LOMA request in the area was recently denied. Mr. Meade said he sees no hazard from flooding because the elevation is so high and he is satisfied as long as the owner has applied to FEMA for a LOMA.

There was a conversation relative to fire truck access and turn-around and Mr. Mitchell showed on the plan that there is ample space for emergency vehicle access. There was also a conversation relative to egress windows at the back of the building being possibly over 20' from grade, but acceptable because of the sprinkler system.

The Board reviewed the waivers requested as follows.

#### Chapter 1

Section 1.13T6 – Traffic Analysis. Mr. Mitchell's rational was that the traffic generation is minimal for the proposal for a 4-family town house building with 3 bedrooms per unit and meets the requirement of section 1.21 (waivers)

Section 1.13M - Structure within 200 feet: Mr. Mitchell related that they are requesting a waiver to "not have to provide the specific location of the houses across the street from our entrance. One is about 100 feet away and the other is about 150 feet". His rational was that because the proposed building and parking is set back in the woods, they are over 400 feet from the nearest house and the improvements are screened from view. This waiver request meets the requirement of section 1.21 waivers.

After careful consideration by the Board, Mr. Karcz made the motion to approve waivers to Site Plan Review Regulations Chapter 1 Sections 1.13T6 and 1.13 M as requested. Motion seconded by Mr. Downing with unanimous favorable vote.

The Board agreed that Chapter 2 of the Site Plan Review Regulations do not apply to this Site Plan Review as the site is not in the Village District.

Comment sheets have been received from:

Building Inspector/Code Enforcement Officer: *I have been to the site and reviewed a septic design and do not foresee any concerns from this department.*

Health Officer: *There are wetlands out back, I see no other health issues. I have no objections to this project.*

Road Agent: *I would like to see driveway shifted away from Rt 107 as much as possible (10' off property line) to keep driveway away from corner.* Mr. Mitchell said the Road Agent has seen the driveway cut and location and was happy with it.

Fire Chief: *Is it to be sprinkled and access to building with fire apparatus?* Mr. Mitchell said the plan shows enough space for access. The building will be sprinkled.

Conservation Commission: *The Conservation Commission is recommending that the Fremont Planning Board require as a condition of approval that the final site plan include a note stating that the wetland setback be left undisturbed as a green buffer for Prime Wetland 47. Because this wetland is contiguous with Red Brook that flows into the Exeter River, preserving water*

*quality in the wetland is of utmost concern. This wetland is considered to be high functioning and has been designated by the Town and State as a Prime Wetland. The Conservation Commissions recommendation that the plan include a note stating that the wetland setback be left undisturbed is aligned with State recommendations to follow Best Management Practices.* The Board took the Conservation Commission's comments into consideration and agreed that such a note is not necessary as this wetland setback is self-protecting because of its' prime wetland status with NH DES jurisdiction.

The amount of material to be taken off the site incidental to construction was discussed and Mr. Abdallah said he originally had about 3,000 yds, but he has found that part of the material consists of large boulders that he has decided to screen and use onsite. He said that what is left for material to go off-site will be about 800 cu yds, well under the allowed 1,000 cu yds.

After careful consideration by the Board, Mr. Karcz made the motion that the Planning Board approve the Site Plan Review for Abdallah Construction, pursuant to the information and site plan submitted and including all approved waivers, to allow construction of a 4-unit multi-family building at 107 Copp Drive, Map 2 Lot 181, Fremont, New Hampshire with the following conditions.

1. This approval is subject to all other Local, State of Federal permits and approvals that may be required and does not relieve the applicant from the obligation to obtain such other permits.
2. The provisions of RSA 676:17 shall be applicable.

Motion seconded by Mr. Downing with unanimous favorable vote.

Mr. Mitchell will submit the recording and administrative fees at the time he submits the mylar and plans to the Board for signatures and recording. The notice of decision will be recorded at the Rockingham Registry of Deeds at the applicant's expense.

Mr. Downing made the motion to close this Public Hearing at 8:40 pm  
Motion seconded by Mr. Karcz with unanimous favorable vote.

#### INCOMING CORRESPONDENCES

Received:

Notice of the June 13, 2012 annual RPC meeting to be held at the Sheraton Harborside in Portsmouth, NH.

Mr. Karcz made the motion to adjourn at 8:55 pm.  
Motion seconded by Mr. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary



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Next regular meeting: June 6, 2012.

**ACTION ITEMS**

**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		