



**FREMONT PLANNING BOARD**

**February 6, 2012**

**Meeting Minutes**

Approved February 20, 2013

Present: Chairman Roger Barham, Vice-Chair John (Jack) Karcz, Member John (Jack) Downing, Selectman Brett Hunter, Alternate Andrew Kohlhofer, RPC Circuit Rider Glenn Greenwood, RPC Circuit Rider Jen Rowden, and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham opened the meeting at 7:10 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 January 23, 2013 meeting as written. Motion seconded by Mr. Karcz with unanimous favorable vote.

**SEACOAST FARMS COMPOSTING, INC.**

Map 5 Lot 035

Site Plan Permit Amendment

The Board received and reviewed the Mylar and plans for the recently approve Site Plan Review amendment for Seacoast Farms Composting, Inc. 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. The recording fees were also received.

**MAP 1 LOT 025**

102 CHESTER ROAD

The Board received a copy of a January 29, 2013 letter from the Building Inspector to Phillip & Karen Coombs, owners of 102 Chester Road (Map 1 Lot 025) relative to making an appointment with the Planning Board to discuss non-residential activity at their property.

Mr. Greenwood previously referred the Board to RSA 674:32-b (Agricultural Uses of Land) and he said the statute clearly gives the Town the right to require Site Plan Review for a new or different activity even though it is agricultural in nature. It was found and noted that 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 and the business ceased when the owner passed away in

2007. The present owners purchased the property in October of 2010.

**WILLIAM & JOANNE CURRIER**

Map 1 Lot 048

The Board received plan #1253-1 of the William & Joanne Currier property, prepared by Blaisdell Survey, LLC and dated 9/12/2012, for the United States of America Natural Resources Conservation Service, Department of Agriculture in Durham NH. This is a Wetlands Reserve Program Conservation Easement WRP contract #6614280149901. The plan shows the 43.0187 acre propose conservation easement area. The program requires that a copy of the plan be sent to the Fremont Planning Board to be on file at the Town.

**SCRIBNER ESTATES/THUNDER ROAD**

Dan Perry

Map 2 Lot 1

The Board received a copy of a February 4, 2013 replacement Irrevocable Standby Letter of Credit from TD Bank for Thunder Road (Scribner Estates) amended to an extension date of January 2, 2014.

**BUDGET**

The Board received and reviewed the P/Z budget report updated on February 5, 2013 to show 2013 budget lines spent to date as well as the information for the 2013 department requests and the Selectmen's and Budget Committees recommendations.

**STRATHAM ACQUISITIONS, LLC.; BANK OF NEW ENGLAND PUBLIC HEARING**

Map 3 Lot 56

Present: Christopher Smith PE with Beals Associates, Joseph Nichols PE with Beals Associates, Frank Catapano of Stratham Acquisitions, Scott Gove of Gove Group Realty; abutters Thomas & Arlene Taudel, Alicia Cote, Janette & Joseph Sequino, Robin Janzegers and Christian Tores.

Mr. Barham opened this Public Hearing at 7:35 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 February 6, 2013 at the Fremont Town Hall, downstairs Land Use meeting room, for the purpose of reviewing an application for a Conditional Use Permit for a potential 14-lot Open Space Design (OSPD) Subdivision 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.*

It was noted that this hearing was noticed on January 22, 2013 at the Fremont Post Office and Fremont Town Hall, and in the January 22, 2013 edition of the Manchester Union Leader Newspaper. The applicant and all abutters were notified via certified mail on January 25, 2013 and all returns have been received except for that of abutters Belperron and Boomhower. The application package consisted of the application, checklist signed by the applicant, multiple sets

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of plans, cover letter of intent, current abutters list, and proper check amount. Also submitted with the application were the results of the 34 test pits that were recently conducted.

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

Road Agent: *I like the open space design. Would like to see off street parking for walking trail – there will be no room at the circle in the winter, cars will be parked in front yards. Need some snow removal area at the cistern.*

Fremont Conservation Commission: *In addition to the previous comments concerning the proposed development the Conservation Commission is in strong support of the existing hard pack road being gated and used for pedestrian traffic. The comment sheet filed for the Design Review of this project: 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: *No comment.*

Code Enforcement Officer: *I have not seen the revised plans, but have been told that the three lots that I was concerned with (small lots with wetland setbacks) have been enlarged. Would like to review, and perhaps revise, the open use 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 Planning Board to review a Conditional Use Permit (CUP) application and yield plan designed for a 14 lot open concept subdivision. Pursuant to our Design Review hearings, test pits have been done and the plan embellished to demonstrate a potential LLA with the Taudel”s. Planning Board action on the CUP will allow us to determine if the project will be able to move forward to full engineering design for the open-space subdivision.”*

Mr. Nichols reviewed the Concept Yield plan #706 and the Open Space Preservation Design plan #706 drawn by Beals Associates and dated January, 2013. Both plans showed wetland delineations, test pit locations, 4000 sf septic reserve areas, well radii, tree & building setback lines. The Concept Yield plan showed the entire perimeter of the 76.4-acre parcel divided into 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. Notes on the plan as follows:

1. *The intent of the plan is to provide a yield concept plan for application for an open space subdivision.*
2. *Test pits shown were performed on December 31, 2012 and witnessed by the Town of Fremont (al pits met the Town of Fremont requirements)*
3. *Wetland locations and topography based on electronic plan provided by other.*
4. *Existing tree line digitized from 2010 aerial photograph.*
5. *Wetland impacts as shown are based on information provided. Culverts have been installed and change made but not field located. The crossings have been installed during forestry in 2000 under DES Permit #200-00959.*
6. *Wetland impact area as shown = 3959 S.F.*

The Open Space Preservation Design 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 1.79 acres and the road going from the end of Spaulding Road to a cul-de-sac.

Using the Yield Plan for his presentation Mr. Nichols related and showed the following:

- 36 test pits were done.
- Well Radius are all contained within the individual lots.
- 10 of the 14 lots are above 1 acre, some are almost 2 acres. They widened the lots which increased the building envelopes.
- Showed the 5+ acre piece that will be taken from the property for a lot line adjustment between the subject property and abutter Taudel at Map 3 Lot 057.
- The developer is not asking for percentage bonus.

Fire cistern: Mr. Nichols said he talked with the Fire Chief this afternoon, and they may end up moving the cistern down one lot or putting it in the center of the cul-de-sac. They are going to do the drainage studies and hopefully straighten out existing drainage issues that the Belperrons (Map 3 Lot 054-001-020) have.

Mr. Greenwood explained what the yield plan does is show the number of lots that are allowable for a traditional subdivision. He said the applicant has done a good job showing what a conventional subdivision would look like on the property. In answer to questions by the Board Mr. Greenwood said if the Planning Board agrees that the 14-lot yield plan meets the requirements of open space plan they need to make the agreement for the number of lots per the yield plan and approve it so the project can go forward as an open space subdivision. Mr. Greenwood stated that it is his opinion the developer has met all requirements of the open space plan.

In answer to a question from abutter Mrs. Sequino relative to wetland protection Mr. Nichols said that the conservation easement should protect the wetlands that borders her property. He added that there is a 50' buffer that will go along the property line and the exterior of the property.

Mr. Barham noted that the applicant has:

- Submitted a Conditional Use permit application with the yield equation and environmental resource yield plan for technical review.
- Filed the plan with the Town of Fremont's Conservation Commission for review and comment.
- Paid appropriate public notice fees as specified in Section 5, and shall provide all required materials and information required for public notice per Section 3.
- Submitted to the Planning Board a written document, and supporting materials as required, that argues the merits of their application as it pertains to all the following issues;

Mr. Greenwood said the town has a conditional use permit in the Zoning Regulations which mirrors in the Subdivision Regulations. He added that he has reviewed the plans submitted and they meet the called out requirements for the conditional use permit. He said he found the plan also meets the requirements of the subdivision regulations. His concern was relative to section

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that says “no additional expense to the town” stating that there is no guarantee there will not be added expenses, but they would not exceed that of a conventional subdivision.

The Board went through Zoning Article XVIII Sections 10. 8, 10.9 and 10.10 of the Fremont Zoning Ordinance and Article 2 Section II-C of the Subdivision Regulations.

(see both attached with these minutes)

In answer to additional questions relative to the road and wetland areas Mr. Nichols said that the road fits inside of the existing tree line. Mr. Smith added that the road is between the prime wetland buffer and the wetland itself. Mr. Greenwood said there are natural resources on the property that are not going to be impacted by human activity because the developer has designed the subdivision so that the area of development are predominately upland and the wetland features are protected. He said those areas that are offered by the developer as open space are actually upland open space. Mr. Nichols offered that almost 50% of the 53 acres of open space left after the proposed lot line adjustment is upland.

Mr. Karcz voiced concern about the building envelopes on the 2 smallest lots in relation to space for other structures such as garages and sheds.

Abutters comments and concerns as follows:

- Mrs. Janzingers – 161 Beede – asked how the parking area on Beede Hill Road for the conservation trail would impact her driveway and how close to her property are the cars going to park. Mr. Smith showed the location of the parking area, including a buffer area, on the plan and Mr. Nichols said that all parking will be on the parcel.
- Mrs. Cote asked if this is the same builder who built the Spaulding Road subdivision. Mr. Smith answered that although this development will be an extension of Spaulding Road, this is a different lot and not the same developer.
- Mrs. Sequino said she wants a guarantee that once the subdivision is approved the conservation easement area is never to be developed.
- There was a question of an abutter paving his driveway and also the area of the town easement. Mr. Downing said the landowner can only pave what is on his property and not the town easement.
- The existing cul-de-sac; Mr. Nichols said the cul-de-sac was always 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.
- Guard rails and streetlights; Mr. Nichols said there are no guard rails and streetlights planned.

Other abutter concerns were relative to:

- Maintenance of the trail from the Beede Hill Road entrance; The developer said it is to be gravel and gated.
- Value of houses to be built: Mr. Gove said that the homes to be built in the new subdivision will be similar to those in Coopers Forest. The value will be market driven.
- Tax impact

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In answer to questions about the location of the Taudel property exchange, Mr. Nichols and Mr. Smith showed the exchange area on the plan.

Mr. Barham asked if anyone else has comment. There were none.  
Mr. Barham closed the hearing to the public and the Board discussed the application.

The Board continued further review of some of the submitted material required above and of the Open Space Preservation Development Ordinance and the Conditional Use Permit standards of the Subdivision Regulations.

Mr. Karcz made the motion that the application of Stratham Acquisitions, LLC.; /Bank of New England for Conditional Use Permit for a potential 14-lot Open Space Design (OSPD) Subdivision for property located at Map 3 Lot 056, between Spaulding Road and Beede Hill Road, Fremont NH. meets the requirements of Subdivision Regulation Article 2 Section II-C, therefore the application shall be granted in accordance with Article XVIII Sections 10.8, 10.9 and 10.10 of the Fremont Zoning Ordinance.

Motion seconded by Mr. Downing with unanimous favorable vote 5-0-0-0-0; Mr. Barham- yes, Mr. Karcz – yes, Mr. Downing – yes, Mr. Hunter – yes, and Mr. Kohlhofer – yes.  
Mr. Barham declared the Conditional Use Permit granted.

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

#### REGIONAL IMPACT

Mr. Greenwood distributed information relative to determining of development with regional impact.

#### RULES OF PROCEDURE

The Board previously received copies of the current Planning Board Rules of Procedure and those suggested by the OEP. The Members agreed to further review them at their leisure so they can be discussed and possibly modified at the next meeting.

#### MEMBER

Mr. Barham asked Mr. Kohlhofer if he wishes to move from Alternate to full Planning Board Member. Mr. Kohlhofer agreed that he would like to be a full Board Member.

Mr. Karcz made the motion to request that the Selectmen appoint Mr. Kohlhofer as a full Planning Board Member.

Motion seconded by Mr. Downing with unanimous favorable vote.

#### INCOMING CORRESPONDENCE

There was no incoming correspondence.

Mr. Karcz made the motion to adjourn at 9:15 pm.  
Motion seconded by Mr. Hunter with unanimous favorable vote.

Next regular meeting: February 20, 2013.

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Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary  
ACTION ITEMS

From the January 23 meeting:

- Meade: Contact the owners of 102 Chester Road (Map 1 Lot 029) relative to making an appointment to meet with the Planning Board to discuss the activity at his property. Completed.  
Bolduc: Contact Chris Silk about his PB Alt status.

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		