



FREMONT PLANNING BOARD
January 22, 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 7:05 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 January 8, 2014 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote.

BUILDING INSPECTOR

Mr. Meade reported the following:

- Kaplan; 170 Sandown Road Map 1 lot 4: Someone is temporarily living in a camper on the property.
- Witham; Map 3 Lots 1 and 1-1-1, and Map 5 Lot 70: Mr. Meade sent Mr. Witham a certified letter relative to violations on his properties and has not yet received a response. He submitted a copy of this correspondence to the Board. No work has been done since he issued the stop work order.
- Ekendahl; Map 2 Lot 070: Mr. Ekendahl's engineer called relative to a proposed steel frame building.
- Lennon; Brentwood Road, Map 2 Lot 129: Mr. Lennon is planning on being ready for a final inspection of his house next week.

KIRSTIE WHITTAL

Map 1 Lot 089-1

Mr. Coombs asked if anything has been done or said about the several unregistered vehicles at the property on the corner of Abbott and Sandown Roads. He noted that some have been there for years. Mr. Coombs issued a complaint for the record.

Mr. Meade said that a neighbor had come in and complained about the junked vehicles on the property, but he did not put his complaint in writing. Mr. Meade said he did some research and

found that a letter had been sent from the Town a while ago and the owner said they were intending to repair the vehicles. He will follow-up on the issue.

CAMPER TRAILER

There was a conversation relative to a time limit for staying/living in a camper trailer. Mrs. Bolduc said that there used to be an ordinance that addressed this issue, but it was removed when the trailer park ordinance was amended. The Members agreed to add this to the list of items for discussion relative to amendments to the zoning ordinance for 2015.

BUDGET

The Board received and reviewed the P/Z end of year 2013 budget and expenditure report. The report showed budget lines for 2012 and 2013 and actual spending for the year total. It also included department requests for 2014 as well as the Selectmen and Budget Committee recommendations. The report showed total 2013 revenues.

REORGANIZATION OF THE BOARD

Mr. Hunter nominated Mr. Barham to serve as Chairman for the coming year.
Mr. Coombs seconded the nomination and the vote was unanimously in favor of the nomination.
Mr. Barham accepted the nomination.

Mr. Hunter nominated Mr. Karcz to serve as Vice-Chairman for the coming year.
Mr. Coombs seconded the nomination and the vote was unanimously in favor of the nomination.
Mr. Karcz accepted the nomination.

JAMES SEICZKOWSKI

193 Danville Road, Map 2 Lot 022-012

Present: Owner James Seiczkowski

At 7:30 pm Mr. Seiczkowski met with the Planning Board relative to his proposal to conduct a maple syrup sales business from a wagon in front of his house and to see if this warrants the Site Plan Review process and a conditional use permit. Mr. Seiczkowski said he owns 11 acres and there are many maple trees that he wants to tap and produce maple syrup. He said he wants to sell only maple syrup. In answer to questions by the Board Mr. Seiczkowski said he has no intention to sell tools or implements, other products, or even other maple products such as candy.

NH RSA 21:34-a, III - (Farm, Agriculture) was reviewed. The statute says *“A farm roadside stand shall remain an agricultural operation and not be considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner.”*

It was agreed that Mr. Seiczkowski’s proposal to sell maple syrup from his property comes under agricultural use of property and does not call for Site Plan Review or any special permit for his proposed use at this time.

At 7:40 pm Mr. Seiczkowski thanked the Board and left the meeting.

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

Site Plan Review – Public Hearing

Present: Owner Geraldine Palmer. There were no abutters or public present.

At 7:40 pm Mr. Barham opened this Public Hearing and read the public notice as follows:

In accordance with NH RSA 675:7 and 676:4, you are hereby notified that the Fremont Planning Board will hold a Public Hearing at 7:30 p.m. on Wednesday January 22, 2014 in the Basement Meeting room at the Fremont Town Hall, concerning a Site Plan Review application and conditional use permit for Palmer Cleanouts & Disposal, LLC., / Timothy and Geraldine Palmer, 706 Main Street, Map 2 Lot 149-001, Fremont, NH.

The applicant proposes continued operation of their existing commercial cleanout & disposal business at their 706 Main Street property at Map 2 Lot 149-001. This property is located in the Aquifer Protection District and the Flexible Use Residential District.

You are invited to appear in person or by agent or counsel. Written comments will be accepted up until the day of the hearing.

This hearing was noticed on January 9, 2014 at the Fremont Post Office and Fremont Town Hall, and on the Fremont Website; in the January 10, 2014 edition of the Manchester Union Leader. The applicant and all abutters were notified via certified mail on January 10, 2014 and all returns have been received except for that of Palmer. The application package included: the application, multiple copies of the drawn plan, proper check amount, letter of intent, a current list of abutters, and the SPR checklist indicating that the plan was sent to Rockingham Planning Commission for review. The file also includes a copy of the deed.

Also submitted was a copy of the November 12, 2013 Fremont Zoning Board of Adjustment notice of decision to grant to Timothy and Geraldine Palmer the requested Special Exception from the terms of Article XI Section E-6.1.

Comment sheets were received from the following: comments in *italics*

Building Official/Code Enforcement Officer: *I see no issues with this unless the office portion or building expands and needs permits.*

Health Inspector: *No comment provided there is no dumping or spills at this site.*

Road Agent: *No comment.*

Police Chief: *No comment or concern.*

Fire Chief: *Storage of materials on site should be limited - proper disposal of materials including lumber, paint and other materials.*

Mrs. Bolduc said the Conservation Commission has not met since the comment sheets were issued and they will review this at their February 3, 2014 meeting. The comment the Conservation Commission issued to the ZBA for Special Exception approval of this issue was: *It is imperative that the applicants realize their property is located in the Aquifer Protection District and that they comply without exception to the restrictions cited in Article XI Section E-4. In particular to the handling, disposal, storage, processing or recycling of hazardous or toxic materials and that the property not act as a junk or salvage yard.*

The Board received notes favorable for the Site Plan Review from abutters C.L. Magnusson and Betty Metevier.

Mrs. Rowden submitted the following RPC Circuit Rider report.

Based on review of the application, I find that the plan largely meets the requirements of Fremont's Zoning Ordinance and Site Plan Regulations. I offer the following comments regarding the application:

1. A note should be added to the plan regarding the special exemption granted by the Zoning Board of Appeals from Article XI Section E-6-1 of the Fremont Zoning Ordinance to allow the continuance of the commercial operation located in the Aquifer Protection District.

2. The Board may choose to require a note on the plan stating there shall be no storage of materials outside allowed outside of the dumpster area designed on the plan.

3. To satisfy requirements of Site Plan Regulation 1.8.1 (Minor Site Plan Review), the applicant will need to supply a letter attesting to the full compliance with Article XVIII, Section 8.6 of Fremont Zoning Ordinance. The letter must also state that the proposed plan is consistent with the purposes of Site Plan Review Section 1.5.

I believe that the application does comply with Article XVIII, Section 8.6 of Fremont Zoning Ordinance and Site Plan Review Section 1.5; however, the letter will still need to be supplied by the applicant.

Mrs. Palmer submitted the required letter as per #3 above.

The Board reviewed the plan submitted by Mrs. Palmer. This plan was to scale and showed the entire 2.10 acre parcel of Map 2 Lot 149-1 and all improvements on the property including the locations of the existing house, garage, septic, well, dumpsters, truck parking, fence and locations of all abutters.

In her letter of intent Mrs. Palmer stated that she is requesting that she be allowed to continue her commercial operation of a junk removal business at her property located at 706 Main Street, Fremont, NH.

In answer to some questions by the Board Mrs. Palmer said that she owns several dumpsters that she rents out. She takes the dumpsters to the property of whoever rents it for them to fill then she loads it on one of her trucks and takes it to Raymond to dump. She sometimes takes a dumpster home and rummages through it to remove articles like tires, propane tanks and oil containers and metal or if it is late in the day and the dump is closed. She saves metal to take to the metal facility. She stores tires at the property until she has 50 or so that she can call someone to take them away. She saves board lumber for burning in an outdoor burner or her wood stove. Mrs. Palmer said she does not accept containers containing oil or propane tanks.

Following some review of the application and the Site Plan Review Regulations, Mr. Hunter made the motion to accept and take jurisdiction of the plan presented.

Motion seconded by Mr. Downing with unanimous favorable vote.

The Board reviewed Article XVIII Section 8.6 of the Fremont Zoning Ordinance for compliance

with Conditional Use Permit. Mr. Meade asked about the condition of the existing stockade fence. Mrs. Palmer said it is okay and not falling down, but she would like to extend it. Mrs. Rowden said if the fence is a concern a note can be added to the approval that the fence be maintained. The Board agreed to include this note as a condition of approval.

Mr. Barham said he is concerned about the yard sale that goes on periodically in front of the property. He said he understands that it is part of the business. The Board and Mrs. Palmer agreed to limit the sale (or for free) curbside items to Saturdays and that the items are not to be placed within the street right of way. It was agreed that this will be added as a condition of approval.

With approval of the Board, the note on the plan relative to regulation 1.13-K (vehicle trips per day) was changed from 4 to 10, the plan was dated December 31, 2013 (this was the date the application was submitted), and the ZBA approval will be added.

After further careful review and consideration by the Board of the plan and application relative to the Site Plan Review Regulations for Minor Site Plan Review and each of the conditions of approval for Conditional Use Permit, Mr. Hunter made the motion that the Planning Board approve the Site Plan Review and issue a Conditional Use Permit as requested by Timothy and Geraldine Palmer, pursuant to the information and site plan submitted, to allow them to continue their commercial operation of a junk removal business known as Palmer Cleanouts & Disposal at their property located at 706 Main Street, Fremont, NH, with the following conditions.

1. *The approval is for the current owner only and for the current business only and will not convey to a future party.*
2. *This approval is subject to all other Local, State or Federal permits and approvals that may be required and does not relieve the applicant from the obligation to obtain such other permits.*
3. *Any future expansion of the approved business shall require an amendment to this approval.*
4. *This approval is subject to all standards for approval of a Conditional Use Permit as listed in Article XVIII Section 8.6 of the Fremont Zoning Ordinance.*
5. *The sale or free curbside items are limited to Saturdays during the approved hours of operation and the items are not to be placed within the street right of way.*
6. *The current stockade fence shall be maintained.*
7. *There shall be no storage of materials allowed outside of the storage area as designated on the plan.*
8. *The provisions of RSA 676:17 shall be applicable.*

Motion seconded by Mr. Coombs with unanimous favorable vote.

Mrs. Palmer submitted the recording and administrative fees. The notice of decision will be recorded at the Rockingham Registry of Deeds. Mrs. Palmer will submit the final plans including all notes and updates for the Chairman's signature.

Mr. Karcz made the motion to close this Public Hearing at 8:50 pm.
Motion seconded by Mr. Hunter with unanimous favorable vote.

Planning Board Meeting Minutes - January 22, 2014
Approved February 19, 2014

Mrs. Palmer left the meeting at this time.

MEETING

The Board decided to cancel the February 5, 2014 meeting because the Town's 2014 Deliberative Session has been scheduled for that evening.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

Mr. Karcz made the motion to adjourn at 8:55 pm.
Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: February 19, 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 January 8

Bolduc:

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

From January 22

Bolduc:

- Draft and record the Notice of Decision for Palmer.

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.

Planning Board Meeting Minutes - January 22, 2014
 Approved February 19, 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