



**FREMONT PLANNING BOARD**  
**February 19, 2014**  
**Meeting Minutes**

Present: Chairman Roger Barham, Members Jack Downing and Andy Kohlhofer, 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. Downing made the motion to approve the minutes of the January 22, 2014 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 January 10, 2014 invoice #756238 from Stantec in the amount of \$1,350.10 for Spaulding Road construction monitoring and a January 27, 2014 correspondence from Town Administrator Heidi Carlson to Treasurer Kimberly Dunbar relative to withdrawal of \$1,350.10 from the Beede Spaulding escrow account to cover the invoice.
- A copy of a \$10,000 check submitted by Frank Catapano for the Beede Spaulding escrow and a copy of a January 27, 2014 correspondence from Heidi Carlson to Kimberly Dunbar instructing deposit into the established escrow account.

**Bond Reduction:** The Board received a February 4, 2014 correspondence from Town Engineer Dan Tatem reporting that he has reviewed the February 3, 2014 Beede Spaulding, LLC subdivision (Map 3 Lot 056) construction surety reduction estimate prepared by Beals Associates and the January 20, 2014 Monument Certification prepared by James Lavelle Associates. (copies received for the Board's file) Mr. Tatem related that he "visited the site on December 6, 2013 and February 4, 2014 to view the completed work items and review the Construction Surety Reduction Estimate submitted by BAP. We recommend the Board approve the estimate in the amount of \$285,811.39".

Mr. Downing made the motion to approve the Beede Spaulding, LLC (Map 3 Lot 056) construction surety bond in the amount of \$285,811.39 as recommended by Town Engineer Dan Tatem.

Motion seconded by Mr. Coombs with unanimous favorable vote.

Final Engineer Review Letter: The Board received a February 12, 2014 letter from Town Engineer Dan Tatem recommending final approval for the Beede Spaulding subdivision. This was as a result of his review of the plan coversheet that was revised on February 5, 2014 and his finding that all comments from his April 17, 2013 letter have been addressed.

Conservation Restrictions Deed: Mr. Barham said that the final Conservation Restrictions Deed for the Beede Spaulding open space subdivision (Map 3 Lot 056) has been submitted to the Town. It will be signed by Mr. Catapano, the Fremont CC Chairman and the Selectmen and recorded at the same time as the subdivision Mylar.

Outstanding conditions of the April 17, 2013 (amended June 19, 2013) Beede Spaulding subdivision (Map 3 Lot 056) at this time are:

1. *Execution and conveyance of the completed conservation easement to the satisfaction of the Town of Fremont with all associated costs the responsibility of the applicant.*
2. *The bond amount as determined by the Town Engineer is to be in place and proof of posting of all bonds and escrows submitted.*
3. *All fees due the Town of Fremont and its consultants paid in full.*

#### BUILDING INSPECTOR

Mr. Meade reported the following:

- Kaplan; 179 Sandown Road Map 1 lot 4: The owner has said the electricity has been disconnected and no one is living at the property.
- Witham; Map 3 Lots 1 and 1-1-1, and Map 5 Lot 70: No work has been done since he issued the stop work order. Mr. Witham has a May 7, 2014 appointment with the Board to discuss violations and intentions.
- Lennon; Brentwood Road, Map 2 Lot 129: update on final home inspection. Still needs to raise the chimney.
- Whittal; Map 1 Lot 089-1: A letter will be sent this week to Ms. Whittal about complaints and code violations relative to junked and unregistered vehicles on the property.

#### LAWRENCE & NANCY LOURETTE

197 Sandown Road, Map 1 Lot 5

Present: Owner Nancy Lourette, Eric Lourette, Abutters Debra Minnon, Bernice Kaplan, and Jim O'Brien, and Kim and Scott Favara.

At 7:30 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 February 19, 2014 in the Basement Meeting room at the Fremont Town Hall, concerning a Site Plan Review application and conditional use permit for Larry and Nancy Lourette of 7 Hampstead Road, Sandown, NH.*

*The applicants propose to continue the operation of their existing commercial outdoor recreation facility, which includes pursuit sports including paintball, laser tag, archery tag, water tag, etc., at their property located at 197 Sandown Road, Fremont, NH, Map 1 Lot 005. For more information on the recreation facility go to [www.rockpaintball.com](http://www.rockpaintball.com). This property is located in 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 31, 2014 at the Fremont Post Office and Fremont Town Hall, and on the Fremont Website; in the February 3, 2014 edition of the Manchester Union Leader. The applicant and all abutters were notified via certified mail on January 30, 2014 and all returns have been received. 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. Also submitted was a January 21, 2014 letter from Nancy and Lawrence Lourette granting Eric Lourette permission to represent them.

Comment sheets were received from the following, comments in italics.

Conservation Commission: *The Conservation Commission has no comment to make at this time concerning the current recreational use of the property as cited.*

Building Inspector: *My only concerns had been parking (which has been addressed) and if this was a business that needed Site Plan Review (also addressed).*

Health Officer: *Other than safety, I have no concerns.*

Police Chief: *No concerns.*

Fire Chief: *Access to trails for emergency response. Some type of color coding of trails for better response to an emergency; or naming and marking trails, a map for fire-rescue off trails.*

Mrs. Rowden submitted the following RPC Circuit Rider report and reiterated the information.

*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. The Board may wish to include in their conditions of approval that the signage for the business conform to Fremont's Sign Ordinance (Article XIX)*
- 2. A conditional use permit will be required for this type of use in the Flexible Use Residential District to comply with Zoning Ordinance Article XVIII, Section 7. The application appears to meet all conditions of approval necessary for permit approval.*
- 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. Lourette signed and submitted the required letter as per #3 above.

Mrs. Rowden said she noticed that the plan had an incorrect scale, but the property dimensions are correct. She noted that the septic system is also not depicted on the plan.

Following some review of the application Mr. Hunter made the motion that the application is complete and the Board take jurisdiction of the application and plan.

Motion seconded by Mr. Coombs with unanimous favorable vote.

The Board reviewed the plan submitted which was a Google view map of the entire property, that showed abutters locations, and included trails throughout the property, recreational areas, break areas, parking areas, and snow bunker areas. It included notes addressing Site Plan Review regulations 1, 13.I, J, K, K.1, and 0.1. They also reviewed a field map taken from the web site. Mr. Meade stated that the date of the plan layout should be noted on the plan. Mr. Lourette agreed.

In the letter of intent Mr. & Mrs. Lourette stated that the application is for minor site plan review and continued use of the property as an outdoor recreation facility in place since 1984. The business is currently operating along with the existing cordwood and welding businesses located on the same property since the 1960's.

The cover letter also stated, and Mr. Lourette reiterated for this Public Hearing the following.

- The outdoor recreation use of the property includes many non-motorized sports such as snowshoeing, jogging, hiking, cross country, stroller sports, wheelchair sports, disabled sports, sensory gardens for the blind, orienteering; pursuit sports, airsoft, paintball laser tag, archery tag, water tag, slingshot tag, frisbee tag, nerf, boffing, battle gaming; reenactments, cosplay. LARP'; photography, videography, cinematography, nature observation & recording; disabled horticulture, community forest gardening, permaculture classes; holiday walks; fat biking, MBX, mountain biking, push track, bike trails; martial arts; weddings, religious evens, private functions, local, state, federal & private contractor law enforcement & military training; hunting; kick sledding, primary, secondary & higher education field trips.
- There are currently 13 employees working 2 to 3 Sundays a month, but also other times of the week.
- The hours of operation are usually Sunday to Saturday, as early as 8 am – 10 pm.
- Vehicle traffic can average 25 cars a day over a 28-day period, mostly on weekends, but sometimes other times of the week.
- Parking is within the site.
- Waste disposal is handled by private contractors with trash barrels and porta-potties.
- Noise generations are consistent with multiple normal household power equipment such as small generators, chainsaws and lawnmowers. Also momentary 130db bang (which is a level comparable to a jackhammer or power drill)
  - He explained that break areas area for changing clothing, and food breaks.
  - The property has been logged and they are currently working on replacing vegetation.

Mr. Lourette stated that the business is open year round. It was noted that according to the business website the business is known as Rock Paintball Rockingham Paint Club Pistols. The website includes directions to the site, a field map, list of field rules, and liability of risk form.

Mrs. Rowden asked for an explanation of the hours of operation. Mr. Lourette said that employees start arriving to the property by 8 am and the activity opens at 9 am. Depending on the game, participants are off the field by 9:30 pm and the gates are locked at 10 pm.

Mr. Meade asked what part of the day the noise of up to 130dc would take place and Mr. Lourette answered that it would be anytime between 10 am and 7 pm.

Mr. Barham opened the Hearing to the public and asked if the abutters had any concerns. Mrs. Kaplan said there are signs that say "shooting range, no trespassing" along the Lourette property that can be seen from her property and she thinks this devalues her property. Mrs. Kaplan stated that she is concerned with safety. Mr. Lourette said there is a net in place to slow the down propelled objects such as BB's. Mrs. Kaplan said she thinks a security fence should run the length of her property for protection. She asked how close the trails are to her property and Mr. Lourette answered they are about 75'. Mr. Meade asked about the trail that is shown on the plan to be on the Lourette/Kaplan boundary and Mr. Lourette said that trail can be moved. Mr. Lourette agreed that there would be no trails or usage within 150' of the back (west) boundary of the Kaplan property and the signs will be placed accordingly. Mrs. Kaplan said she would be happy with that.

Abutter Debra Minnon said she has no problem with the outdoor recreation business, but was concerned because she does not know how the trails run. She asked if a fence is going to be put up and said she is concerned about her liability if people from the outdoor recreation facility should go on to her property. Mr. Lourette said there is not a fence in that sense, but they keep a string fence maintained which is marked with a braided line with pink safety tags for visibility. He showed on the plan where the lines for the string fence are located.

Abutter Jim O'Brien stated that the business has not been a problem for him and he has no issue with it being allowed to continue.

Mrs. Kaplan asked if this is considered a shooting range and if that would be allowed. Mrs. Rowden said a shooting range would be allowed in certain areas of Fremont.

In answer to some questions by the Board about parking Mr. Lourette said there is no parking allowed on the street. Mr. Downing said he has seen cars parked on the Sandown Road during an event and he thinks this should not be allowed. Mr. Lourette said one of the rules is that there is no parking off the property. They tell participants to park on the property or leave.

A site visit was discussed and the Members decided that it would be helpful to see the area and location of the trails. At 8:25 pm Mr. Hunter made the motion to continue this Public Hearing to a site visit at 11:00 am on March 8, 2014 at the Lourette property at 197 Sandown Road and then to the Town Hall at 7:30 pm on March 19, 2014.

Motion seconded by Mr. Coombs with unanimous favorable vote.

Mr. Lourette, Mrs. Lourette, Mrs. Minnon, Mrs. Kaplan, and Mr. O'Brien left the meeting at this time.

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Approved March 5, 2014

SCOTT & KIM FAVARA/EVENFLOW AUTOMOTIVE  
572 Main Street, Map 2 Lot 161

Present: Scott & Kim Favara

At 8:25 pm Mr. & Mrs. Favara met with the Planning Board relative to their automotive repair business known as Evenflow Automotive at Hillside Auto at 572 Main Street.

Hillside Auto is owned by Steve Eddy and is comprised of 2 aspects of the auto business. Mr. Eddy operates the automobile sales portion and the Favara's operate the automotive repair portion. Mrs. Favara said they are applying for their dealer's license so they can take over the automobile sales business from Mr. Eddy, who wants to retire.

In answer to questions by Mrs. Rowden, Mr. Favara said nothing is going to change except the inventory will probably less. There will be no new buildings or expansion of the business. Mrs. Rowden said that expansion of this business would not be allowed because the property is in the Aquifer Protection District. It was explained that Hillside Auto was in place prior to the adoption of the Aquifer Protection District and is allowed because it is a grandfathered use, but would not be allowed to expand in any way because it is a use that is prohibited in the District.

It was noted that in 2001 the Planning Board approved, with conditions, Site Plan Review for property owner Steve Eddy for the same type of business on the property. There was a discussion relative to whether Mr. & Mrs. Favara would be required to do a new Site Plan Review or an amendment to Mr. Eddy's already existing Site Plan Review. It was the consensus of the Board that because nothing is changing except the business name and there will be no expansion of the business, neither new Site Plan Review nor amendment to the existing one is necessary.

Mr. Meade reported that he received a correspondence from the NH Department of Safety for him to review and certify that Evenflow Automotive is in compliance with land use regulations.

At 8:35 Mr. & Mrs. Favara thanked the Board and left the meeting.

#### ROADS

Mr. Coombs asked about an assessment of the Town Roads for maintenance purposes. Mr. Barham said there was a task force formed a while ago that did a total evaluation of the Roads and their status. Mr. Kohlhofer said the purpose of the committee was to establish at what point it would be cheaper for the Town to buy our own highway equipment. Mr. Hunter said the original purpose was to determine if the Town should purchase equipment rather than hiring the work done. This prompted a conversation relative to road maintenance. It also prompted a conversation relative to the process and need for an active Capital Improvements Program.

#### INCOMING CORRESPONDENCE

There was no incoming correspondence.

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

Motion seconded by Mr. Kohlhofer with unanimous favorable vote.

Next regular meeting: March 5, 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 February 19

Bolduc: Post notice of the March 8, 2014 Site Visit – Lourette 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.
- 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

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