



FREMONT PLANNING BOARD
January 8, 2014
Meeting Minutes

Present: Chairman Roger Barham, Vice-Chairman John (Jack) Karcz, Members Jack Downing, 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.

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 December 18, 2013 meeting as written. Motion seconded by Mr. Karcz with unanimous favorable vote except for Mr. Hunter who abstained as he was not present at that meeting.

PALMER CLEANOUTS & DISPOSAL, LLC

Timothy and Geraldine Palmer
706 Main Street, Map 2 Lot 149-01

Mrs. Bolduc reported that she has received an application for Site Plan Review from Mrs. Palmer and the Public Hearing is scheduled for January 22, 2014.

SEACOAST UNITED SOCCER CLUB

Map 6 Lot 020-001

Mrs. Bolduc reported that the Conservation Easement Deed Amendment has been signed and recorded.

LARS EKENDAHL

Map 2 Lot 070 (Magnusson property on Rt 107)

Mrs. Bolduc reported that in reviewing the business information presented by Lars Ekendahl for the Magnusson property which is in the Commercial Highway District, it was found that because the property is also in the Aquifer Protection District, a Special Exception from Article XI, E; 6.1 of the Fremont Zoning Ordinance would be necessary. Mr. Ekendahl has been contacted through his Realtor and advised of this finding.

This prompted a conversation relative to whether the Board should review the Aquifer Protection

District Ordinance for possible amendment. It was agreed to add this to the list of discussions for zoning amendments.

ROBERT DUDLEY
South Road, Map 1 Lot 048-6

As agreed at the last meeting the Town Attorney was contacted relative to whether the lot at Map 1 Lot 048-6 is restricted to residential use as stated on the subdivision plan note or whether the lot can be used for non-residential uses permitted by the Flexible Use Residential District. The Attorney advised the following:

- Neither the plan note nor the developer's intent would restrict the lot owner from using the lot in a manner permitted by the current Zoning Ordinance. Courts will not restrict a lot owner from applying for a use permitted by the Towns current land use regulations even if the use is one not intended as part of the original approval. The lot owner could apply for a conditional use permit for a commercial use permitted in the Flexible Use Residential District. The commercial use must be consistent with the intent of the underlying zoning district, as indicated by the Table of Uses in Section 7 of Article XVIII.
- However, the use of a lot to store construction equipment, stone, sand and demolition debris are not commercial uses permitted in the Flexible Use Residential District by a conditional use permit. This use is consistent with the Factory Industrial Uses which are prohibited in the Flexible Use Residential District.

Mr. Barham noted that the January 3, 2014 site visit to the Dudley property was cancelled due to a snow storm. There was a conversation relative to rescheduling this site visit and it was agreed that based on the letter from the Attorney there is not a need to conduct a site visit.

The Members agreed that the Board will send Mr. Dudley a letter notifying him that that storing construction debris and equipment in the Flexible Use Residential District is a prohibited use and instructing him to cease the current activity within 120 days from this date and become compliant with the zoning.

FLEXIBLE USE RESIDENTIAL DISTRICT

There was a conversation relative to commercial or non-residential uses of properties that front on a red road and possible future subdivisions and whether a developer can restrict those uses.

There was also a conversation about the possibility of zoning changes for requirements of parcels on the Flexible Use Residential District. It was agreed to add this to the list of discussions for zoning amendments.

PB REPORT

Mr. Barham distributed copies of the draft of the 2013 Planning Board report he has done for the Town Report. Mr. Hunter had a question about the inclusion of the description of a Master Plan and Mr. Barham agreed to consider an edit to that sentence.

CIP

Mr. Hunter asked about the progress of the CIP and Mr. Barham said he and Mr. Cordes have met and are working on it.

BUILDING INSPECTOR

Mr. Meade submitted his end-of-month report for December which included permits for 1 carport, 3 renovations and 28 trades permits.

Mr. Meade reported the following:

- Seacoast Farms; Beede Road, Map 5 Lot 035: He reiterated a report of odor complaint relative to Seacoast Farms that he had reported to the Board at the December 18, 2013 meeting. There were a total of 7 complaints in 2013 that included 3 for odor, 2 about trucking outside the approved hours, and 2 for the gate being unlocked.
- Albert Witham; Rt 107 near the Raymond/Fremont line:
 1. Map 5 Lot 70: Vacant lot. There is a garage being built on the property without a permit. He issued a stop work order, but found that the owner is continuing work on the structure even after the order was issued. He will send a letter via certified mail requiring stop work.
He also found items on the property that included 3 bucket loaders, backhoe, septic trailer and other debris.
 2. Map 3 Lot 1: On this lot there are 3 “Witham Septic Service” trucks, 5 smashed vehicles, moving vans & trailers.
 3. Map 3 Lot 1-1-1; Countryside Estates: Someone is living in the office building within the mobile home park without a permit.

Mr. Hunter said this issue will be discussed at the Selectmen’s meeting tomorrow evening.

- Jeremy Lennon; Brentwood Road, Map 2 Lot 129: Mr. Lennon has refused to allow Fire Chief Richard Butler on his property so Mr. Meade is going to contact the State Fire Marshall to request he accompany him on the inspection in Chief Butler’s place.
- Building Inspector Auditor: Yesterday he met with the auditor (they work for the insurance companies) and he thought it went well.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

Mr. Karcz made the motion to adjourn at 8:50 pm.

Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: January 22, 2014.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

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.

ACTION ITEMS

From December 18

Bolduc:

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

From January 8

Bolduc:

- Draft a letter to Dudley for Barham’s review and signature.

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.
- Growth Control Chapter of MP – Funded through the 2013 Targeted Block Grant (TGB); Completion date of June 30, 2014.

Updated project timeline table below.

RPC

Projects Non-CTAP	Status	2010 30 June	2012 April 30	2012 June 30	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 Vision Chapter update	Completed			Contract Completion date	
MP Energy Chapter	Pending		Completion date		Contract Completion Date
MP Growth Control Chapter	Pending				Contract Completion Date