



FREMONT PLANNING BOARD
August 20, 2014
Meeting Minutes

Present: Vice-Chairman John (Jack) Karcz, Members Jack Downing, Andy Kohlhofer, Selectman Brett Hunter, Alts. Phillip Coombs and Tom O'Brien, Building Official Bob Meade, and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Karcz 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 July 30, 2014 meeting as written. Motion seconded by Mr. Hunter with unanimous favorable vote except for Mr. Kohlhofer and Mr. O'Brien who abstained as they were not present at that meeting.

BEEDE SPAULDING

Map 3 Lot 053

The Board received a copy of an August 14, 2014 invoice #817824 from Stantec in the amount of \$300.83 for Spaulding Road subdivision construction monitoring and a correspondence from Town Administrator Heidi Carlson to Treasurer Kimberly Dunbar relative to withdrawal of \$300.83 from the Beede Spaulding escrow account to cover the invoice.

Duplicate lot numbers have been discovered on the Beede Spaulding plan. Beals Associates has been notified. There will need to be a corrective plan drawn, signed by the Planning Board and recorded to show the correct lot numbers.

BUILDING INSPECTOR

Mr. Meade submitted his end-of-month report for July which included permits for 1 new home, 1 manufactured home, 1 addition, 2 decks, 1 porch and 2 fines, 5 renovation permits, and 32 trade permits.

Mr. Meade reported:

- Stacey Phillips -77 South Road: Ms. Philips thinks the work on her property is done, but Mark Pitkin will go out to look. Mr. Meade has been out for the bed bottom inspection and Jameson Hill has looked over the swale detail.
- Beede Spaulding: Another set of building plans came in.

- Martin Ferwerda/Governors Forest, Rt 107: Mr. Ferwerda is supposed to pick up permits next week for a second manufactured home.
- Riverside Drive: Received complaints from a resident for various issues on Riverside Drive.
- Janette Sequino, 127 Spaulding Road: Received a complaint from Mrs. Sequino about piles of material left on her property from the Beede Spaulding subdivision.
- Witham/Countryside Estates, Rt 107: The police department complained about the large political sign in the front of the Countryside Estates.
- Canvas carpports: The code says that canvas car port or *similar unit* “should” meet setbacks. Mr. Coombs said setbacks cannot be enforced on something that is temporary and is not a structure. The Members agreed.

JACOB’S COVE / JAKE DONIGIAN

Map 1 Log 098-1

Present: Surveyor Kevin Hatch, Jacob Donigian, Michael Weymouth, Wayne Kinney, Road Agent Mark Pitkin.

The Jacob’s Cove subdivision plan was conditionally approved on October 6, 2010, but has not been signed by the Planning Board or recorded.

At 7:30 pm Mr. Hatch met with the Board to discuss the cul-de-sac circle requirements at the Jacob’s Cove project. Mr. Hatch said Mr. Donigian is requesting to be allowed to reduce the cul-de-sac radius from 25’ to 20’. He passed out an enlargement of the portion of sheet 7 of the approved plan that shows the cul-de-sac and noted that reducing the radius would give more room for the drainage and infrastructure. The road is paved to the cul-de-sac, but the cul-de-sac is not built. Mr. Pitkin said the 20’ width should not be an issue.

When RPC Circuit Rider Jenn Rowden was contacted about this request she suggested that the Fire Chief be contacted for his opinion relative to emergency vehicle access with a 20’ cul-de-sac radius. Chief Butler was contacted and he issued the following written statement: *In regards to the cul-de-sac radius at the Jacob’s Cove subdivision, I feel it should be left to the town specs of 25’ to accommodate fire apparatus and other large vehicles. Reducing the radius you will lose road space from snow bankings in the winter making it difficult to negotiate around the cul-de sac throat.*

The Board received an August 13, 2014 correspondence from Dan Tatem reporting that he and Road Agent Mark Pitkin discussed Mr. Donigian’s request to reduce the pavement width around the cul-de-sac to 20’. Mr. Tatem said that they are both OK with it, as long as Mr. Donigian installed a sign at the throat of the cul-de-sac limiting it to one-way traffic. It is Mr. Donigian’s intent to hold the existing inside edge of pavement and bring in the outer edge by 4’. He will also be paving the cul-de-sac with a 3% cross slope from the center out (super elevated).

Note: The cul-de-sac radius is not listed as a condition of the Jacob’s Cove subdivision approval, however it is shown as 25’ on the approved subdivision plan. The 25’ (instead of 30’) cul-de-sac radius was a requested waiver to Appendix A when the subdivision plan was approved on October 6, 2010. The waiver was approved. On June 20, 2012 the Planning Board

amended Appendix A in the Subdivision Regulations to change the radius curve of a cul-de-sac from 30' to 25'.

Mr. Karcz asked for a consensus from the Members whether they consider that reducing the cul-de-sac radius is a substantial change in the approved plan. It was the consensus of the Board that this is not a substantial change in the plan.

After some discussion Mr. Hunter made the motion that per the agreement of Town Engineer Dan Tatem and Road Agent Mark Pitkin, the Board approve Mr. Donigian's request to be allowed to reduce the Jacob's Cove road cul-de-sac radius from 25' to 20' as long as there is a sign installed at the throat of the cul-de-sac limiting it to one-way traffic.

Motion seconded by Mr. Coombs with unanimous favorable vote.

It was agreed that Mr. Hatch would submit an as-built plan showing and noting the cul-de-sac reduction.

The Board received an August 6, 2014 status update correspondence from Town Engineer Dan Tatem/Stantec:

At the request of the Town we performed a follow-up site visit to the subject site on July 29, 2014 to meet with the Developer, Jake Donigian to discuss the status of the project and how he intends to bring the site into compliance with the approved plans and NHDES/EPA permits. We have the following comments:

- 1. The roadway from Station 12+00 to the end of the cul-de-sac has been cleared of vegetation, and partially graded to subgrade. The ledge cut has been completed and the side slopes have been graded, and stabilized with vegetation.*
- 2. There are many stockpiles on the site that are in various stages of stabilization. The back sides of the piles that are being actively utilized are to be stabilized and the piles that are not being used are to be fully stabilized with vegetation. The Developer informed us that he intends to have all of the inactive piles sprayed with hydro-seed and mulch by Friday, August 8, 2014.*
- 3. The erosion control measures around the outer perimeter of the site, including the stockpile areas appear to be working and no visible erosion issues were noted.*
- 4. According to Mr. Donigian, he intends to start active construction this week and is scheduled to complete the roadway, drainage infrastructure and all associated grading by the end of October 2014.*

Mr. Donigian stated that he will be completing the roadwork himself and will contact Stantec for all necessary construction monitoring and will be completing all the required SWPPP reports. He is also going to provide Stantec and the Town with all the overdue SWPPP reports. We recommend that he provides them by August 15, 2014.

The site is being actively constructed, and that the Developer agreed to appropriately stabilize all of the fill stock piles, he has estimated that the site will be brought back into compliance with the approved plans and NHDES/EPA permits by August 12, 2014. Jake: will be done by the end of September. Paved and hydroseeded.

Mr. Donigian said that items 2 and 4 of Mr. Tatem's letter have not been done.

Mr. Hatch and Mr. Donigian thanked the Board and left the meeting at 7:50 pm.

MARK PITKIN
Map 5 Lot 039-1

Public Hearing

Present: Owner Mark Pitkin, James Lavelle, LLS, Michael Weymouth, Wayne Kinney
Mr. Karcz opened the Public Hearing at 7:50 pm and read the notice of the Public Hearing which was as follows:

In accordance with NH RSA 155-E: 7, you are hereby notified that the Fremont Planning Board will hold a Public Hearing at 7:30 pm on Wednesday August 20, 2014 in the Basement Meeting Room at the Fremont Town Hall for Mark Pitkin for an Excavation Operation permit for his property located at Map 5 Lot 039-001, 9 Squire Road, Fremont, NH.

The applicant proposes to excavate approximately eight thousand (8,000) cubic yards of material from his property over a period of approximately one (1) year for the purpose of creating an approximately one half (1/2) acre (or 25,000 sf) pond.

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

It was noted that this hearing was noticed on August 5, 2014 at the Fremont Post Office and Fremont Town Hall and in the August 8, 2014 edition of the Manchester Union Leader. The applicant and all abutters were notified via certified mail on August 5, 2014 and all returns have been received except for that of Mr. Pitkin.

The application included the excavation permit application, 6 sets of plans, abutters list, cover letter of intent, and proper check amount and waiver requests.

The application was not reviewed by the Town Engineer or RPC Circuit Rider and did not include \$1000.00 surety escrow and reclamation bond.

The Board also received:

- Notice of the NHDRA Intent to Excavate form for April 1, 2014 to March 31, 2015.
- May 27, 2014 ZBA notice of approved Special Exception from the terms of Article IX Section H Fremont Zoning Ordinance to allow the creation of an approximately 26,000 sf. pond as close as twenty (20) feet to the edge of any wetlands on their 9 Squire Road (Map 5 Lot 39-1) property.

The cover letter included with the application signed by Timothy Lavelle said *“the intent of this project is to create a 25, 000 sf pond. The material excavated, which is primarily sand fill material will be trucked off site. The trucking will be conducted between 7 am and 7 pm three or four days a week. Approximately 8,000 cubic yards of material will be removed. The area adjacent to the pond will be loamed and seeded to create lawn.”*

It was noted that this excavation application came about because the excavation exceeded 1,000 cu yds of material as a result of digging a pond.

RPC: The plan was sent to RPC Circuit Rider Jenn Rowden on the afternoon of Thursday, August 14, 2014. She called Mrs. Bolduc to say that she would not have time to review the plan as she was leaving for vacation that afternoon. She said the Board could move forward without her review or wait until the next meeting when she will have completed it.

Mr. Pitkin and Mr. Lavelle submitted, and the Board reviewed, a plan drawn by Lavelle

Associates and dated January 14, 2014 and revised April 16, 2014. This plan was stamped by Certified Wetland Scientist Timothy Ferwerda and shows the location of wetlands, prime wetlands, the proposed 25,500 sf pond, and the proposed gravel access for construction. The plan also shows the locations of the existing dwelling, sheds, septic well, and driveway. Notes on the plan are relative to purpose “to show a proposed pond with access driveway”, wetland delineation, prime wetlands location, reference plans and note 5 stated that the site is not in a designated flood zone per the May 2005 F.I.R.M./F.E.M.A. map 331015C0215E. Revisions on the plan included the addition of note #3 “*The pond will be excavated to a depth of approximately 17’* “ and note #4 “*Approximately 8,000 yards of material will be placed on upland areas or removed from the site. No jurisdictional wetlands will be disturbed.*” All other notes remained and were renumbered.

The following statement is on the plan.

- *Landscaping & Stormwater Control: All construction on the site shall be conducted in a manner consistent with the recommendations provided in the “New Hampshire Storm Water Manual – Volume 3 – Erosion and Sediment Control During Construction” as published by the NHDES December 2008 and “New Hampshire Storm Water Manual – Volume 1 – Storm Water and Antidegradation” as published by NHDES December 2008.*

The plan showed proposed disturbance as close as 20’ from the edge of a wetland in one area and approximately 20’ in several other areas. It also included the May 27, 2014 ZBA Special Exception approval.

There was a conversation relative to the requirement to post the \$1,000 surety. Mr. Pitkin said that because the project is a pond there will be no restoration, no restoration plan there is nothing for the Town Engineer to look at. The pond area was located by Wetland Scientist Tim Ferwerda.

There was a conversation relative to the requirement to send the application to the Town Engineer. Mr. Karcz said the Planning Board has always sent applications to the Town Engineer and he thinks this plan should go to the Engineer at least for an initial review. Mr. Pitkin’s concern about sending this application to the Town Engineer was that there would be unnecessary costly inspections. Not only would that gets expensive, but there would be little to nothing to inspect given that this is a ½ pond with no reclamation.

The Board agreed that in this case the excavation application does not need to be reviewed by the Town Engineer. They also agreed to authorize and delegate Bob Meade, as Building Inspector, to conduct on-site inspections as necessary. (per 6.8 of the Excavation Regulations)

The Board reviewed waiver requests to the following Excavation Regulations that Mr. Lavelle submitted. (applicants rational in *italics*)

Article

4.2: Plans to be sent to Town Engineer.

4.2.6: Reclamation Plan. *There are no reclamation plans.*

4.2.9: Statement regarding fuel, chemicals, etc. *none.*

4.2.5 (m): Test pits and data: *The proposed pond does not require “reclamation”*

therefore test pit data has no use in this application.

4.2.5-(ff): Ground water wells; *None proposed, groundwater will be visible.*

4.2.5 (t): Top soil storage areas for reclamation; *no topsoil reclamation is proposed.*

14: Reclamation bond: *No reclamation is proposed.*

14.2: \$1,000 engineering surety: *We are not submitting a reclamation plan therefore we do not require a review.*

After careful consideration by the Board Mr. Downing made the motion to approve all requested waivers to the Excavation Regulations.

Motion seconded by Mr. Coombs with unanimous favorable vote.

Comment sheets were received from:

Health Officer: *I have no issue with this.*

Building Inspector: *I am in favor of creating said pond and am on record with the letter to the Zoning Board accordingly.*

Fire Chief: *No problem.*

Fremont Conservation Commission: *The Conservation Commission has no objection to the excavation of 8,000 cu yds in construction of a 1/2 acre pond as outlined in plan #001-2014 drawn by Lavelle Association.*

Board of Selectmen: This has been forwarded to the Board because the applicant is the Town's Road Agent, thus as the Road Agent he cannot comment on the plan.

So long as it meets State of NH and Fremont ZBA approval, then no further comment.

With no further discussion Mr. Coombs made the motion that the Planning Board approve the requested Excavation Permit, including all approved waivers, for Mark Pitkin for an excavation operation on his property located at Map 5 Lot 039-001, 9 Squire Road, Fremont, New Hampshire to excavate approximately eight thousand (8,000) cubic yards of material from his property over a period of approximately one (1) year for the purpose of creating an approximately one half (1/2) acre (or 23,500 sf) pond with a depth of approximately seventeen (17) feet.

This permit is pursuant to plan #001-2014 prepared by James M. Lavelle, LLS, dated January 14, 2014 with a revision on April 16, 2014 and is approved with the following conditions:

- This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits that may be required.
- NH RSA 676:17 shall apply.

Motion seconded by Mr. Kohlhofer with unanimous favorable vote.

With no further discussion, Mr. Hunter made the motion to close this public Hearing at 8:35 pm.

Motion seconded by Mr. Kohlhofer with unanimous favorable vote.

Mr. Pitkin and Mr. Lavelle thanked the Board and left the meeting at this time.

GRISTMILL, LLC/COPP DRIVE EXTENSION

Map 2 Lot 173.12 & Map 2 156.2

Present: Owners Mike Weymouth and Wayne Kinney, Kevin Hatch, LLS

At 8:35 pm Mr. Weymouth met with the Board to discuss the status of the Gristmill Project at Copp Drive Extension.

Mr. Hatch said that he did a septic design on a Gristmill Phase II property and there was a misunderstanding of the phases of the Gristmill Landing and the Copp Drive Extension subdivision.

To clarify Mr. Hatch explained that;

- The entire Gristmill Road, Cross Street and the connecting portion (Phase I) has been completed.
- Gristmill Landing Phase II lots are viable lots because the conditions of approval have been met.
- Copp Drive Ext Phase I (Map 2 Lots 156-2-1 through 156-2-6 and 156-2-12) lots are viable.
- Copp Drive Extension Phase II (Map 2 Lots 156-2-7 through 156-2-11);
There is a condition on the Copp Drive Extension Phase II plan denoting which lots can be sold based upon the completed road access.
(Condition # 22; Lots 2-2 through 2-6, and lots 2-12 and 2-13 may be sold upon recording of this plan; Lots 2-7 through 2-11 are in Phase 2 and are only to be sold upon recording at the Rockingham County Registry of Deeds a letter from the Fremont Planning Board indicating the additional lots have been approved for sale, based upon completed road access.)

So at this point as far as the recorded plans and conditions the lots in Gristmill Phase II are viable, Copp Drive Ext Phase I lots are viable, Copp Drive Ext Phase II lots 2-7 through 2-11 require a letter from this Board that they can “only to be sold upon recording at the Rockingham Registry of Deeds a letter from the Fremont Planning Board indicating the additional lots have been approved for sale, based upon completed road access.”

Copp Drive Phase II needs to be completed.

Road Bonds in place: Gristmill Road 2 = \$24,300

Copp Drive Extension = \$108,212

Last Engineer review and report: December 22, 2012: Engineer Bill Rollins of Rollins Consulting Services:

Observation of clearing and grubbing on Copp Drive Extension from sta 8+50+/- to sta 18+50. All stumps, root matter and loamy soil had been removed within the right of way. Mike mentioned some additional minor clearing may be required along the right edge of the roadway.

Once the roadway subgrade is prepared and the ditch lines are excavated, it will be apparent as to whether any additional tree removal is required. Clearing widths will be measured and verified in the spring.

At 8:45 pm Mr. Hatch, Mr. Weymouth and Mr. Kinney left the meeting.

ACTION ITEMS

From July 30:

Bolduc:

- Set up the public hearing for adoption of the Growth Management Chapter of the MP. Completed.
- Draft and submit the 2015 P/Z budget to Town Administrator Heidi Carlson. Completed.

From August 20:

Bolduc:

- Pitkin: Draft and record notice of decision.
- Growth Management Chapter of the MP: Draft notice of decision.

LEGISLATIVE BILLS

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.

Pending.

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.
- 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	2014 August 20
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	Completed				Contract Completion Date	Approved