



**FREMONT PLANNING BOARD**  
**September 18, 2013**  
**Meeting Minutes**

Present: Chairman Roger Barham, Members John (Jack) Downing and Andy Kohlhofer, Selectman Brett Hunter, Alt. Phillip Coombs, RPC Circuit Rider Jenn Rowden, 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. Downing made the motion to approve the minutes of the September 4, 2013 meeting as written.

Motion seconded by Mr. Hunter with unanimous favorable vote.

**BEEDE SPAULDING, LLC,**  
Map 3 Lot 56

The Board received:

- A copy of a September 9, 2013 invoice from the Town Attorneys law firm of Soule, Leslie, Kidder, Sayward & Loughman in the amount of \$111.00 for legal services rendered on the Beede Spaulding Subdivision and a copy of a September 11, 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 a September 12, 2013 second cistern report from Town Engineer Dan Tatem outlining outstanding comments that have not been addressed.

**SEACOAST UNITED SOCCER CLUB**  
Map 6 Lot 020-001

The Board received a copy of the September 5, 2013 monitoring report with photos submitted to DES by Christopher Albert on behalf of SUSC as required by condition 14 (plantings report) of the Restoration Plan Approval issued by DES:

#### PLANNING BOARD PROJECTS FOR 2014

Mrs. Rowden and the Board discussed the list of projects and potential funding sources she had submitted at the last meeting for the Board to review. This list included:

- Updating the numbers in the Housing Chapter of the Master Plan. Mrs. Rowden said this is something she can do within her normal Circuit Rider contract.
- Update or delete the Growth Control Chapter of the Master Plan. Mrs. Rowden said this is not something she can do within her normal Circuit Rider contract.
- Finish the Energy Chapter of the Master Plan.
- Review the stormwater regulations. Mrs. Rowden said this is something that could be funded 100% through an RPC collaborated project on "Green Infrastructure". There was a conversation relative to the State law and our regulations relative to green infrastructure. Mrs. Rowden said the way the regulations are currently written new regulations would go into effect within a year plus 90 days. She will talk with Julie LaBranche to find out if this could be done through the RPC Collaborated project.

Mr. Kohlhofer suggested the EPA only has authority over interstate navigable rivers and because the Exeter River is not an interstate navigable river the EPA has no authority to require a stormwater regulation. Mrs. Rowden noted that the regulation would still be good for the water quality of the river. Mr. Meade suggested that if we can get the regulation drafted for no money we should. Ms. Rowden said that someday the regulations would apply. She said the next application round will be in the spring of 2014.

Mrs. Rowden advised that RPC does have some grant funds that require 25% contribution by the Town and this can be used for amending a chapter or two of the Master Plan. It was agreed this should be used to update and finish the Energy Chapter and update the Growth Control Chapter. It was agreed that Ms. Rowden would get a contract quote from RPC for finishing the Energy Chapter of the Master Plan and update the Growth Chapter.

#### 2014 BUDGET

Mrs. Bolduc reported that the Selectmen have reviewed the P/Z budget request and recommended cutting \$2,000 from the Matching Grants line. The Budget Committee has also reviewed the P/Z budget and is recommending the same. So the Selectmen and Budget Committee recommended 2014 P/Z budget is as follows:

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
4191500 Circuit Rider Planner		\$ 8,700
4191700 Professional Services		\$ 1,800
4191740 Matching Grants		<u>\$ 500</u>
		\$36,566

It was noted that the Board did not have a chance to meet with the Selectmen relative to the 2014 P/Z budget before they made their recommendation to the Budget Committee. There was a discussion relative to the Members agreement at their July 24, 2013 meeting to submit the budget with the Professional Services and the Matching Grants lines as is with the possibility of combining them when the Board meets to discuss the budget with the Selectmen.

#### P/Z EXPENDITURE REPORT

The Board received and reviewed the P/Z expenditure report as of August 31, 2013.

#### PALMER CLEANOUTS & DISPOSAL, LLC

Timothy and Geraldine Palmer

706 Main Street, Map 2 Lot 149-01

Present: Owner Geraldine Palmer

At 7:30 pm Mrs. Palmer met with the Board to discuss the scope of her cleanout & disposal business and for the Board to decide if the business fits the criteria of a home occupation or, if not, whether it warrants the Site Plan Review process and conditional use permit at this time.

The Site Plan Review Regulations were adopted in 1989. Per section 1.8 of the Regulations, Site Plan Review is required of any party who; 1) seeks to develop and/or construction any non-residential use and/or venture with a commercial purpose or; 2) cause conversion (change) or enlargement (expansion) of use of any existing non-residential use.

Mr. Barham said the file indicates that Palmer Cleanouts & Disposal business was started in 2005 and Site Plan Review was required, but not secured.

Mr. Barham said the file also indicates that in September of 2006 the Palmers met with the Planning Board relative to their business operation and at that time they were told that because the residence was being used for a business, under the current regulations they would need to go through the Site Plan Review process. At that time the Board ruled, and the Palmers were notified, that this proposed business would be considered a commercial use, and the property is located in the Aquifer Protection District, therefore the owners would need to secure a Special Exception from Article XI (Aquifer Protection District), under allowed uses, from the Zoning Board of Adjustment before the Site Plan Review could begin.

#### *ARTICLE XI (AQUIFER PROTECTION DISTRICT)*

##### *1. Section 4 (Prohibited Uses):*

- a. Disposal of solid waste including brush or stumps*
- b. Storage and disposal of hazardous waste*
- j. All on site handling, disposal, storage, processing or recycling of hazardous or toxic materials*

##### *2. Section E-6-1 (Special Exceptions) The following uses are permitted as Special Exceptions (in compliance with Town Zoning Ordinance):*

- 1. Industrial and commercial uses not otherwise prohibited in Section E.4 of this Aquifer Protection Ordinance*

Mr. Barham made it clear that he was not saying that she cannot run the business, but she does need to go through the process to be zoning compliant and then obtain Site Plan Review from the Planning Board. The Site Plan Review process was explained and Mrs. Palmer said her neighbors do not mind her business being in the neighborhood. She added that it does not affect them in a bad way and she thinks they are all ok with it. Home occupancy was discussed. Mr. Barham noted that the business is not compliant with the criteria of the Home Occupation Ordinance (Article XVIII Section 9 of the Fremont Zoning Regulations) which was adopted in March of 2007.

Mr. Coombs said the Site Plan Review requirement is not an attempt to slow or stop the business, but is a way for the Planning Board to review and monitor a commercial business.

In answer to questions by the Members, Mr. Palmer said she has just bought a third truck to be used for hauling dumpsters from private properties to Best Way in Raymond. Mr. Barham said the dumpsters are nicely managed, but there is some concern about the sale of items in the road right of way at the end of her driveway. Mrs. Palmer said she sometimes brings items to her property and has them in her yard for a day or two. Mr. Barham said the business seems to be growing and Mr. Palmer agreed. She said she just wants to run her business and do what's right.

In answer to a question by Mrs. Palmer Mr. Barham said there is no fine, but he said she has been running the business without proper permitting and needs abide by the requirements of the Town. Mr. Barham suggested that the Board require Mrs. Palmer to submit an application to the ZBA within 30 days from today's date – October 19, 2013; and further to require that she submit an application to the Planning Board for Site Plan Review within 30 days from the date of the ZBA approval should she be successful with that Board. The Members and Mrs. Palmer agreed with the timeline requirements.

## REGULATION AMENDMENTS

The Board reviewed the following regulations.

- **SITE PLAN REVIEW REGULATION AMENDMENTS**

The Board reviewed and discussed the modifications to the Site Plan Review Regulations that they agreed to at the last meeting.

Board questions of Dan Tatem per the last meeting and his answers (in *italics*) below:

- Currently 1.15.L says “Drives and Parking areas...” Did you mean to not include “drives” in the replacement verbiage? if so why? *Drives can be added into the text. The Members agreed to add “drives” back in.*
- Did you mean to not include ADA parking spaces? *ADA regulations can change. So, I don't think the regs should say a specific number of spaces are required but you can add “All parking lot designs must consider the current ADA regulations, as required by the State of NH”.* **The Members agreed to add the suggested line.**
- Did you mean to not include space for deliveries? *Yes, these spaces can be so variable, I would recommend that the applicant demonstrate that appropriate space has been provided for the anticipated delivery needs on a case by case basis.*

**The Members agreed to add “The applicant must demonstrate that appropriate space has been provided has been for anticipated delivery needs”.**

At the conclusion of the review Mr. Downing made the motion to accept and send the agreed Site Plan Review Regulation amendments to public hearing at 7:00 pm on October 23, 2013. Motion seconded by Mr. Kohlhofer with unanimous favorable vote except for Mr. Coombs who abstained.

- **SUBDIVISION REGULATION AMENDMENTS:**

The Board reviewed and discussed the modifications to the Subdivision Regulations that they agreed to at the last meeting.

At the conclusion of the review Mr. Downing made the motion to accept and send the agreed Subdivision Regulation amendments to public hearing at 7:00 pm on October 23, 2013.

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

Mr. Downing made the motion to include in the 7:00 pm October 23, 2013 Public Hearing the following:

- Amendment to Subdivision Regulation Article 2 Section 10 as approved at the April 17, 2013 meeting.
- Amendment to the Vision Chapter of the Master Plan as approved at the June 19, 2013 meeting.
- Site Plan Review Development Agreement as approved at the July 24, 2013 meeting.
- Subdivision Regulation Development Agreement as approved at the July 24, 2013 meeting.

Motion seconded by Mr. Kohlhofer with unanimous favorable vote.

#### **BUILDING INSPECTOR REPORT**

Mr. Meade reported:

- He is scheduled to go out to Seacoast Farms on Tuesday to meet with Mr. Kelly on site. He received a complaint of a truck speeding down Shirkin Road. Mr. Kelly said it was not one of his.
- He sent a letter to Darlene Olson relative to the deadline for removal of the mobile home on the site of PJP gravel operation.

#### **CIP**

Mr. Barham reported that he is scheduled to meet with Gene Cordes next week to discuss establishing a CIP Committee and plan.

#### **ZONING ARTICLE XVIII**

The Board discussed some conflicts between the article and Subdivision Regulations. They also discussed Article XVIII Section 10 (Open Space Preservation Ordinance) and some conflicts between the article and Subdivision Regulations including increased lot density

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when wetland is involved. Mrs. Rowden agreed to draft some verbiage for some minor revisions to that ordinance.

#### REGIONAL MASTER PLAN

Mrs. Rowden reminded the Members of the Regional Master Plan. She related dates and locations of the upcoming sessions and urged the Members to attend or submit comments to the website or directly to her.

#### INCOMING CORRESPONDENCE

There was no incoming correspondence.

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

Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: October 2, 2013.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

#### ACTION ITEMS

From the September 4, 2013 meeting:

Barham:

- Meet with Gene Cordes relative to the CIP and report the results back to the Board.

Rowden:

- Make the agreed modifications to the amendments to the Site Plan Review and the Subdivision Regulation for the Board to review. Completed.
- Find out if updating the Growth Chapter of the Master Plan is something she can do within her normal Circuit Rider contract. Completed.
- Talk with Julie LaBranche to find out if a review the stormwater regulations could be done through the RPC Collaborated project.

Rowden and Bolduc:

- Review Article XVIII of the Zoning Ordinance for conflicting items.

From the September 18 meeting

Rowden:

- Draft some verbiage for some minor revisions to Article XVIII Section 10 (Open Space Preservation Ordinance) of the Zoning Ordinance relative to increased lot density when wetland is involved.
- Talk with Julie LaBranche to find out if a review the stormwater regulations could be done through the RPC Collaborated project.
- Get a contract quote from RPC for finishing the Energy Chapter of the Master Plan

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and update the Growth Chapter.

Bolduc:

- Draft notice for the October 23, 2013 Public Hearings.

Barham:

- Meet with Gene Cordes relative to the CIP and report the results back to the Board.

**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. Completed.
- Energy Chapter of MP – Funded through the Energy Technical Assistance Program (ETAP) (no Town cost-share). Completion date of April 30, 2012. Pending as of this date.

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	Completed							Contract Completion date
MP Energy Chapter	Pending					Completion date		