



FREMONT PLANNING BOARD
June 4, 2014
Meeting Minutes

Present: Chairman Roger Barham, Vice-Chairman John (Jack) Karcz, Member Jack Downing, Alts. Phillip Coombs and Tom O'Brien, Building Official Bob Meade, RPC Circuit Rider Jenn Rowden and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham opened the meeting at 7:15 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.

Mr. Barham appointed Mr. O'Brien as a voting Member for tonight's meeting in Mr. Kohlhofer's stead.

MINUTES

Mr. Karcz made the motion to approve the minutes of the May 21, 2014 meeting as written. Motion seconded by Mr. Coombs with unanimous favorable.

BLACK ROCKS VILLAGE

Map 3 Lot 015

The Board received from Peter Mahoney representing the Black Rocks Village Condominium Association, a request to remove plants and weeds growing along the edge of, and within the detention pond at the entrance of the Black Rocks Village community and place a fountain and a submersible pump in the center of the pond. Mrs. Bolduc contacted Eben Lewis of DES who advised that they need to apply to DES for the work. That information has been forwarded to Mr. Mahoney.

GOVERNOR'S FOREST/MARTIN FERWERDA

Map 3 Lot 002, Route 107

Site Visit

On May 23, 2014 Jack Karcz and Bob Meade met Owner Martin Ferwerda at the Governor's Forest excavation site for the annual inspection. In the comment sheet they submitted they said they walked the perimeter of the lot and saw some ATV tracks and a burn pile. There was a small berm on the side of the road to discourage ATV's. They noted that there was nothing of significant activity to report. In Mr. Meade's report he stated that they walked around and took pictures though it did not seem like there were any changes with the possible exception of in the front where it looked like material may have been pushed back.

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The Board was happy with the report on the Governor's Forest excavation site.
(see minutes of April 11, 2014)

After some conversation and viewing the pictures taken of the site, Mr. Coombs made the motion to approve the Excavation Permit Renewal for Governor's Forest Map 3 Lot 002, with an expiration date of July 1, 2015 with the following conditions.

1. The 2015 annual site visit shall be conducted by the Town Engineer.
2. All previously approved conditions shall remain in effect including:
 - Hours of operation are from 7:00 am to 6:00 pm Monday – Friday with no excavation operation on weekends.
 - Noise reduction on Saturday.
 - No blasting on the weekends.
 - One week's written notice to abutters and to the Town prior to blasting.

Motion seconded by Mr. Karcz with unanimous favorable vote.

PJP, INC

Map 2 Lot 151-2, Route 107

Due to inactivity at the PJP excavation site some Members of the Planning Board conducted the annual site visit at the site on April 11, 2014 in lieu of the Town Engineer. They reported they found no physical change from last year and because of this they did not take pictures this year. The Board was happy with the report on the PJP excavation site.
(see minutes of April 11, 2014)

Mr. Coombs made the motion to approve the Excavation Permit Renewal for PJP, Inc, Map 2 Lot 151.2, with an expiration date of July 1, 2015 and that the 2015 annual site visit shall be conducted by the Town Engineer and all previously approved conditions shall remain and still apply. Motion seconded by Mr. Karcz with unanimous favorable vote.

JOHN GALLOWAY

Map 5 Lot 035, Shirkin Road

Due to inactivity at the John Galloway excavation site some Members of the Planning Board conducted the annual site visit at the site on April 11, 2014 in lieu of the Town Engineer. They reported little to no activity since last year. The Board was happy with the report on the Galloway excavation site. (see minutes of April 11, 2014)

Mr. Coombs made the motion to approve the Excavation Permit Renewal for John Galloway, Map 5 Lot 035, with an expiration date of July 1, 2015, that the 2015 annual site visit shall be conducted by the Town Engineer and all previously approved conditions shall remain and still apply. Motion seconded by Mr. Karcz with unanimous favorable vote.

MERRILL EXCAVATION

Map 4 Lot 015, Beede Hill Road

On May 22, 2014 Town Engineer Dan Tatem, Mr. Meade and Mr. Karcz conducted the annual site visit at the Merrill excavation site. The Board has not received the report of the site visit from the Town Engineer and it was agreed to review the permit application along with the Engineers report at the next meeting.

Approved June 18, 2014

LARS EKENDAHL

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

Present: Lars Ekendahl, owner C.L. Magnusson, Deb Mullen and Bill Bartlett,

At 7:35 pm Mr. Ekendahl met with the Board relative to a question of recent test pit results being less than 4' above the seasonal high water table. His question was "would he, as a future owner, have responsibility to restore the ground to water table level of 48" or is it not important to meet this condition?"

Mrs. Rowden pointed out that statements made by either party at this meeting are not binding.

The Town Attorney was consulted and has advised that:

1. The condition of original approval of the excavation permit is not enforceable because the Town accepted the reclamation in 2008 without enforcing it then.
2. The Town must require that the developers and/or owners of the property fill in any areas required to develop the lot in accordance with the current codes and regulations. The area of the septic system will need to be filled to meet State and Town requirements. Footings for a slab construction are also required to be filled.

Mrs. Rowden said that the area of any buildings, driveway and septic (anything that is built) would need to be built up to a level 4' above the seasonal high water table. Driveway and parking areas are the same as construction of development.

Mr. Meade said the question at the last meeting was did the entire property need to be brought up to 4' and the answer seems to be no, but the building areas and septic areas need to be brought up. Mr. Barham said there is a 4' above the seasonal high water table threshold that needs to be met and the property will have to reclamation in the developed area. Mr. Ekendahl said the test that they did showed water standing at 36" up in the corner, but there is nowhere on the area that would meet 4'. He then asked Mr. Meade if he remembered what the seasonal high water mark was and Mr. Meade answered 30".

There were conversations relative to possible asphalt leakage from the access way, filling, footings for buildings, concrete, size of buildings, size of slab for footings.

Bill Bartlett said he understands they are going to have to fill for the driveway with about a foot of good gravel. He asked if the footings would be required to be put in above the fill or if they could be put below the fill and with the outside graded. Mr. Meade said he would put footings 2' into the natural ground and fill the other 2'.

Mr. Ekendahl said he could split the foundation up in 4 or 6 slabs to spread the building load. Mr. Barham said it would be for Mr. Ekendahl's Engineer to work out what suits him for the property. Mr. Ekendahl asked if the Town would accept a slab if it is designed right and Mr. Meade agreed that it would.

Mr. Barham stated that the Planning Board question has been answered and that any building areas must be at 4' above seasonal high water table, the footings can be below the fill.

Mr. Coombs said it is up to the developer to have a plan with the buildings and septic 4' above the seasonal high water table and the builder to make his building right.

Lars Ekendahl, C.L. Magnusson, Deb Mullen and Bill Bartlett left the meeting at 8:10 pm.

Mr. O'Brien removed himself as a voting Member of the Board for the next issue in which he is the applicant.

THOMAS O'BRIEN

Map 3 lot 146

259 Main Street

At 8:15 pm Mr. O'Brien met with the Board to discuss a possible Minor Site Plan Review for a real estate business in his home. This could be considered a pre-application meeting. It was noted that Mr. O'Brien's property is located in the Flexible Use Residential zone, Village District, Flood Plain and Aquifer Protection District.

Mr. O'Brien said he owns his own real estate company called New World Realty that he runs from home as a home occupation, but he would like to be able to hire other agents and have a business advertising sign on his property. He has about 750 sq ft of space above his garage that he could use for his business.

Mr. O'Brien said he understands his proposal is beyond the scope of home occupation, but after going over the regulations he was confused as to whether he needs to apply for a Major or a Minor Site Plan Review. Mrs. Rowden said this would be a Minor Site Plan Review. She noted that the property is in the Aquifer Protection District so he would need to get a Special Exception from the Zoning Board of Adjustment to have a business in that district. It was noted that a property must be zoning compliant for the Planning Board to approve a Site Plan Review.

In answer to a question relative to parking availability, Mr. O'Brien said he has space for 4 cars to be parked outside of his garage. This prompted a conversation relative to parking and it was noted that parking spaces could not be allowed in the Town or State street right of way which typically includes approximately 13' from pavement. Mrs. Rowden noted that according to the Site Plan Review Regulations parking requirements would be 1 space for every 200' of floor space used for the business and 1 space for each employee. Mr. O'Brien said that he could not comply with the parking requirements because his house and his driveway are already closer than 13' from the pavement on Rt 107 (State road). He noted that even the store next to his property was as close to the street with little parking space.

There was a conversation about signage size and location. It was noted that Site Plan Review would be triggered if a party wants a sign that exceeds 1 square foot in area and indicates from the exterior that the building is being utilized in part for any purpose other than that of a dwelling. Mr. O'Brien said he sees signs in front other homes advertising a business and he stated that his neighbor has a sign in front of his home that advertises Bilodeau Construction. He said his house is large and he would like to the extra space for his business.

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Mr. Barham said the challenge here is that Mr. O'Brien has the square footage inside his building for a business, but the parcel is limited for compliance with some other requirements of the Zoning Regulations and/or of the Site Plan Review Regulations.

At 8:35 Mr. O'Brien thanked the Board and his appointment ended.

At 8:35 Mr. O'Brien resumed his appointment by Mr. Barham as a voting Member for tonight's meeting in Mr. Kohlhofer's stead.

JACOB'S COVE / JAKE DONIGIAN

Map 1 Log 098-1

Mr. Donigian did not keep his appointment to meet with the Board to address the issue of non-compliance with the stabilization requirements specified on the approved plans and as required by the NHDES Alteration of Terrain permit issued for the Jacob's Cove project as reported in Town Engineer Dan Tatem's construction status update letter of May 23, 2014.

Mrs. Bolduc will follow up with Mr. Donigian to reschedule his appointment.

FRASER INVESTMENT PROPERTIES, LLC

Voluntary Lot Merger

Map 2 Lot 9.001 and Map 2 Lot 10

Thomas Fraser

The Board received and reviewed a Voluntary Lot Merger form for property owned by Fraser Investment Properties, LLC. / Thomas Fraser and located at Map 2 Lot 9.001 and Map 2 Lot 10, as per NH RSA 674:39-a Voluntary Merger.

As per the document, which is signed by owner Thomas Fraser, the applicant requests that the Town of Fremont, New Hampshire hereby merge Map 2 Lot 9.001 and Map 2 Lot 10 for the purpose of being assessed and treated for regulatory purposes as a single tract or parcel of land. By Mr. Fraser's signature on the form he has certified that the parcels (i) are not subject to separate liens or mortgages, or (ii) any such liens apply equally to all parcels merged; and that all real estate taxes on all parcels are current.

The Board consulted the Fremont Tax Map that shows the dimensions of each lot. Following a discussion and a request for a consensus from Mr. Barham, it was the unanimous consensus of the Board that this lot merger would not create a violation of the current Fremont Zoning Ordinance or Subdivision Regulations.

Mr. Karcz made the motion that the Board approve the voluntary merging of the parcels located at Map 2 Lot 9.001 and Map 2 Lot 10, owned by Fraser Investment Properties, LLC. / Thomas Fraser, and direct Mr. Barham to sign the Voluntary Lot Merger form.

Motion seconded by Mr. Coombs with unanimous favorable vote.

This form will be forwarded to the Board of Selectmen for their approval and signature and then recorded at the Rockingham Registry of Deeds at the applicant's expense.

Approved June 18, 2014

BUILDING INSPECTOR

Mr. Meade reported: 3 new homes, 1 manufactured home, 1 addition, 1 barn, 1 shed, 1 pool, 6 renovations and 39 trade permits.

Mr. Meade reported:

- He got a call about someone filling up to, and somewhat into, a wetland. The subdivision plan that includes the property clearly shows it to be designated wetland. Mr. Meade sent a complaint form, plans and a Google map to DES. The owners also did some grading in the Town street right of way and the Road Agent was called in.
- #13 Beede Hill Road: He talked with the owner about a (large) sign for yard sale placed within the street right of way. The owner removed the sign on Rt 107, but he has noticed that it is back. He will send a letter to the owner about sign and right of way regulations.
- Church: a representative of the Church spoke with him and the Fire Chief about fire ratings, sprinklers, and other codes issues for renovating including a second egress door.
- Dan Perry: He has received a septic plan for another house on Thunder Road.
- Spaulding Road: There is another home being constructed on Spaulding Road. Mr. Meade gave an update on the cistern.

CIP

There was no update at this time.

P/Z BUDGET EXPENDITURE REPORT

The Board received and reviewed the P/Z expenditure report as of May 31, 2014. Mrs. Rowden said the hourly rate is increasing by \$3.00 per hour (to \$58 per hour) as of July 1, 2014.

MASTER PLAN

Energy Chapter

Growth Control Chapter.

Mrs. Rowden said she will have drafts of both chapters to review at the next meeting.

INCOMING CORRESPONDENCE

Received:

- An invitation to the RPC Annual Meeting to be held on June 11, 2014
- June 19, 2014 Raymond Planning Board Meeting. Mr. Barham will attend.

Mr. Karcz made the motion to adjourn at 9:05 pm.

Motion seconded by Mr. Coombs with unanimous favorable vote.

Next regular meeting: June 18, 2014.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From May 21: Bolduc

- Send information relative to the Magnusson Excavation pit to the Town Attorney and request opinion relative to elevation and closure and the Town’s liability. Completed.

From June 4: Bolduc

- Send copies of approved excavation permits to PJP, Galloway and Governor’s Forest.
- Contact Jake Donigian relative to rescheduling his appointment.
- Forward the Fraser lot merger forms to the Selectmen for signatures and then to the RRD for recording.

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.

House Bill 1210: This bill would require written notification of any zoning changes or amendments to abutters or anyone whose land would be affected.

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 Energy Chapter	Pending		Completion date		Contract Completion Date
MP Growth Control Chapter	Pending				Contract Completion Date