



FREMONT PLANNING BOARD
December 18, 2013
Meeting Minutes

Present: Chairman Roger Barham, Vice-Chairman John (Jack) Karcz, Members Jack Downing and Andrew Kohlhofer, 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 7:05 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 December 4, 2013 meeting as written. Motion seconded by Mr. Coombs with unanimous favorable vote.

PALMER CLEANOUTS & DISPOSAL, LLC
Timothy and Geraldine Palmer
706 Main Street, Map 2 Lot 149-01

The Board received a December 11, 2013 letter from Geraldine Palmer requesting a 30 day extension to the requirement that she submit a Site Plan Review application to the Board within 30 days of a ZBA approval. Mrs. Bolduc reported that on November 12, 2013 the ZBA approved a Special Exception from Article XI Section E-6-1 of the Fremont Zoning Ordinance to allow the continuance of a commercial operation at Mrs. Palmer's residence which is in the Aquifer Protection District.

Mr. Barham said Mrs. Palmer requested an extension for deadline submission because she had a hard time getting a to-scale plan so he is getting the plan for her.

Mr. Karcz made the motion to grant the extension for deadline for submission of a Site Plan Review application as requested by Mrs. Palmer from December 12, 2013 to January 12, 2014. Motion seconded by Mr. Downing with unanimous favorable vote.

Mr. Meade had a question of the location of the Palmer property line vs. the Copp Drive easement line. There was a conversation relative to Mr. Barham creating the plan for the Palmers and Mrs. Rowden suggested that when it came to a vote Mr. Barham may abstain so as to not create the image of conflict of interest.

SEACOAST UNITED SOCCER CLUB

Map 6 Lot 020-001

The Conservation Easement Deed Amendment has been signed and sent to the Registry of Deeds for recording.

Site Visit

On Friday December 6, 2013 at 2:00 pm the Board conducted a duly noticed site visit at the site of S USC for the purpose of viewing the plantings as per requirement of the Board. Present were Planning Board Member Jack Karcz, Building Official Bob Meade, Conservation Commission Member Leanne Miner, Chris Albert with Jones & Beach representing S USC, and abutters Fred & Lizanne Lindahl. The group consulted and viewed restoration plans that Mr. Albert and Mr. Meade had brought with them.

Mr. Meade submitted a written statement saying that the group saw some pines with dead needles and some more with many red needles. There were several broken conservation area signs. There was concern from neighbors about; 1) winter use (and not being approved for this) and 2) rubber beads medium making its way to wet areas and the brook. (this has already been brought to DES attention). He reiterated the comments and issues tonight and added that the bottom line is they have pretty much done what they were supposed to and recommended that the new trees be checked in the spring, especially the ones that looked like they were dying. Mr. Karcz agreed.

The comment sheet submitted by Mr. Karcz stated the group verified the plantings and he recommended that the newly planted trees be checked in the spring and replanted if necessary. The group left the site at approximately 2:40 pm.

BEEDE SPAULDING, LLC,

Map 3 Lot 56

The Board received a copy of a December 6, 2013 invoice #748455 from Stantec in the amount of \$5,196.34 for Spaulding Road construction monitoring and a December 17, 2013 correspondence from Town Administrator Heidi Carlson to Treasurer Kimberly Dunbar relative to withdrawal of \$5,196.34 from the Beede Spaulding escrow account to cover the invoice.

BUILDING INSPECTOR

Mr. Meade reported:

- Seacoast Farms: Map 5 Lot 35. An odor complaint was received from a neighbor who has not complained in the past and she was told to call police. Mr. Meade forwarded the message to the police who went to the site and did not detect an odor. Mr. Meade went out to the site the next morning and found that the tailings were 9', wind was light, no one was working and there was no odor. He got back to the complaining party and reported that he visited the site and detected no odor. During a brief discussion by the Board it was noted that if there was an odor it may or may not have come from Seacoast Farms. It was also noted that there have been very few complaints this year.
- Martin Ferwerda/Governors Forest: Map 3 Lot 002. Mr. Meade showed a plan he received from Mr. Ferwerda that showed the shared driveways configurations in

Governor's Forest that he talked to the Board about at the November 20, 2013 meeting. The Board had no issues with the plan.

- KTM: Map 3 Lot 15-1. He received an anonymous complaint about 6 unregistered trailers on the KTM site. He spoke with the owner who said two of the trailers are being used for temporary storage and the other 4 are empty. Mrs. Rowden said she thought the owner should remove the trailers, register them or get permission from the Board of Selectmen.

P/Z EXPENDITURE REPORT

The Board received and reviewed the P/Z expenditure report as of November 30, 2013.

LARS EKENDAHL

Re: Map 2 Lot 70 (Magnusson Gravel Pit on Rt 107)

Present: Lars and David Ekendahl, Suzanne Cummings, Deb Mullen, Lynne Merrill.

Mr. Ekendahl met with the Board relative to the possibility of purchasing the property at Map 2 Lot 070, which is a Commercial Highway District, and using it as the location for his upgrade and conversion of plastics machinery business known as Gunstock Laboratories, and possible Site Plan Review for the business.

Mr. Ekendahl said this business is design, conversion of plastics processing equipment, special applications and process development. He submitted a pamphlet that included the business information, a Bing map of the area, and pictures of the machines they use. Mr. Ekendahl said they convert and upgrade thermoforming machines for the automotive industry. Thermoforming machines consist of infra red ovens, an electrically driven form station, vacuum pumps and a variety of tools. Material is heated, cooled and trimmed to size. The machines they upgrade and convert make instrument panels, door panels, consoles and other interior car parts made from thermoplastic. Mr. Ekendahl said there are no chemicals used in the machines or in the process of upgrading or conversion. Test runs of machines will take place 2 to 4 times a year for a couple of hours per day and three days at a time. During these trials a minimal amount of plasticizers (wax) can evaporate and condensate on the machine frame or the oven section. This is always inside of the building and this wax is not toxic and can be swept up. This is a dry process using infrared heat and electric motors. They need to dig in the ground for geothermal heat.

Mr. Ekendahl said he has always been in the plastics business. He has been looking for a place in the area to house his business and found the Magnusson property on 107/Red Brook Road. The plan he had did not show a wetland delineation and it was agreed that the wetland would need to be delineated by a professional Wetland Scientist in order to be sure that any proposed building would be at least 100' away from any wetland.

The plan showed the access would through a piece of the property that has 97' of frontage and an existing dirt drive on Rt 107. This is located between Map 2 Lots 67 and 69 (currently Kelly and Metevier).

Mr. Ekendahl also showed a print of the 50' x100' steel building he is proposing to construct. In answer to a question by Mrs. Rowden, Mr. Ekendahl said that other than assembling, everything is stored inside a building.

Mr. Ekendahl asked about PSNH power and said they use a lot of power because of the requirements of the equipment used for the business. Mrs. Bolduc suggested that was a question for PSNH.

There was a discussion about the property being in the Aquifer Protection District. Mr. Ekendahl said the business creates no hazardous or toxic emissions. He said that in a meeting with Mrs. Bolduc they consulted the Aquifer Protection section of the Fremont Zoning Regulations and did not find anything they proposed to do to be prohibited.

The Board agreed that Mr. Ekendahl's plastics machinery business seems like it would be a good fit for the property and the Commercial Highway District and that the Site Plan Review and Conditional Use Permit would be in order. Mr. Barham said he said he thought it would be a good use of this property. He said this property was an old gravel pit so monitoring wells would need to be dug to see if the property is 4' above the seasonal high water table and if not there would need to be some fill in the area of the proposed septic system.

Mr. Ekendahl was advised that he would need a letter of permission to represent the landowner if he has not already purchased the property at the time he applies for Site Plan Review. The Site Plan Review process was explained.

There was a question of whether Fremont has any environmental requirements. The Board said Fremont does not have environmental beyond the State requirements that they know of. There was also a question of whether the Board has any knowledge of soil contaminations on the property. None of the Members had any knowledge of known contaminants, but could not be certain that there are none.

At 8:05 pm the Eckendahl's thanked the Board and their party left the meeting.

ROBERT DUDLEY

South Road, Map 1 Lot 048-6

Present: Robert Dudley and abutter William Currier

At 8:05 pm Mr. Dudley met with the Board to address concerns of use of his property for something other than residential. There has been a complaint that Mr. Dudley is using his vacant residential property as a storage place for his construction equipment.

Mr. Dudley explained he is a contractor and he uses the property to store construction equipment, left over stone and sand and demo debris (concrete and wood) until he can haul it off.

This lot is part of a 5 lot residential subdivision, is located on a red road, but there is also a note on the subdivision plan that says *5 lot single family residential subdivision*. Mr. Karcz asked Mr. Dudley if he intends to build a house on the lot and Mr. Dudley said a house could be built at

some point. Mr. Karcz said he was on the Board at the time of the subdivision and he feels the intent of the subdivision was that the lots were to be used as residential.

Mr. Currier said when he subdivided the land there was a concern of runoff to wetlands and Mr. Dudley is bringing in debris that can runoff. He said Mr. Dudley is using the lot as a working site where he is using trucks and equipment and back up alarms.

Mr. Barham said the challenge with this property is that it is part of a residential subdivision. According to the record the subdivision was approved as residential (or single family residential) prior to the ordinance that created Flexible Use Residential district. We need to find out if the district or the conditions of the subdivision apply in this case. Mr. Barham added that there is a commercial operation on the property that is non-residential and that would trigger the need for site plan review even if it could be allowed by the district. The question is whether the residential subdivision trumps the "red roads" (Flexible Use District).

Mr. Coombs said he thinks the Town Attorney should look at this challenge and issue a legal opinion as to which applies; the Flexible Use Residential ordinance that allows for non-residential use of a property, or the intent of the subdivision that was approved as residential (or single family residential) prior to the ordinance that created Flexible Use Residential district. The Board agreed and Mr. Barham asked Mrs. Bolduc to draft a letter to the Town Attorney.

Mr. Dudley said this is personal property and not a business. Home Occupation was touched on and it was noted that one of the criteria is that material could not be stored outside a building.

Mr. Currier said he has the potential to sell a lot next to this one and he asked who would like to live next to this lot.

A site visit was discussed and Mr. Currier said he would like to be included. Mr. Downing made the motion to conduct a site visit at the Dudley property at 3:00 pm on Friday January 3, 2014. Motion seconded by Mr. Coombs with unanimous favorable vote.

At 8:30 pm Mr. Dudley thanked the Board and left the meeting. Mr. Currier also left the meeting at this time.

PSNH

The Board received a December 12, 2013 correspondence from Sherrie Trefry of GZA, Environmental, Inc. representing PSNH for a thermal uprate project stating that PSNH is going to apply for a Special Exception from Article IX Section H of the Fremont Zoning Ordinance as required for wetland and wetland buffer impacts relative to the project. Ms. Trefry requested a referral letter from the Planning Board as required by the ordinance.

Mbr. Downing made the motion that the Board draft the letter of referral as requested. Motion seconded by Mbr. Kohlhofer with unanimous favorable vote except for Mr. Coombs who abstained.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

LEGISLATIVE BILLS

The following bills are among those introduced for the 2014 Legislative Session. Mrs. Bolduc will follow these bills and report any results to the Board.

- House Bill 114: This bill would allow Planning Boards to use their discretion in requiring a landowner subdividing their property grant a right of way to their neighbor if the neighbor's property is landlocked.

Mr. Karcz made the motion to adjourn at 8:45 pm.
 Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: January 8, 2014.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

Bolduc:

- Draft a letter to the Town Attorney relative to the Dudley property.
- Post notice of the January 3, 2014 Site Visit – Dudley property.

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	2014 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 Energy & Growth Control Chapters	Pending					Completion date	

Planning Board Meeting Minutes - December 18, 2013
Approved January 8, 2014