



**FREMONT PLANNING BOARD**

**July 24, 2013**

**Meeting Minutes**

Approved August 7, 2013

Present: Chairman Roger Barham, Vice-Chairman John (Jack) Karcz, Members John (Jack) Downing, Selectman Brett Hunter, Alt. Phillip Coombs, Building Official Bob Meade RPC Circuit Rider Jenn Rowden, and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham opened the meeting at 7:00 pm and appointed Alt. Coombs as a voting member for tonight's meeting in Mr. Kohlhofer's place.

**MINUTES**

Mr. Karcz made the motion to approve the minutes of the July 10, 2013 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote except for Mr. Coombs who abstained as he was not a member at that time.

Selectman Brett Hunter joined the meeting at 7:05 pm.

**MERRILL/FREMONT PARK EXCAVATION**

Map 4 Lot 015, Beede Hill Road

Merrill/Fremont Park (Beede Hill Road, Map 4 Lot 015)

The Board reviewed a packet of information sent by Jonathan Merrill of the screening equipment that is used at the Merrill Excavation site. Although the machinery is larger than the Board generally anticipated they felt that should not be a problem as long as the neighbors are not bothered by the noise generated by the equipment. It was decided that Mrs. Bolduc would send Mr. Merrill a letter reminding him that a condition of his approval is reasonable screening is allowed so long as it doesn't bother the neighbors.

Mr. Downing voiced objection to allowing any more material to be brought into the site. It was noted that there is a condition in the Excavation Permit Renewal does not allow additional material to be brought in.

Mrs. Bolduc reported that on July 23, 2013 Steven Caputo of Merrill Construction contacted her to advise that he is working on submitting the \$20,000 cash bond that Jonathan Merrill agreed to submit at the June 19, 2013 meeting and is a condition of his approval.

BEEDE SPAULDING, LLC,  
Map 3 Lot 56

Conservation Deed Restriction: The Board reviewed the draft of the Conservation Deed Restriction document for the Spaulding Beede subdivision that the Town Attorney and the Attorney for developer have been working on. This draft includes the Conservation Commission's recommended changes.

Referring to paragraph 2 in section 3 of the proposed deed, Mr. Karcz said he thinks the Selectmen, and not the Conservation Commission, should determine that proposed activities shall minimize detrimental impacts on the Conservation Purposes in Section 1.

After some further conversation, Mr. Karcz made the motion that the Planning Board approve and recommend the language in the Conservation Restriction Deed for the Open Space portion of the subdivision at Map 3 Lot 056 with the following changes.

- Change paragraph 2 in section 3 from "Town of Fremont Conservation Commission" to "Board of Selectmen", delete "shall", and change "determination" to "review". So the paragraph reads: *Construction or other improvements related to said withdrawal and/or removal activities may commence only after written approval of the "Water Extraction Plan" by the Town of Fremont Board of Selectmen, following the Conservation Commission's review that the proposed activities minimize detrimental impact on the Conservation Purposes in Section 1 above.*

Motion seconded by Mr. Downing with unanimous favorable vote except for Mr. Coombs who abstained.

#### Construction Monitoring Estimate

The Board received and reviewed Town Engineer Dan Tatem's construction monitoring estimate of \$16,181.20 for the Spaulding Beede project generated as per the monitoring frequency and approach that was discussed with the Road Agent during the July 16, 2013 preconstruction meeting. Also received was Mr. Tatem's July 17, 2013 cover letter explaining the estimate.

Mr. Karcz made the motion that the Planning Board recommend the engineering construction monitoring estimate as submitted by Mr. Tatem.

Mr. Downing seconded the motion with unanimous favorable vote.

There was a conversation relative to whether the Town, or Board, should look into sending proposals for engineering services to other Engineer firms to bid. No decisions were made.

The Board received a copy of invoice #693906 in the amount of \$244.00 from Stantec for plan review services and a copy of a July 11, 2013 correspondence from Town Administrator Heidi Carlson to Treasurer Kimberly Dunbar relative to withdrawal of from escrow account to cover the invoice.

**Legal Services and Escrow Withdrawal:**

The Board received the following relative to legal services rendered on the Beede Spaulding subdivision:

- Copy of a July 8, 2013 invoice #52191 in the amount of \$1,480 from Soule, Leslie, Kidder, Sayward & Loughman for services rendered for the conservation restriction deed of the Spaulding Beede property, Map 3 Lot 056.
- Copy of a July 10, 2013 correspondence from Town Administrator Heidi Carlson to Treasurer Kimberly Dunbar relative to withdrawal of from escrow account to cover the invoice.

There was a conversation relative to whether there is an established escrow for the Spaulding Beede project and if legal fees and engineering costs should be included in the amount of the required escrow. Mrs. Bolduc said she is sure there is an escrow in place, but is not sure if it is for both engineering costs and legal fees and does not know how much is in it.

Mr. Karcz made the motion that Town Administrator Heidi Carlson is authorized to use her determination on the estimated amount of legal fees that needs to be incorporated into the engineering escrow if necessary.

Mr. Downing seconded the motion with unanimous favorable vote.

**JACOB'S COVE**

Map 1 Lot 098-1

The Board received:

- A copy of July 5, 2013 Stantec invoice # 703183 in the amount of \$206.39 for construction monitoring of the Jacob' Cove project.
- A copy of a July 10, 2013 correspondence from Town Administrator Heidi Carlson to Town Treasurer Kimberly Dunbar requesting withdrawal from Mr. Donigian's escrow to cover the Stantec invoice.

**SEACOAST FARMS**

Map 5 Lot 035

Mr. Meade reported that he met with the Board of Selectmen at their July 18, 2013 meeting relative to odor complaints at the Seacoast Farms site and a complaint of dumping along Shirkin Road. Mr. Meade said he visited the site and found that the windrows were 10' tall and the tailings pile is now a little mound and that the wind frequently changes direction. Mr. Meade reported that Mr. Kelly has done everything he had requested. After some conversation with the Board, Mr. Meade agreed to send a correspondence to Mr. Kelly to require that the gate be locked from now on, the tailings piles be at the required height of no more than 9', the windsock be in place, that there be no after hour trucking, and that the wells be monitored every 3 years with the first monitoring to be soon. Additionally, he will visit the site on a regular basis to be sure conditions are being complied with.

The protocol for reporting complaints was discussed and it was noted that it has been established that the procedure is for complaints to be filed with the Building Inspector, and if necessary (during BI off-hours); they be directed to the Fremont Police Department for

documentation. The NH RSA's list a process for complaining. Mr. Hunter said the State says odor is not a nuisance. Mr. Meade noted that there have not been many complaints recently. It was agreed that if Mr. Kelly is in compliance with the Site Plan approval and Best Management Practices there can be no offense.

#### SEACOAST UNITED SOCCER CLUB

Map 6 Lot 020-001

Mr. Barham reported that a July 18, 2013 letter was sent from him via certified mail to SUSC notify them that SUSC is in violation of condition #4 of the Site Plan approved in February, 2004, and that the Club is required to develop a revised Forest Management Plan that will bring them into compliance with the approved Site Plan and maintain compliance in the future. This correspondence was copied to the Fremont Board of Selectmen, Conservation Commission, Epping Board of Selectmen, Fred Lindahl, Christopher Albert, Jones & Beach Engineers, and Eben Lewis, NH DES

Mr. Barham reported that after the last meeting he realized the Forestry Management Plan was incompatible with the conditions of the Town so he expanded the letter to SUSC to say they would need to recraft the Forestry Management Plan to include restoration and continued maintenance of the buffer. The Members read and agreed with the letter.

#### FREMONT PEOPLES UNITED METHODIST CHURCH

Map 3 Lot 47

408 Main Street

Mr. Meade reported that on July 16, 2013 he and Fire Chief Richard Butler met with Reverend Steve Bascom and Sue Quaranta at the Peoples United Methodist Church to conduct a site visit to look over the sleeping area that is proposed to be used by the Church for overnight guests in conjunction with the Family Promise of Rockingham County homeless shelter program. As a result of the visit several violations to the building and life safety codes were found including no fire protection or fire walls, no hardwired alarms and many other issues. Mr. Meade said the Church building is over 100 years old and the annex is over 45 years old (built in 1965). Part of the issue is the codes will need to be complied with. Mr. Meade the State Fire Marshall has been notified of the commercial residential activity, but has not issued recommendations. They will do a code review on the building.

Mr. Meade advised that if the building were to be used for overnight guests, this would be considered a change of use because the use changes from a place of assembly to commercial residential for transient sleeping. It was agreed by the Members that if there is a change of use the Church would need to apply for a Site Plan Review.

Mr. Barham said there are two issues here:

1. A potential change of use to commercial residential from a place of assembly use which would trigger the requirement for Site Plan Review.
2. Non-compliance with building and life safety codes.

Mr. Meade agreed that he will write a letter to the Church relating that they need to comply with the requirements of the Towns Site Plan Review Regulations and address all existing life and safety concerns before they can undertake their change of use operation.

#### P/Z EXPENDITURE REPORT

It was noted that the mileage line of the current P/Z budget is overspent as of June 30, 2013 and there will be a need for funding for mileage used relative to travel for map and document printing and some upcoming training workshops.

Mr. Karcz made the motion to request a line item transfer of \$100 from line # 4191700 (Professional Services) to line # 4191210 (Mileage Reimbursement).

Motion seconded by Mr. Coombs with unanimous favorable vote.

#### BUDGET

##### 2014 BUDGET

Points discussed relative to the P/Z Budget line items included:

- Postage and advertising spending are mostly due to applications.
- The RPC Circuit Rider contract is \$8,690. At this time it is not known if there is going to be an increase for 2014.
- Increase the Mileage line to \$200 to reflect actual spending this year.
- Mrs. Bolduc anticipates that purchase of general office supplies will deplete the Office Supplies and the Office Equipment lines by the end of the year.
- For the Board to take advantage of outside professional services the funds must be available in the budget.
- For the Town to be eligible for a matching grant, the Town's portion must be Appropriated. However, the Targeted Block Grants (matching grants) through RPC are no longer offered.
- Combine the Professional Services and the Matching Grants lines. Mrs. Rowden agreed to research possible projects that the Board would need to do in the coming year such as which chapters of the Master Plan need updating. The Members agreed to submit the budget with the Professional Services and the Matching Grants lines as is pending the results of Mrs. Rowdens research and possibility of changing them when the Board meets to discuss the budget with the Selectmen.

Mr. Karcz made the motion to submit the 2014 Planning/Zoning budget request as outlined below subject to further changes.

4191030 Clerical	To be determined by the Selectmen	\$21,416
4191100 Postage		\$ 1,000
4191110 Office Supplies		\$ 600
4191200 Training Workshops		\$ 300
4191210 Mileage		\$ 200
4191250 Advertising		\$ 1,000
4191260 Office Equipment		\$ 200
4191310 Recording Fees		\$ 350
4191320 Printing		\$ 500

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4191500 Circuit Rider Planner	\$ 8,700
4191700 Professional Services	\$ 1,800
4191740 Matching Grants	<u>\$ 2,500</u>
	\$38,566

Motion seconded by Mr. Downing with unanimous favorable vote.

An appointment will be made with the Selectmen to present this budget request.

#### SUBDIVISION DEVELOPMENT AGREEMENT

The Members received and reviewed the draft of the Subdivision Development Agreement.

After some review and discussion, Mr. Karcz made the motion to accept and send the Subdivision Development Agreement draft to public hearing on a date to be determined. Motion seconded by Mr. Downing with unanimous favorable vote.

#### SITE PLAN REVIEW DEVELOPMENT AGREEMENT

The Members received and reviewed the draft of the Site Plan Review Development Agreement.

After some review and discussion, Mr. Karcz made the motion to accept and send the Site Plan Review Development Agreement to public hearing on a date to be determined. Motion seconded by Mr. Downing with unanimous favorable vote.

#### BUILDING OFFICIAL/CODE ENFORCEMENT OFFICER

Mr. Meade reported on the following:

- Permits were issues for:
  - 2 new manufactured homes
  - 1 addition
  - 3 septic systems for new homed on Kenniston Lane
- He went out to the Palmer Cleanout & Disposal business at 706 Main Street and found the operation seems to be beyond the home occupation requirements. He will send the Palmers a letter to this effect and advise them that they need to contact the Planning Board to discuss possible Site Plan Review.
- KTM: He found the used generator at KTM at 326 Main Street (Coopers Corner) to be compliant to the IBC and State Fire Marshall requirements and as a commercial endeavor it is not a concern. He advised that it needs to be kept quiet during off hours.
- Received: An e-mail from Heidi relative to Family Promise meeting with the Selectmen on Aug 1.

#### INCOMING CORRESPONDENCE

There was no incoming correspondence.

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Mr. Karcz made the motion to adjourn at 9:55 pm.  
Motion seconded by Mr. Coombs with unanimous favorable vote.

Next regular meeting: August 7, 2013.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

#### ACTION ITEMS

From the July 10 meeting:

Bolduc:

- Send the Beede Spaulding conservation restriction deed draft to the Board Members. Completed.
- Process approved excavation permit renewal for Merrill. Completed.
- Forward a copy of the Seacoast Farms portion of the rough draft of tonight's meeting to the Selectmen for discussion at their July 11 meeting. Completed.
- Forward the RPC Circuit Rider contract to the Selectmen for their signatures. Completed.

From the July 24 meeting:

Bolduc:

- Send the change in the Beede Spaulding conservation restriction deed draft to Town Counsel.
- Draft and send a letter to Merrill.
- Forward line item transfer request to Selectmen.

Meade:

- Send a correspondence to Mr. Kelly/Seacoast Farms relating the site requirements per tonight's meeting.
- Send a letter to the Church relative to compliance per tonight's meeting.
- Send Palmer Cleanout & Disposal business at 706 Main Street a letter relative to contacting the Planning Board to discuss possible Site Plan Review.

#### 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.

**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		