



FREMONT PLANNING BOARD
August 7, 2013
Meeting Minutes

Present: Chairman Roger Barham, Vice-Chairman John (Jack) Karcz, Members John (Jack) Downing, Andrew Kohlhofer, Alt. Phillip Coombs, Selectman Brett Hunter, 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.

As allowed by RSA 673:12, III Mr. Barham designated Alt. Coombs to fill a member vacancy on the board until the Board of Selectmen fills the vacancy.

MINUTES

Mr. Karcz made the motion to approve the minutes of the July 24, 2013 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote.

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

Mrs. Bolduc reported that Frank Catapano has submitted \$5,000 to add to the Beede Spaulding escrow account.

The Board received a copy of the August 6, 2013 NH DES Wetlands Bureau After-the-Fact Wetlands Permit Approval “ to retain 60 sq ft of impact within the bed and banks of 2 unnamed perennial streams for two 30-inch ADS culverts at two locations to upgrade an existing woods road to an emergency access route to serve a 14-lot residential subdivision of 76.4 acres with a parcel of 52.97 reserved as open space. “

FREMONT PEOPLES UNITED METHODIST CHURCH
Map 3 Lot 47
408 Main Street

Mr. Meade reported that he sent a letter to the Peoples United Methodist Church relating that he and Fire Chief Butler visited the Church to look over the sleeping area proposed to be used for the Family Promise of Greater Rockingham County shelter program several time per year for a week at a time. The Peoples United Methodist Church is one of several participating congregations to host to homeless families for a week at a time several times per year through

the Family Promise of Greater Rockingham County. Mr. Meade added that in his correspondence he advised that before the Church can undertake their change of use operation by allowing overnight guests they need to comply with the requirements of the Towns Site Plan Review Regulations, submit a review and plans by a design professional, address all existing life and safety concerns, and have a review by the State Fire Marshall. Using the building for overnight guests would change the use from a place of assembly to commercial residential. They went to the Church in Chester and their Code Enforcement Officer said that the State Fire Marshall has determined that people sleeping in a church is indeed a change of use. The letter the Fire Marshall issued to Salem was that it was a change of use and they need to work with the local code enforcement.

Mr. Meade also said he attended the August 1, 2013 Selectmen's meeting for a presentation by Sue Quaranta about the Family Promise of Rockingham County homeless shelter program. He also went into the Family Promise of Greater Rockingham County web site for more information on the program.

It was noted that Sue Quaranta has an appointment to meet with the Planning Board on August 21, 2013 for informational purposes.

SEACOAST FARMS Map 5 Lot 035

Mr. Meade reported that he is scheduled to meet Mr. Kelly at the Seacoast Farms site for a site visit on August 22, 2013.

Mr. Meade said he received a call from Renee King who advised that the gates to Seacoast Farms were left unlocked for several days in and he reported this to Mr. Kelly. Mr. Hunter said he checked the gate Saturday (August 3) and it was locked.

BUILDING INSPECTOR REPORT

Mr. Meade submitted his end-of-month report for July which included permits for 1 new home, 2 manufactured homes, 1 addition, 2 sheds, 2 decks and 7 renovations. He also issued 1 fine and 40 trade's permits. He is also waiting for Tiffany Lee Homes to pick up permits for a new home that he has reviewed.

Mr. Meade reported the following:

- He is planning to send Darlene Olson a letter reminding her of the October deadline for the mobile home at the site of the PJP excavation operation on Rt 107 (Map 2 Lot 151-2).
- He will send a letter to Palmer Cleanout & Disposal business at 706 Main Street (Map 2 Lot 149-1) relative to contacting the Planning Board to discuss possible Site Plan Review. He said he did not hear the conversation about this at the July 24, 2013 meeting so he did not know that he was supposed to do the contact.

LEGISLATIVE BILLS

The following bills are among those introduced for the 2013 Legislative Session. Mrs. Bolduc followed these bills and she reported the results and explained the impact of each one.

SB 49 - Signed by the Governor into law on July 3, 2013 and takes effect in 60 days (September 2, 2013)

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.

New Paragraph; Appeal of Planning Board Decisions. Amend RSA 677:15 by inserting after paragraph I the following new paragraph:

I-a.(a) Any aggrieved party desiring to appeal a decision of the planning board concerning a subdivision or site plan under this section shall first appeal to the board of adjustment any part of the planning board's decision that is appealable under RSA 676:5, III. If any party appeals any part of the planning board's decision to the superior court before all matters appealed to the board of adjustment have been resolved, the court shall stay the appeal until resolution of such matters. After the final resolution of all such matters appealed to the board of adjustment, any aggrieved party may appeal to the superior court, by petition, any or all matters concerning the subdivision or site plan decided by the planning board or the board of adjustment. The petition shall be presented to the superior court within 30 days after the board of adjustment's denial of a motion for rehearing under RSA 677:3, subject to the provisions of paragraph I.

(b) If, upon an appeal to the superior court under this section, the court determines that any matters contained in the appeal should have been appealed to the board of adjustment under RSA 676:5, III, the court shall issue an order to that effect, and shall stay proceedings on any remaining matters until final resolution of all matters before the board of adjustment. Upon such a determination by the superior court, the party who brought the appeal shall have 30 days to present such matters to the board of adjustment under RSA 676:5, III.

SB 50 – Variance/Special Exception expiration: Signed by the Governor into law on June 20, 2013 and takes effect in 60 days (August 19, 2013)

This bill provides for expiration of variances and special exceptions granted by the zoning board of adjustment.

Amend RSA 674:33 by inserting after paragraph I the following new paragraph:

I-a. Variances authorized under paragraph I shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.

Powers of Zoning Board of Adjustment; Special Exceptions. Amend RSA 674:33, IV to read as follows:

IV. A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules

contained in the ordinance. Special exceptions authorized under this paragraph shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.

SEACOAST UNITED SOCCER CLUB

Map 6 Lot 020-001

Present: Chris Albert of Jones & Beach, agent for SUSC

At 7:30 pm Mr. Albert met with the Board and submitted the following:

- A draft of the revised SUSC Wetland Restoration Plan. The original date on the plan is 11-18-2011 with revisions on 7-26-2012 to add stumpage locations and 8-5-2013 to show additional tree plantings. According to the plan these plantings consist of (8) 12' tall, (10) 10' tall and (25) 6' tall white pine trees which are to be installed in late summer of 2013.
- A copy of a July 23, 2013 e-mail correspondence from Eben Lewis of NHDES Land Resources Management relating that the requests from the Fremont Planning Board are not under the jurisdiction of DES.
- SUSC Outdoor Complex Rules update from the SUSC website restricting the use of air horns, music and amplified PA systems, along with some other restrictions. Mr. Albert said that there has been a timer for the lights installed that is set to automatically shut them off at 10:30 pm.
- An August 7, 2013 letter of response to the issues stated in the Board's July 18, 2013 letter.

Mr. Barham said he spoke with Mr. Lewis of DES whose only concern is monitoring for the wetlands issue for two seasons. Mr. Barham felt that accepting and recording the restoration plan would safeguard the Town by insuring the amendments to the plan. Mr. Albert suggested to amend the Conservation Restriction Deed to require that cutting of trees requires approval of the Town of Fremont and that the buffer area be maintained. Mr. Rowden said that amending (and recording) the Conservation Restriction Deed is a better idea and more protective than recording an amended site plan. In answer to a question by Mrs. Bolduc, Mr. Albert agreed that all cost of amending and recording the Conservation Restriction Deed, including all attorney fees for review are to be paid by SUSC. The Board agreed.

Mr. Karcz suggested SUSC monitor the plantings for 2 seasons to make sure they take. The Board agreed that the new plantings should be monitored at the time DES does their monitoring. Mr. Albert said it would take about 2 growing seasons to determine how well the plantings are growing.

Mr. Albert said the plantings will be done the end of August / Mid September. The Board agreed with Mr. Barham that once the planting is complete they would conduct a site walk.

Mr. Barham offered the following in summary:
The agreement consists of two elements.

1. Restoration Plan

- a. The amended plan details additional planting of 43 trees in the buffer area to be completed during August/September of 2013. These trees will be white pine 8', 10' and 12' in height.
- b. Upon completion of the plantings a site walk will be arranged for the Town and abutters.
- c. Jones and Beach are required by NH DES to monitor the results of the Forestry Management Plan annually for the next two years. During these annual surveys they will also monitor the results of the Restoration Plan and report their findings back to the Planning Board.

2. Conservation Deed Restriction Amendment

- a. The existing conservation deed restriction will be amended to include language that protects the natural buffer long term. These amendments will be drafted by the SUSC attorneys and agreed by the Town. All cost relative to completion and recording of the amendments will be the responsibility of SUSC.
- b. Amendment (1) will state that the natural buffer is to be maintained.
- c. Amendment (2) will state that the Town must be fully consulted and approve any future forestry management activities involving the cutting of trees.

Mr. Barham said he is happy with the planting proposals and the suggestion to amend the Conservation Deed Restriction.

Mr. Albert said he will contact the SUSC attorney to draft the amendment to the Conservation Deed which will need to be approved by the Conservation Commission, Planning Board and signed by the Selectmen.

Mr. Albert said he wants to report for the record that there are 14 big bully pine trees in Epping to be removed field 4. These trees are not in a buffer area and will be replaced with smaller trees. This will be completed before they will plant by field three in Fremont.

At 8 pm Mr. Albert thanked the Board and left the meeting.

REGIONAL MASTER PLAN

Mrs. Rowden reported dates and locations of the upcoming sessions for updates to the Regional Master Plan Updates. She related that topics include transportation, economic development and housing, land use, natural resources, energy & climate change, and cultural & historic resources. The Plan is advisory and serves to establish a set of goals about future development in the region as well as to serve as a resource document for communities in developing their Towns Master Plan. Mrs. Rowden urged the Members to attend or submit comments to the website or directly to her.

INCOMING CORRESPONDENCE

None

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Mr. Karcz made the motion to adjourn at 8:30 pm.
Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: August 21, 2013.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From the July 24, 2013 meeting:

Bolduc:

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

Meade:

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

Rowden:

- Research possible projects that the Board would need to do in the coming year. Completed.

From the August 7, 2013 meeting:

Meade:

- Send Palmer Cleanout & Disposal business at 706 Main Street a letter relative to contacting the Planning Board to discuss possible Site Plan Review.

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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 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	