



FREMONT PLANNING BOARD
August 21, 2013
Meeting Minutes

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

Mr. Barham opened the meeting at 7:00 pm.

At the August 7, 2013 meeting Mr. Barham designated Alt. Coombs to fill a vacancy on the Board until the Board of Selectmen fills the vacancy, as allowed by RSA 673:12, III. This designation remains in effect.

MINUTES

Mr. Karcz made the motion to approve the minutes of the August 7, 2013 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote.

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

The Board received:

- A copy of an August 7, 2013 invoice from the Town Attorneys law firm of Soule, Leslie, Kidder, Sayward & Loughman in the amount of \$370.00 for legal services rendered on the Beede Spaulding Subdivision and a copy of an August 13, 2013 correspondence from Town Administrator Heidi Carlson to Treasurer Kimberly Dunbar relative to withdrawal of from escrow account to cover the invoice.
- A copy of an August 12, 2013 correspondence from Town Administrator Heidi Carlson to Treasurer Kimberly Dunbar relative to withdrawal of \$1,456.25 from escrow account to cover invoice # 711985 from Stantec for design review Engineering services.
- A copy of the August 13, 2013 Cistern Drawing Review for Beede Spaulding from Town Engineer Dan Tatem.

MERRILL/FREMONT PARK EXCAVATION

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

Mrs. Bolduc reported that the Town has received \$20,000 for the required bond for the Merrill Excavation operation. The Board received a copy of an August 12, 2013 correspondence from Town Administrator Heidi Carlson to Treasurer Kimberly Dunbar directing the \$20,000

received be posted as escrow into a new account. *Explanation: this represents replacement of a previously issued insurance bond for the work in accord with a court order.*

All conditions of the recent excavation permit approval have been met.

SEACOAST UNITED SOCCER CLUB
Map 6 Lot 020-001
No update.

BUILDING INSPECTOR REPORT

Mr. Meade reported:

- Seacoast Farms – He has let the Police Department know that the policy for complaints is to contact the police at times when the Code Enforcement Officer does not have hours. He has sent Mr. Kelly a letter relative to locking the gates.
- PUMC – Map 3 Lot 47: According to Chester Building/Code Enforcement Official Thom Roy the State Fire Marshall has ruled that people sleeping in a church is a change of use.
- Palmer: Map 2 Lot 149-1: He has sent a letter to Palmer Cleanout & Disposal business at 706 Main Street relative to Site Plan Review.
- Fences: There is no permit fee for fences. According to RSA 476 a fence over 5' tall can be considered a spite fence if it is erected for the purpose of annoying a neighbor. The IRC says a building permit must be issued for a fence 6' tall and over. There was a brief discussion about the law ruling fences and whether there should be a permit fee.

FREMONT PEOPLES UNITED METHODIST CHURCH

Map 3 Lot 47 - 408 Main Street

Present: Sue Quaranta, Dawn DiManna Jeff DiManna, Kim Ferrara, Barry Ferrara, Fran McKim, Susan Hancock, Shelley George, Richard Hartung and Attorney Ruth-Ellen Post.

Sue Quaranta of the Peoples United Methodist Church (PUMC) and liaison with Family Promise of Greater Rockingham County explained that Family Promise is an interfaith hospitality network. The Peoples United Methodist Church is one of several participating congregations to host homeless families for a week at a time several times per year through the Family Promise of Greater Rockingham County. She related that Family Promise of Greater Rockingham County is a national organization that makes efficient use of church buildings that are not used during the week. Overnight accommodations are limited to 14 guests and there are always 2 volunteers present. The organization uses volunteers and serves up to 4 homeless families at a time. Children must be involved and they have a bus that picks up children and takes them to the schools they are enrolled in. Ms. Quaranta added that right now there are 10 children and 4 adults in the program.

Sue Hancock said she is a volunteer and host coordinator from Derry and is a liaison from the center to Calvary. She said she got involved in Family Promise because she saw first hand the need for aid to the homeless children. Ms. Hancock said they are working with other Churches for the program. She added that they needed to make safety modifications to their church per

the Fire Department requirements, but did not need to go to planning and zoning for anything in that town. She said they notify the Fire Department before their host week.

Ms. Quaranta related that there are no homeless shelters in Rockingham County and that Family Promise has a waiting list of about 20 families at this time.

Mr. Meade said that he understands the Fremont Church has been used for overnight guests 2 times and they did not notify the fire department either time. Ms. Quaranta said they contacted the police.

Mr. Meade said for overnight use the building would need fire walls. Family Promise 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 use changes from a "place of assembly" to "commercial residential". Mr. Meade the State Fire Marshall issued a letter to Salem advising the same and they would need to work with the local code enforcement.

Ms. Quaranta agreed that for fire safety purposes it would be a change of use. Mr. Meade quoted section 1.8 of the Fremont Site Plan Review Regulations which state in part:

The Planning Board shall require site plans to be submitted to it for review by any applicant seeking any of the following:

- A. The development and/or construction of any non-residential use and/or venture with a commercial purpose.*
- B. The conversion (change) or enlargement (expansion) of use of any existing non-residential use.*
- C. The change within a structure from one permitted use to another permitted non-residential use.*

Mr. Barham explained that any change of use triggers Site Plan Review. In answer to a question of how often the building was to be used he said the operation frequency has no bearing and it would still require site plan review. Mr. Barham said Mr. Meade and Fire Chief Butler have issued a letters of deficiencies that would need to be addressed and complied with.

Attorney Ruth Ellen Post spoke for the Church. She related that the Family Promise organization sharply limits overnight guests and that they are families only and many of them are children. They service three to four families for 4 weeks per year. (this represents 7% of the time) She stated that adult guests are background checked, food is brought in and there is no cooking or food preparation done at the site. Attorney Post said the changes suggested by Mr. Meade are similar to the requirements of other towns. There would be no impact to the site as there would be no changes made to the site relative to parking or traffic and no new buildings. She said there is no justification for the burdensome and costly process of Site Plan Review. They have been through the process with 7 Towns and they have all approved this use without requiring Site Plan Review. She feels Site Plan Review is inappropriate and burdensome for this purpose. Attorney Post said they are happy to work with Mr. Meade and

Chief Butler to assure that building and fire codes are met. Attorney Post said they have no problem with the safety requirements, except for 2-hour fire walls, and are happy to comply. She cited The Religious Land Use and Institutionalized Persons Act (RLUIPA) and explained that this is an act that congress adopted in 2000 to protect religious institutions from unduly burdensome or discriminatory land use regulations. She said the municipality must prove compelling government interest like safety and if so it should be the least restrictive possible. She related that Family Promise is a faith-based activity hosted by Churches. Attorney Post said they understand safety requirements and are ready to comply. She believes they should work with the Code Enforcement Officer and Fire Chief for safety, but Site Plan Review is costly and not appropriate. She asked the Board to let them comply with the safety requirements only.

Mr. Meade noted that this is a discussion and not a public hearing. He said he believes sleeping and religion are not the same thing.

Mr. Barham explained that Fremont recognizes minor Site Plan Reviews and the process was discussed. Relative to what would be required, Mr. Barham offered that the Board would accept a drawing and not require a surveyed plat that would include hiring an architect or show contours. Mr. Meade suggested the use of a Google map image for the plan submission. Mr. Barham said for the Church should be able to submit an acceptable application with not be a lot of effort on their part and he offered to help with creating a plan. He said the Board will try to make it as simple as they can. Mr. Meade also offered to help any way he can.

Mr. Barham suggested that a Church representative schedule a meeting with Mrs. Bolduc to go over the minor Site Plan Review process.

There was a question of reducing application costs and it was noted that they could not be reduced because money paid for applications is actually spent out for newspaper advertising, abutter notification and administrative costs.

There was a question of whether a building permit could be issued. Mr. Meade said he could issue a permit for improvements that 1) are not depending on people sleeping in the building and 2) that has nothing to do with Site Plan Review. It was noted that there will be no setback issues provided the second egress is out the front of the building and not the side as previously discussed.

Mrs. Ferrara will meet with Mrs. Bolduc next week to go over the Site Plan Review application and process.

At 8: 35 pm the group from the Church thanked the Board and left the meeting.

PZ EXPENDITURE REPORT

The Board received and reviewed the P/Z Expenditure report for January 1 – July 31, 2013.

INCOMING CORRESPONDENCE

Received:

- Notice of the NH Municipal Law Lecture Series for various locations and dates.

Mr. Karcz made the motion to adjourn at 9:00 pm.

Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: September 4, 2013.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

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.

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		