



FREMONT PLANNING BOARD
July 16, 2014
Meeting Minutes

Present: Chairman Roger Barham, Vice-Chairman John (Jack) Karcz, Members Jack Downing, Selectman Brett Hunter, Alts. Phillip Coombs and Tom O'Brien, 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. Karcz made the motion to approve the minutes of the July 2, 2014 meeting as written. Motion seconded by Mr. Hunter with unanimous favorable.

MERRILL EXCAVATION

Map 4 Lot 015, Beede Hill Road

At the June 18, 2014 meeting the Board voted to extend the existing Excavation Permit for the Merrill Excavation operation from July 1, 2014 to July 15, 2014 to allow time for Mr. Merrill to complete the work to address the three deficiencies noted by Mr. Tatem and submit photographic documentation of the work.

- *Final grade and stabilize with loam and seed the two exterior side slopes around Excavation Area #8. (see Tatem's photo #1)*
- *Prior to July 1, 2014= Remove the stockpile of fill was higher than the top of the back (see Tatem's photo #2)*
- *Prior to July 1, 2014= Stabilize with vegetation the volume of imported loam that was stock piled in the center of the site, at the base of the existing large stockpile of loam that was striped from the on-site areas of excavation. (see Tatem's photo #3)*

The Board reviewed a letter and pictures that Mr. Merrill submitted showing that the areas of concern have been addressed. Mr. Tatem was sent the pictures and he submitted a written statement that "*with the condition that all that hydro-seed has successfully grown into grass, they are all set*". He suggested that Mr. Meade check the area to make sure the grass is growing or have Mr. Merrill send follow up pictures.

Mr. Karcz made the motion to approve the Excavation Permit Renewal for George Merrill/Fremont Park Map 4 Lot 15, with an expiration date of July 1, 2015. All existing conditions shall apply.

Motion seconded by Mr. Coombs` with unanimous favorable vote.

The Board received a copy of a July 4, 2014 invoice #806375 from Stantec in the amount of \$530.00 for the annual monitoring at the Merrill Excavation and a correspondence from Town Administrator Heidi Carlson to Treasurer Kimberly Dunbar relative to withdrawal of \$530.00 from the escrow account to cover the invoice.

BEEDE SPAULDING

Map 3 Lot 053

The Board received a copy of a July 4, 2014 invoice #806379 from Stantec in the amount of \$976.33 for Spaulding Road subdivision construction monitoring and a correspondence from Town Administrator Heidi Carlson to Treasurer Kimberly Dunbar relative to withdrawal of \$976.33 from the Beede Spaulding escrow account to cover the invoice.

DAN PERRY/SCRIBNER ESTATES

Map 2 Lot 001

On July 2, 2013 a letter was sent to Mr. Perry advising him that his bond amount needs to be amended from the previous amount of \$130,800 to the current estimate of \$144,900 per Caron Engineering's recent bond estimate. The letter required Mr. Perry to post the additional \$14,100 within 30 days (by August 2, 2014) either by amending the LOC or by submitting cash or a certified check. Mr. Perry has not yet responded.

MASTER PLAN

Growth Control Chapter.

Mrs. Rowden submitted an updated draft of the Growth Management Chapter of the Master Plan via e-mail which was forwarded to all Members. The updates included the school enrollment numbers and the school portion of the taxes.

Discussion: Mrs. Rowden said she heard from Mr. Kohlhofer about the draft saying in several places that growth costs the Town more when, in fact, the growth rate is slowing. She said that Fremont has a large amount of acreage, but lacks a major highway. Mrs. Rowden said she was asked if there are any economic development grants, but unfortunately there are none. Mr. Coombs said banks will give economic development grants to towns and Mrs. Rowden said she did not explore private sources. She suggested that the Town could contact the Regional Economic Development Corporation based out of Raymond for resource assistance.

Mr. Coombs said he feels that commercial growth is more beneficial for the Town than residential growth at this time. Mrs. Rowden said there are things that a Town can do to make it more business friendly such as not requiring some business to go through the variance process. Some Towns have a consulting firm on a part time basis. Mr. Barham said that when they had the meeting with the property owners in the commercial districts they were not very interested in developing the property. There was a conversation relative to the possible need for an Economic Development Committee.

Mr. Rowden said she would not recommend Fremont create a growth control ordinance, but suggested a recommendation in the Master Plan chapter to update the information periodically.

Mr. Barham said the last few years, and projected forward, there is quiet growth. He said he agreed with Mrs. Rowden that the numbers should be updated and suggested that it be on a 5-year basis.

Mrs. Rowden said she will clean up the draft and add the recommendations to the update to the Growth Control Chapter of the Master Plan and e-mail it to the Land Use Office to forward to the Members so it can be reviewed at the next meeting.

JACOB'S COVE / JAKE DONIGIAN

Map 1 Log 098-1

Present: Owner Jake Donigian

At 7:35 pm Mr. Donigian met 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.

On July 8, 2014 Mr. Donigian submitted photos to show that he has addressed the stabilization requirements specified on the approved plans and by the NHDES Alteration of Terrain permit issued for the Jacob's Cove project. Photo #1 showed the processed pile of material, #2 showed the landscape to the drain, #3 showed the slope, #4 showed more of the processed pile of material, #5 showed the fill pile with the silt fence in place, #6 showed more of the landscape to the drain as in photo 2, #7 showed the slope going to the drain. Photos #8 – 11 show the slopes around the circle.

Mr. Tatem was sent the pictures and he submitted the following written statement.

1. *If the unstabilized portions of the site are actively being constructed, then he is most likely in compliance with the NHDES permits. However, if he is working, we have no knowledge of it and he is supposed to be contacting the Town and us to have the work monitored, per your regulations. We have not heard from Jake in Months*
2. *The EPA NOI permit requires that he completes weekly inspections of the site and keeping records of the inspections. At the pre-con meeting it was agreed that he would provide copies of those reports to Stantec. We have not seen one in a few years.*
3. *The approved plans require the disturbed ground to be stabilized with vegetation within in so many days. The last time we were there, we noted many areas that were not stabilized or even graded per plan and cannot evaluate the whole site from the provided photos.*

When we last spoke with Jake we recommended that he meet with his engineer and come up with a written plan on how he was going to get the site into compliance with his permits and submit it for review. We have not heard back from him yet.

The only way that we can determine if he is in compliance with his permits would be to meet on-site with Jake and discuss his plan and evaluate the plan against the requirements of his permits and the actual condition of the whole site.

On November 20, 2013 the Board granted an extension to condition #8 of the subdivision approval in place to November 1, 2014; after which time the Board agreed that the road must be bonded or built.

Note: Condition #8 of the October 6, 2010 conditional approval of the Jacob's Cove subdivision says "The subdivision construction shall follow the schedule that was submitted by the applicant on October 6, 2010. At that point, or by November 1, 2011, the project must be completed or bonded." On November 7, 2011 the Board granted a one-year extension to condition #8 from November 1, 2011 to November 1, 2012.

Mr. Donigian asked how long he is supposed to do weekly inspections of the site, keep records of the inspections and provide copies of those reports to Stantec. Mrs. Rowden answered that this is required until the project is finished. She recommended that the Town Engineer should go to the site and evaluate it for compliance.

Mr. Barham stated that the Board should require that the Town Engineer visit the site for inspection for compliance with the permit and to discuss Mr. Donigian's plan for Jacob's Cove and evaluate the plan against the requirements of his permits and the actual condition of the whole site. The Members agreed and Mrs. Bolduc was asked to contact Mr. Tatem to set up a time for a site visit.

Mr. Donigian said he should have the road done except for the finish coat by the early October, 2014. He said the blasting is done and the material for the road is already onsite, the circle is all buffed in and he is grading it off and will plant in the circle and extend the utilities. Mr. Donigian said he understands that he can start building, but not sell lots until the road is finished.

The Board received a copy of a July 4, 2014 invoice #806376 from Stantec in the amount of \$134.00 for Jacob's Cove subdivision construction monitoring and a correspondence from Town Administrator Heidi Carlson to Treasurer Kimberly Dunbar relative to withdrawal of \$134.00 from the escrow account to cover the invoice.

Mr. Donigian thanked the Board and left the meeting at 7:45 pm.

CHRISTINE WALKER
15 Rogers Road
Map 6 Lot 003-004

Public Hearing/ Site Plan Review

Present: Applicant Christine Walker, Dan Strong

At 7:50 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 July 16, 2014 in the Basement Meeting room at the Fremont Town Hall, concerning an application for Site Plan Review and conditional use permit for Christine Walker. The applicant proposes to open and operate a hair salon and spa business at the property owned by Robert Andrew located at 11 Rogers Road, Fremont, New Hampshire; Fremont Tax Map 6 Lot 003-004. This property is located in the Flexible Use Residential Use 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.

The property is owned by Robert Andrew. The property is in the Flexible Use Residential Zone and is not in the Aquifer Protection District.

This hearing was noticed on July 1, 2014 at the Fremont Post Office and Fremont Town Hall, and on the Fremont Website; in the July 3, 2014 edition of the Manchester Union Leader. The applicant and all abutters were notified via certified mail on July 1, 2014 and all returns have been received. The application package included: the application, multiple copies of the 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 applicant also submitted a copy of the deed and a July 1, 2014 letter from the property owner Robert Andrew giving his “*permission for Christine Walker to seek Site Plan Review with the Fremont Planning Board for the purpose of establishing a hair salon & spa at my property at 15 Rogers Road, Map 6 Lot 3-4*”.

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

Building Official/Code Enforcement Officer: *My initial concern for an ADA ramp has been answered. Anything else would be at permitting time.*

Health Inspector: *I have no health issues that come to mind. My first thought is that this is more friendly to the environment than the previous use.*

Fire Chief: *Just make sure the Fire Department has updated key for knox box.*

Police Chief: *No comment.*

Mrs. Rowden submitted the following RPC Circuit Rider report.

Rockingham Planning Commission (RPC) received and reviewed a minor site plan application for Tax Map 6, Lot 3-4 (15 Roger Road) for a change of use from a pet grooming business to a hair salon and spa. The lot is located in the flexible use residential zone and the proposed use is allowed within that district with a Conditional Use Permit

Based on review of the application, I find that the application largely meets the requirements of Fremont’s Zoning Ordinances and Site Plan Regulations. My comments regarding the application are as follows:

- *Conditional Use Permit: I find that the proposal complies with the requirement for a Conditional Use Permit standards under Zoning Ordinance 8.6.*
- *I would recommend that the Board require no notes on the plan, the notes on the site plan be more specific regarding what they are describing, or specifically only require notes 4, 5, and 6 as drafted below. Per Site Plan Regulation 1.18.1, none of the following information is required for a minor site plan.*

The following is suggested language if the Board chooses to require any notes:

1. *Map 6, Lot 3-4 is located approximately 2.7 miles from the local fire and rescue department (Fremont Site Plan Regulation 1.13.J).*
2. *The site is estimated to increase the daily average automobile traffic within Fremont by 10 cars per day. (Fremont Site Plan Regulation 1.13.K)*
3. *The estimated level of noise generation is the equivalent of professional hairdryers (Fremont Site Plan Regulation 1.13.L.1)*

4. *The site currently has one existing residential unit and one non-residential unit that will be used for a hair salon and spa. (Fremont Site Plan Regulation 1.13.S.17)*
5. *The hours of operation will be from 9:00 a.m. to 8:00 p.m. Monday through Saturday. (Fremont Site Plan Regulation 1.13.S.19)*
6. *The proposed sign will be no larger than 32 square feet and be in compliance with Fremont's Sign Ordinance (Article XIX)*

The Board reviewed the plan submitted by Ms. Walker. This plan was to scale and showed the entire 3.25 acre parcel of Map 6 Lot 003-004 and all improvements on the property as well as the locations of all abutters. The Board agreed that the notes should be on the plan. They also agreed with Mrs. Rowden's suggested language for the notes on the plan and Ms. Walker replaced her notes with those of Mrs. Rowden.

In her letter of intent Ms. Walker stated that she is interested in leasing the space at 15 Rogers Road to open a full service salon and spa with 2 hair stations and 2 shampoo sinks offering all hair cutting/coloring, waxing and spray tanning as well as basic manicures and pedicures. Ms. Walker said that she is planning to utilize the entire space for her hair salon.

Following some review of the application and the Site Plan Review Regulations, Mr. Coombs 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. Ms. Walker signed and submitted the required letter attesting to full compliance with Article XVIII, Section 8.6 of Fremont Zoning Ordinance and that the proposed plan is consistent with the purposes of Site Plan Review Section 1.5.

Mr. Karcz made the motion that the use is in compliance with all standards for approval of a Conditional Use Permit as listed in Article XVIII Section 8.6 of the Fremont Zoning Ordinance. Motion seconded by Mr. Coombs with unanimous favorable vote.

After further careful consideration by the Board of the plan and application submitted by Ms. Walker relative to the Site Plan Review Regulations for Minor Site Plan Review and each of the conditions of approval for Conditional Use Permit, Mr. Coombs made the motion that the Planning Board approve the Site Plan Review as requested by applicant Christine Walker, pursuant to the information and site plan submitted, to allow the applicant to open and operate a hair salon and spa business at the property owned by Robert Andrew located at 11 Rogers Road, Fremont, New Hampshire, Tax Map 6 Lot 003-004, 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 provisions of RSA 676:17 shall be applicable.*

Motion seconded by Mr. Downing with unanimous favorable vote.

Ms. Walker submitted the recording and administrative fees. The notice of decision will be recorded at the Rockingham Registry of Deeds.

Mr. Hunter made the motion to close this Public Hearing at 8:20 pm.
Motion seconded by Mr. Downing with unanimous favorable vote.

Ms. Walker thanked the Board and she and Mr. Strong left the meeting at this time.

CIP

There was no update at this time.

BUDGET

Town Administrator Heidi Carlson has related that the first Budget Committee meetings are on August 20 and 27 to start work and lay out the schedule and budgets are due by August 11, 2014.

The Board reviewed the expenditure sheet as of June 30, 2013. Mr. Barham and Mrs. Bolduc will review the budget and present it at the next meeting.

STORMWATER REGULATION GRANT

Mrs. Rowden reported that RPC has applied to NH DES for a grant to do some stormwater regulation modifications for the Lamprey River and the Exeter River. She noted that so far Fremont has been exempt from the stormwater regulation requirements through waivers, but that may not be the case moving forward. There was a conversation relative to the need for stormwater regulations especially for future commercial or residential developments. Mrs. Rowden explained that with regulation a developer would be required to have their stormwater and drainage on their own lot. This would also make sure stormwater does not go onto town roads.

Mr. Barham said that it would be to the Towns benefit to have a stormwater regulation ready to put in place when it is required of us because waivers were no longer approved. The Board agreed.

Mrs. Rowden said the pre-proposal for the grant has already been submitted and the actual grant would need to be submitted at the end of August. The Board would need to write a letter of support.

By consensus the Board agreed that they would like Fremont to be considered for the stormwater regulation grant.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

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Mr. Coombs made the motion to adjourn at 8:50 pm.
Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: July 30, 2014.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From July 16:

Bolduc

- Send a copy of approved excavation permits to Merrill Excavation.
- Process Walker notice of decision.
- Set up a site meeting between Tatem and Donigian.
- Review the budget and present it at the next meeting.

Barham:

- Review the budget and present it at the next meeting

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 1210: This bill would require written notification of any zoning changes or amendments to abutters or anyone whose land would be affected. It reads in part:

Any person owning property in the municipality may request notice of all public hearings on proposed amendments to the zoning ordinance, and the municipality shall provide notice, at no cost to the person, electronically or by first class mail. If a proposed amendment to a zoning ordinance would change a boundary of a zoning district and the change would affect 100 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owners of each affected property. If a proposed amendment to a zoning ordinance would change the minimum lot sizes or the permitted uses in a zoning district that includes 100 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owner of each property in the district.

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.

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