



FREMONT PLANNING BOARD
March 19, 2014
Meeting Minutes

Present: Chairman Roger Barham, Vice-Chairman John (Jack) Karcz, Members Jack Downing and Andy Kohlhofer, Building Official Bob Meade, and Land Use AA/Recording Secretary Meredith Bolduc.

Also present: Tom O'Brien

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 March 5, 2014 meeting as written. Motion seconded by Mr. Karcz with unanimous favorable vote.

LAMPREY RIVERS MANAGEMENT PLAN

At 7:00 pm Conservation Commission Member and Lamprey River Advisory Committee representative Patricia deBeer met with the Board and did a power point presentation that explained the recently completed 2013 update of the 2007 Lamprey Rivers Management Plan. She had previously given a copy of the Plan to the Selectmen's Office and the Land Use Office.

Mrs. Rowden said she is a member of the Lamprey River Advisory Committee.

The Piscassic River in Fremont, part of the Lamprey River Watershed and a tributary of the Lamprey River, has recently been designated into the *NH Rivers Management and Protection Program* since it has some outstanding, top-notch features. Because of the recent designation of the Piscassic to this program, Fremont may have up to five members on the Lamprey Rivers Advisory Committee. This Committee is mandated by the legislation that created the NH Rivers Management and Protection Program to participate in the management of the Lamprey River and its main tributaries. The Committee is comprised of Town Board members, landowners, and volunteers who are interested in protecting the river. Some of the duties of the Lamprey River Advisory Committee include making recommendations to the NH DES Commissioner, the State level NH Rivers Management and Protection Program, administered by NH DES staff, assist Towns within the tributary drainage areas with planning and conservation and public outreach to the communities within the watershed. The Committee makes recommendations to towns in the development of a town river corridor management plan, and reports compliance with Federal and

State regulations to the Commissioner and the NH Rivers Management Advisory Committee. As per RSA 483, the Advisory Committee reviews all state permit requests for designated rivers within 1.4 mile of each designated river and sends recommendations the DES.

The Plan relates that in 2011, the existing advisory committee for the Lamprey River, which had already been designated into the program, was successful in designating the main tributaries of the Lamprey including North Branch, Pawtuckaway, North, Little, and Piscassic Rivers into the Program making them protected rivers. First, second and third order streams in the Program are exempt from the provisions of the comprehensive shoreland protection act. Mrs. deBeer explained that we are in the Lamprey River watershed, and it is the Piscassic River that is now protected in Fremont, beginning at its headwaters. She added that the 4th order segment of the Piscassic remains protected by the Shoreland Protection Act as do all 4th order rivers in NH, whether designated or not into the *Rivers Protection Program*. The main stem of the Exeter River in Fremont is also designated as a protected river.

Mrs. deBeer said the Lamprey River is primarily on private property in Fremont. She showed some different views of the Piscassic River. The River flows into the Lamprey in Newmarket and then into Great Bay. She said the purpose of the Advisory Committee is to work with towns and landowners to help protect wildlife and water to keep the waters clean. According to the Statement of Management Philosophy section in the Plan, The Lamprey Rivers Management Plan must provide balance among its three main goals:

1. Protect the ecosystem and associated ecological services of the rivers and their quarter-mile corridors.
2. Promote responsible community use of the rivers and the surrounding land.
3. Respect the interests and rights of property owners while enlisting their support as guardians of the rivers' assets.

Mrs. deBeer pointed out that the Lamprey River watershed is the largest watershed of the Great Bay Estuary, a National Estuarine Research Reserve and it is very important to protect it. One of the goals of the plan is to work with landowners and municipalities to encourage interest in permanent conservation of lands associated with the rivers.

The Advisory Committee has been very successful with public outreach. Mrs. deBeer said that there is a Small Grant Program that offers three \$5,000 grants per year for outreach projects. This year the money was used to fund a tour guide of trees in the NH Big Tree Program near the River, creation of a DVD to document 30 years of volunteer efforts to protect the Lamprey River and for a public art project focusing on water issues along the Lamprey.

Mrs. deBeer said the hope is that the Town will use the *Management Plan* as a guide for planning and she suggested creating some ordinances in Town to help protect the river. Mrs. Rowden suggested the Planning Board could adopt the management plan as an appendix to the NRI chapter of the Master Plan.

Mrs. deBeer said she will send a link to the pdf. of the *Big Trees Guide* pamphlet and the *Recreation Tour and Map Guides* to Mrs. Bolduc to share with the Members.

At 7:30 pm the Board thanked Mrs. deBeer for her very informative presentation and she left the meeting.

LAWRENCE & NANCY LOURETTE

197 Sandown Road, Map 1 Lot 5

Present: Owner Nancy Lourette, Erik Lourette,

At 7:35 pm Mr. Barham opened this Public Hearing and stated that this is the continuation of the February 19, 2014 portion of this Public Hearing and the March 8, 2014 site visit.

SITE VISIT: Mr. Barham reported that at 11:00 am on March 8, 2014 the Planning Board conducted a duly notice site visit at 197 Sandown Road, Map 1 Lot 005. Present were Mr. Barham, Mr. Karcz, Mr. Downing, Mr. Coombs, Mr. Meade and Mr. Lourette. Mr. Barham submitted the comment sheet stating that the group viewed the access entrance and the boundary. Recommendations include that the 150' buffer be marked on the map (plan) submitted and in the field.

Mr. Meade submitted the following written report in including pictures of the gate, fence and the edge of Sandown Road looking north in front of the Lourette property.

Met Erik Lourette at this site with Roger Barnum, Jack Karcz, Jack Downing and Phil Coombs 11 am. No parking/No standing signs up on each gate. There was some discussion about the entrance and given how much snow we have had we felt the entrance would be adequate under normal times especially in good weather. Existing gate is thirteen feet off the road. There was also some talk about no parking signs along the road and that we would discuss this at the next meeting (whether they would be needed now, where they would be placed and enforcement - or if a condition added in case they were needed in the future, also took pictures of gate & roadway). Erik mentioned that the most he recalled having there was 88 vehicles and 177 people. We walked the trails and saw where the events would take place, where the 150' line was run as a setback from the neighbor (Mrs. Kaplan) as requested. Erik asked several times if the two trails within the setback could be used for anything other than firing and most agreed that walking, biking, within the setback could be used for anything other than firing and most agreed that walking, biking and exercise (ADA) would be acceptable but firing events and vehicle storage would not. We also saw that the shooting range signs had been replaced by no trespassing signs and that the range signs had been moved out closer (or right on) the 150 foot line. There was discussion about defining walking trails vs. event trails on site plan. Erik also brought up other functions in this area such as weddings, I heard no objections though Jack asked if any had occurred to date (the answer was not yet). There is some existing temporary lighting on the "Village" run from a small generator. It was felt that these should meet the dark sky requirements by placing a small roof above them and as they are replaced over time that they be replaced with code compliant lighting. With electricity "temporary" is defined as a year. With so many people participating on these ground in this sport, these should be eventually (within a year) be brought up to code. Proper wiring on poles (conduit and if PVC, then schedule 80 at the base to protect from physical damage) and underground service to the generator station. Erik also thought he might be able to redirect them downward for dark skies. Erik asked about some of the displays on the grounds which are more like props and barriers than structures (no roof or floor). I advised that these be kept under 100 sf (or permits pulled) and that they are as safe as

possible. He plans to replace them as time goes on and perhaps add a roof over (and possible floors so they can be moved) and keep them under 100 sf.

The site visit ended and the group left the site at approximately 12:30 pm.

It was noted that the Board took jurisdiction of this application and plan on February 19, 2014 making the 65-day deadline for decision April 25, 2014.

Mr. Lourette submitted an update of the same plan and Google view map of the entire property originally submitted, amended to include the location of the septic system, some lighting information on the legend, a scale of 1" = 100'. It was found that the scale was not quite accurate and some of the parcel data was not correct. Mr. Karcz suggested that adding 10% plus/minus to the scale may be acceptable. The Members agreed.

In answer to questions by the Board Mr. Lourette stated:

- The business operating the outdoor recreation facility is known as RPC Airsoft, LLC and is owned by Lawrence and Nancy Lourette. This is a year round business operating from 8 am to 10 pm Sunday to Saturday, currently with 13 employees working 2 to 3 Sundays a month, but also other times of the week.
- The wood cutting and welding businesses, which are grandfathered uses having been in operation since prior to the 1989 adoption of Site Plan Review Regulations, that are also currently operating on the property may be conducting business at the same time the property is in use for the outdoor recreation games, but in the front of the property only and not in the area of the recreation.
- The momentary intermittent noise level of 130db caused by firearm discharge (which is a level comparable to a jackhammer or power drill) could be anytime between 10 am and 7 pm depending on the game in progress. Most noise levels are consistent with multiple normal household power equipment such as small generators, chainsaws and lawnmowers.

Parking and vehicles: Mr. Lourette said that 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. No parking signs along the road were discussed. Mrs. Lourette said that there is a gully on her side of the road so no one can actually park on that side anyway without being in the road. Mr. Barham suggested if parking along the road should become an issue the Town could install "no parking" signs at the Lourette's expense. This was agreed by the Members and by the Lourettes.

Lighting: Mr. Meade said the lighting at the property is temporary (temporary = 1-year). Mr. Lourette has agreed that the temporary lighting is going to be replaced with dark sky compliant lighting and either properly wired lights or solar lights.

Props and buildings: It was noted that there are props, partial buildings and barricades throughout the property. Many of these are a safety hazard and have no floors or roofs. It was suggested that if they are built properly they can be moved from place to place as needed for the recreation games. There was further discussion about props and buildings and it was agreed that

all structures on the property will be made sound and safe and that no structure over one hundred (100) square feet is allowed without the proper permits.

Mr. Barham asked if there were any other concerns. Mr. Meade said during the site visit it was found that there are more unregistered cars than there should be on the property. There were also other unregistered vehicles including busses and trailers in various stages of disrepair. Mr. Lourette said his father has a State permitted repair garage. Mrs. Lourette said they are allowed about 20 vehicles relative to his Fremont Welding & Towing business.

Mr. Barham said that many of the vehicles seen on the property appear to be permanent junked vehicles and he added that because the junked vehicles are part of an existing use they should be dealt with as a separate issue with a separate line of inquiry from this site plan review process.

At 8:40 pm Mr. Downing made the motion to recess for a 5-minute break. Motion second by Mr. Barham with unanimous favorable vote.

At 8:45 pm the Board resumed the Public Hearing.

The Board reviewed Article XVIII Section 8.6 of the Fremont Zoning Ordinance for compliance with Conditional Use Permit and found that each of the criteria had been met. The Board then reviewed the Site Plan Review application submitted by the Lourette's and compared it to the plan submitted for compliance to the criteria for Minor Site Plan Review and found that to be in order.

After careful review and consideration of the plan and application submitted by Lawrence and Nancy Lourette relative to the Site Plan Review Regulations for Minor Site Plan Review and each of the conditions of approval for Conditional Use Permit, Mr. Downing made the motion that the Planning Board approve the Site Plan and issue a Conditional Use Permit for Lawrence and Nancy Lourette, pursuant to the information and site plan submitted, to allow them to continue to use their property located at 197 Sandown Road, Fremont, NH, Map 1 Lot 005 for the operation of an existing commercial outdoor recreation facility known as RPC Airsoft, LLC, which includes pursuit sports including paintball, laser tag, archery tag, water tag, etc., 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. A one hundred and fifty (150) foot buffer will be maintained and properly marked to insure that no live fire will occur in the buffer adjacent to Map 1 Lot 004.
4. Signage for the business must conform to Fremont's Sign Ordinance (Zoning Article XIX).
5. Remove the third sign from the plan.
6. All lighting must be compliant with Fremont Dark Sky Ordinance.
7. No props or barriers over one hundred (100) square feet are allowed without proper permitting.
8. Revise the note on the plan relative to noise level to change "daylight hours" to "between the hours of 10:00 am and 7:00 pm."

9. Add a ten (10%) percent plus/minus to the scale on the plan.
 10. Any future expansion of the approved business shall require an amendment to this approval.
 11. 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.
 12. The provisions of RSA 676:17 shall be applicable.
- Motion seconded by Mr. Kohlhofer with unanimous favorable vote.

Mr. Lourette agreed to submit the final plans including all notes and updates for the Chairman's signature as well as the recording and administrative fees. The notice of decision will be recorded at the Rockingham Registry of Deeds.

Mr. Kohlhofer made the motion to close this Public Hearing at 9:45 pm.
Motion seconded by Mr. Karcz with unanimous favorable vote.

Mr. Lourette and Mrs. Lourette left the meeting at this time.

BUILDING INSPECTOR

Mr. Meade submitted his end-of-month report for February which included 1 renovation permit and 8 trade permits.

Beede Spaulding: Mr. Meade reported that he has received septic design plans for 2 of the lots in the Beede Spaulding subdivision.

BUDGET/EXPENDITURE REPORT

At the suggestion of Mr. Barham the Board will review the P/Z expenditure report on a quarterly basis.

CIP

Mr. Barham said he has discussed the process and procedure for the CIP with Mr. Cordes and he has made additions on it. They will meet to discuss it again.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

Mr. Downing made the motion to adjourn at 10:00 pm.
Motion seconded by Mr. Karcz with unanimous favorable vote.

Next regular meeting: April 2, 2014.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From March 19

Bolduc:

- Draft and record the SPR Notice of Decision for Lourette.

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.

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