



FREMONT PLANNING BOARD

April 17, 2012

Meeting Minutes

Approved May 1, 2013

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

Mr. Barham opened the meeting at 7:15 pm.

MINUTES

Mr. Hunter made the motion to approve the minutes of the April 3, 2013 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote except for Mr. Karcz who abstained as he was not present at that meeting.

GALLOWAY EXCAVATION

Map 5 Lot 035

The Board has received the 2013 excavation renewal application from John Galloway for his excavation operation on Shirkin Road.

Mrs. Bolduc reported that Mr. Galloway has scheduled a May 1, 2013 appointment to meet with the Board to discuss activity at his gravel pit and the upcoming Engineer's review. She said that Martin Ferwerda of Governor's Forest has also made an appointment for that evening for the same purpose.

AMENDMENT- SUBDIVISION REGULATION

There was a discussion of the Board that the Subdivision Regulations have not been changed to reflect the amendment to RSA 674:39 relative to active and substantial development.

Mr. Hunter made the motion to add the following amendments to the Subdivision Regulations to the list of amendments that will be sent to public hearing on a date to be determined.

1. ARTICLE 2 SECTION 10. ACTIVE AND SUBSTANTIAL DEVELOPMENT

In accordance with RSA 674:39. The Board, at its discretion, may require all plans to include a note that shall specify the threshold level of work which shall constitute "active and substantial development or building" for purposes of fulfilling the requirements of NH RSA 674:39, I. ~~This threshold for "active and substantial development or building" must be reached within twelve (12) months of approval before the plan will be eligible for the four (4) year exemption, as provided in~~

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~~674:39, from subsequent changes in the Town of Fremont Zoning Ordinance, Subdivision Regulations, or Non-residential Site Plan Review regulations. The Board may extend this period for up to twelve (12) months only for good cause.~~

RATIONAL: This amendment would be to keep the Subdivision Regulations in sync with the changes made to NH RSA 674:39, I.

Motion seconded by Mr. Kohlhofer with unanimous favorable vote.

AMENDMENT- ZONING ORDINANCE

The Board discussed the discrepancy between:

1. Subdivision Regulation Article 3 Section 9-D (Open Space Requirements - Tree Planting)
*“The planting of shade trees within all subdivision layouts where residential, commercial, or industrial development is to take place **may** be required of the developer who shall supply planting plans to the Board. The planting plans of shade trees within proposed or accepted rights-of-way must be submitted to the Conservation Commission and receive its approval before planting.” And*
2. Zoning Ordinance XVIII 10.11 (e) (Open Space Standards)
*“Landscaping: Common areas (such as community greens, cul-de-sac islands, and along both sides of new streets) **shall** be landscaped with deciduous shade trees.”*

It was generally agreed that because plantings may not always be advisable depending on the subdivision layout, and the Planning Board does not have the jurisdiction to waive a Zoning Ordinance, it would be better to try to change the zoning ordinance to “planting of shade trees **may** be required” than to change the Regulations to “**shall** be required”.

Mr. Hunter made the motion to add this to the list of Zoning Amendments to send to the voters in 2014. Mr. Kohlhofer seconded the motion with unanimous favorable vote.

CISTERNs

Mr. Nichols asked if the Board would like him to submit a detail for cistern design for possible inclusion in the Subdivision Regulations. The Members agreed that this would be helpful and thanked him for his offer.

BUILDING OFFICIAL/CODE ENFORCEMENT OFFICER

Mr. Meade said he had nothing to report to the Board at this time.

BEEDE SPAULDING, LLC,
(Formerly Stratham Acquisitions, LLC)
Map 3 Lot 56

PUBLIC HEARING Cont.

Present: Owner Frank Catapano/Beede Spaulding, LLC, (formerly Stratham Acquisitions, LLC.), Christopher Smith PE and Joseph Nichols PE with Beals Associates, Noah & Laura Nelson, abutters Thomas & Arlene Taudel, and Pierre Belperron.
Also present via conference phone was abutter Susan Belperron.

SUBDIVISION

Mr. Barham opened this Public Hearing at 7:30 pm and stated that this is a continuation of the April 3, 2013 portion of this Public Hearing which was continued to allow time for the

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Engineer to submit his review report and for the Conservation Commission to review the plan and offer comment.

The Board accepted and took jurisdiction of the plan on March 20, 2013. The 65 day clock expires on May 25, 2013.

Mr. Catapano has submitted \$1,750 toward his engineering escrow.

The Board received the following comments from the Conservation Commission.

The Fremont Conservation Commission has reviewed the plan and offered the comments: On Monday, April 1st, 2013 the Fremont Conservation Commission reviewed the application for a 14-lot concept Subdivision for property at Map 3 Lot 056 between Spaulding Road and Beede Hill Road. Owner Frank Catapano and Christian Smith, PE with Beals Associates were present to explain the application and answer the Commission's questions. It is the opinion of the Commission that the current application offers the least possible wetland impact and that the Commission's previous concerns that; 1) no land alteration or filling of wetlands and its buffer; 2) the existing hard pack road not be paved, sanded or salted; and 3) the existing hard pack road being gated and used for pedestrian traffic have been met. Furthermore, the Commission was agreeable with the offer to designate 52.97 acres for open space that will be deeded to the Town of Fremont for a Conservation Easement. This action will enhance protection of one of the Town's designated prime wetlands. The importance of not impacting the natural services provided by these wetlands cannot be over emphasized.

The Board resumed review of the subdivision plan set #NH 707 prepared by Beals Associates and dated January 2013, with a revision date of April 3, 2013 and stamped by CSS/CWS James Gove and LLS James Lavelle.

Mr. Nichols submitted that the Rockingham Planning Commission requirements have been addressed. Mr. Greenwood agreed that all of his concerns have been met.

- RPC #4: typo of the rear setback note to 30' has been updated.
- RPC #5: Note requirement of underground utilities was located on sheet 7 & 8 of 13 note 1, but for clarification it has been included it on the proposed subdivision plan Sheet 3 of 13.
- RPC #6: A planting plan will be created and the "active and substantial development or building" note updated. We will be changing the note to be reached within 24 months and 5 years for the exemption to match the RSA.

Road Length 1,449.18'

Mr. Nichols submitted that the stationing as shown on plan and profile sheets 7 of 13 & 8 of 13 shows a total profile length of 17+61.19 (1,761.19'). The length of the profile includes a portion of the existing road being 312.01' long. Station 0+00 is utilized to show existing conditions for the tie in point of road. The portion of the proposed road starts at station 3+12.01 (312.01'). The proposed road length is 1,449.18' which is under the required 1,500' under the Subdivision regulation section 10.02 (R).

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The Board reviewed the March 25 and April 17, 2013 comments and concerns from Town Engineer Dan Tatem of Stantec and the April 15, 2013 correspondence from Mr. Nichols and Mr. Smith addressing the concerns. (see file for all correspondences)
Mr. Nichols used the amended plan for a visual and walked the Board through as he addressed Mr. Tatem's concerns as follows:

General

1. Slopes have been revised to 4:1
2. Waiver included for the length of the cul-de-sac.
3. No actions required prior conditional approval for 14 lots granted.
4. 3 parking spaces located in the cul-de-sac and 3 parking spaces off Beede road have been provided. Where the parking is located within the cul-de-sac and open space area there is no requirements of easements. (add detail of parking off Beede Hill)
5. (Wetlands) Crossings are already in place under 2000-00859 during logging operations by previous owner.
6. We met with the Conservation Commission, and they voted to favorably endorse the proposed development. Our Client's attorney is working directly with town's attorney to draft the appropriate open space documents.
7. See Note # 6 Above (for easement)
8. Added note #8 to plan 1 of 12. This area will be protected from encroachment by the wetlands and there buffers. Any structures would impact the wetlands located along the open space property line.
9. Add note #12 to plan 3 of 12. (signage for access points to the open space parcel)
10. Add note #8 to plan 1 of 11 (markers to delineate the 50' "no-disturb" buffer along the rear of lots 1, and 7 through 14).
11. Discussed (lighting) in prior meetings there is to be no lighting. With the upgrades required to the trail and parking for the open space we feel that this should be adequate.
12. Updated plans (drainage pipe should be changed from RCP to HDPE N-12 pipe.)
13. Update plans (for specified headwalls)

Waiver Requests

14. No actions taken based on prior discussions. (75' radii)
15. Open space is based on field delineated and survey located wetland flags/data provided by previous survey/delineation.

Coversheet

16. Signature block is included on the cover sheet.

Lot Line Adjustment Sheets (removed)

17. Removed sheets 1 & 2 reference note for recorded lot line adjustment

Sheet 3 (revised to sheet 1)

18. Note # 7 was added specifying dimensions of monuments to be installed.
19. Waiver notes have been changed to "requested"
20. Easements have been added to the plan.
21. Frontage located on Beede Hill Road = 216.47'.

Sheet 4 (revised to sheet 2)

22. The area to be developed has been logged in the past, and there were no significant trees found.
23. Spot grades have been added

Sheet 6 (revised to sheet 4)

24. Added speed limit sign, and children playing sign to sheet 4 of 12. One-way traffic was discussed as a design option but alternative parking was designed to be located in the center of the cul-de-sac.
25. Driveway (lot 7) has been reduced to less than 250'.

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26. Lot # 1 has been updated to include an attached garage, and 10' x 12' deck to prove additional options can be available.
27. Drainage easement lines have been included on the proposed lay out sheet 4 of 11.
28. Planting plan added (along the roadway and inside the cul-de-sac).
29. Note # 8 added to sheet 3 of 12. (protective well radii are required to be located entirely within the lot lines).
30. Proposed tree lines have been added to the plan

Sheet 7 (revised to sheet 5)

31. Note 1 on sheet 5 of 12 has been revised (requiring that all of the above-ground utilities (i.e. transformers, splice boxes) are located on the back side of the swales, at least 15' away from the edge of pavement.)
32. Driveway culverts have been included on the plan. A spread sheet is included on sheet 6 of 11 showing the inverts.
33. Level spreader (on lot #1) has been removed from the "no-disturb" wetland buffer.
34. Temp. R.O.W. around cul-de-sac will revert to the homeowners. Loam and seed as proposed is appropriate.

Sheet 8 (revised to sheet 6)

35. Grading and rip-rap apron have been removed from the wetland buffer.
36. All driveways have been checked for proper sight distance. Lot # 5 driveway entrance was amended. Note #10 was added to sheet 5 of 12 stating all locations meet the 250' sight distances.
37. The fire cistern location was moved and does not require a drainage pipe in the new location.

Sheets 9 & 10 (revised to sheets 7 & 8)

38. A note was added to the sheets referencing the typical detail shown on sheet 10 of 11.
39. 8+00 to 9+50 test pits 12A-13B have an ESHWT >48" to >73", underdrains need not be required.
15+00 to 17+50 test pits 8A-10A have an ESHWT > 73" underdrains need not be required.
40. Cross section has been revised based on the updated location of the fire cistern.
41. Cross sections have been revised to reflect the actual grading in the area of the cul-de-sac.

Sheet 11 (revised to sheet 9 + added additional details sheet, sheet 10)

42. A document will be provided by the manufacture, certifying that the proposed fire cistern will not leak.
43. A bollard detail has been added.
44. The note has been revised to specify fiberglass vent screen.
45. Boulders have been added to the plan.
46. Specified parts and manufacture recommendation for installation (piping is supported at the concrete penetrations) has been inserted on the detail.
47. Units are pre cast to CSI manufacturer specification.
48. Revised to be FT-30x30al aluminum floodtight hatch supplied by CSI.
49. Detail and specification added to Note #3 under the tank for the proposed joint sealer.
50. Note #9 (specified on the detail) to describe the actual piping that is proposed in the drawing.
51. Note # 12 has been updated removing the words "pea stone".
52. Note # 20 has been updated to specify that leak test is completed prior to backfilling the tanks.
53. Note #23 has been revised to include compressive strength of the concrete.
54. The height of the vents have been revised to 48".
55. A parts list and detail have been included be provided for the anti-vortex plate, with all components specified.
56. A detail of the pipe transition has been included showing how the interior PVC piping is to be transitioned to the above-grade steel piping.
57. A different tank design has been utilized to remove the connecting pipes.

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58. A different tank design has been utilized to remove the connecting pipes.
59. A different tank design has been utilized to remove the connecting pipes no boots required.
60. A different tank design has been utilized no areas between tanks compartments.
61. All of Fremont's fire apparatus has an inv. at the steamer connection of 36" if the top of the hydrant is 30" this allows for 12" of pitch backwards and is less back strain on fire fighters. The Fire Chief approves of leaving the height as shown.
62. Location of suction based on discussion/site walk with Fire Chief and Deputy Chief. Designed to replicate cistern located on Eleanor's Way, Brentwood, NH.
63. All exterior piping has been updated to steel.
64. 4" Diameter (of fill piping) has been added to the detail.
65. Colors and Epoxy Paint specified on detail (for the above-grade piping).
66. Added note #7 (to show the below-grade piping must be specified to be coated with CIM 1000.)
67. A detail for the sight gauge has been added.
68. Note # 26 was added requiring a 2-week leak test.
69. 3 no parking/dry hydrant signs have been added to the plan
70. A 6" female w/ plug connection has been labeled.
71. Bollards have been revised to recommended 48" height
72. Notes have been changed (the Fire Chief or his designee be notified at certain points of construction).
73. Anti-floatation calculations for the tanks have been performed and are included.

Sheets 12 & 13 (revised to sheets 11 & 12)

74. Detail has been revised according to recommendations. (drainage)
75. Detail has been added to sheet 10 of 12. (driveway profile)
76. Notes in the construction have been revised (to show the use of 2" to 4" stone for the stabilized construction entrance.)
77. The typical detail has been revised to 3% cross slope.
78. Compaction notes have been added to the typical cross section & typical drainage trench details.

Drainage

79. The seeding specification has been updated on the plan sheet to remove the invasive species Birdsfoot Trefoil.
80. The Tc Path for Subcatchment #1, pre and post, has been revised to flow downhill.
81. The Tc paths are intended to depict the longest hydrologic route, not simply the longest time. The cited Tc's remain unchanged as we feel they are conservative and appropriate.
82. The Tc path for Subcat. #2 has been revised as requested.
83. The storage areas for elevations below the pipe inverts have been eliminated as suggested.

Mr. Tatem stated at the conclusion of his April 17, 2013 correspondence that he reviewed the new fire cistern plan and one revised plan submitted on April 16, 2013 and has the following comments:

1. There must be a note added to the plan addressing coating of steel piping inside of the tank.
2. On sheet 10 of 13, the Site Gauge Detail must include notes specifying the type of pipe to be used within the tank.

Waivers:

The Board reviewed the following updated list of requested waivers to the Subdivision Regulations submitted by Mr. Smith on April 8, 2013.

1. Article 3, Section 3.1 to allow Site Specific soils mapping and updated wetland delineation only over the developable portion of the parcel.

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Rational: We feel the waiver is justified as prior work done by Lavelle Associates (topographic survey and field delineated and survey located wetland boundary) was utilized for the approved yield plan. Accurate and updated wetlands and soils has been performed to verify the proposed lots meet the requirements of the Town of Fremont.

2. Article 3, Section 6.B.1 to allow the reduction of the proposed town well radius of 100' to the 75' required by NHDES.

Rational: We feel the waiver is justified as the 75' radius required by NHDES provides effective protective separation from the residential leach fields, and eliminates the need for easement encumbrances over parcels and /or open-space area.

3. Article 3, Section 10.02.R. Table 1 to allow the cul-de-sac to exceed the stated maximum of 800'.

Rational: We feel the waiver is justified as we have worked with the Road Agent and Fire Chief to provide a 12'-wide crushed stone emergency access from Beede Hill Road to the end of the proposed cul-de-sac. The compacted gravel will be placed over the existing previously prepped road bed and will be gated at both ends. In addition we are providing a fire cistern at the throat of the cul-de-sac for fire suppression.

4. Article 3, Section 10.03.F.5 to allow HDPE drainage pipe where Class III RCP is specified.

Rational: We feel the waiver is justified as the pipe material change was specifically required by the municipal Road Agent & the proposed drainage pipe is suitable for the proposed use.

Following some discussion, Mr. Karcz made the motion to approve the requested waivers to Article 3 Sections 3.1, 6.B.1, 10.02.R Table 1, and 10.03.F.5 of the Subdivision Regulations. Motion seconded by Mr. Hunter with unanimous favorable vote.

Active and Substantial Development:

It was unanimously agreed by the Board that "active and substantial" development for this project is defined as the road having been built as far as the binder coat with drainage in place and a letter of performance security received by the Town.

Further discussion:

Driveways:

Mr. Nelson, prospective buyer of lot 19 had questions relative to the driveway of that lot. Mr. Catapano said he contacted and met on site with the abutters whose driveways would be affected by the change when the existing cul-de-sac is removed. The current owner on lot 19, Jason White was contacted, but did not attend the site visit. Mr. Catapano said he would be glad to meet again to answer any questions.

Mr. Belperron asked what the new culvert near his property is going to look like. Mr. Nichols and Mr. Smith showed on the plan where the culvert that exists is going to be moved out and there will be another installed that will drain away from the Belperron front yard which will help to alleviate ponding.

Loam & seed for the existing cul-de-sac (#34 on Tatem's letter). Mr. Barham said the developers have been actively working with the abutters and are working to address planting concerns. Mr. Catapano said he is willing to continue to work with the abutters.

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Cistern: Mr. Nichols showed where the cistern is proposed to be located inside of the cul-de-sac.

New Trees: It was noted and agreed that no trees will be planted in the Town right-of-way.

Buffer: There was a discussion relative to a demarcation buffer between residences and the wetlands. Mr. Nichols said there would be markers so there would not be encroachment. Stone walls or a tree line were suggested and Mr. Smith said the Wetlands Bureau may have a problem with constructing the walls in the wetland buffer. Mr. Catapano said their plan is to use placards and not plant more trees where it is already heavily wooded. The Members agreed that placards would be fine.

Conservation Easement:

Mr. Karcz suggested placing a condition in the Conservation Easement that the Town had the right to extract water. He said he would let the Conservation Commission know this condition suggestion.

Mr. Greenwood noted that the Conservation Easement has not yet been seen and suggested that this happen before the Board issues approval. He said that there is an addition month before the 65-day clock runs out and he advised that the Board use it.

Following some further discussion by the Board relative to conditions of approval, Mr. Hunter made the motion to conditionally approve the requested fourteen (14) lot open space subdivision for Beede Spaulding, LLC for Map 3 Lot 056, in Fremont, New Hampshire, based on the information presented and pursuant to plan #NH-707 prepared by Beals Associates and dated January 2013, with a revision date of April 3, 2013 and including all approved waivers. The following conditions must be met before the Mylar is signed and recorded.

- Execution and conveyance of the completed conservation easement to the satisfaction of the Town of Fremont with all associated costs the responsibility of the applicant.
- Receipt of State Subdivision Approval.
- Receipt of the final sign off letter by the Town Engineer.
- The record number for the Lot Line Adjustment added to the plan.
- The bond amount as determined by the Town Engineer is to be in place and proof of posting of all bonds and escrows submitted.
- All fees due the Town of Fremont and its consultants paid in full.
- The provisions of RSA 676:17 shall apply.

Motion seconded by Mr. Karcz with unanimous favorable vote

At 9:05 pm Mr. Hunter made the motion to close this public hearing.

Motion seconded by Mr. Karcz with unanimous favorable vote.

At this time those present and on the conference phone for this public hearing left the hearing.

BEEDE SPAULDING, LLC, LOT LINE ADJUSTMENT
(Formerly Stratham Acquisitions, LLC)

The Board received and reviewed the mylar and plans for the recently approved Lot Line Adjustment between Beede Spaulding, LLC (Map 3 Lot 056) and Thomas & Arlene Taudel (Map 3 Lot 057). The mylar was preapproved at the Registry of Deeds and the applicant has submitted the proper recording fees.

With authorization by the Board, the mylar and plans were signed by the Chairman and Secretary and will be recorded at the Rockingham County Registry of Deeds within 3 business days.

LEGISLATIVE BILLS

The following bills are among those introduced for the 2013 Legislative Session. Mrs. Bolduc will follow these bills and report any results to the Board.

- Senate Bill 49: This bill provides for appeals of planning board decisions concerning a subdivision or site plan to the board of adjustment prior to appeal to the superior court.
- Senate Bill 50: relative to expiration of variances and special exceptions.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

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

Next regular meeting: May 1, 2013.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

None at this time.

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.

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- 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		