



FREMONT PLANNING BOARD
September 3, 2014
Meeting Minutes

Present: Chairman Roger Barham, Vice-Chairman John (Jack) Karcz, Members Jack Downing, Andy Kohlhofer, Selectman Brett Hunter, Alt. Tom O'Brien, Building Official Bob Meade, RPC Circuit Rider Jenn Rowden, and Land Use AA/Recording Secretary Meredith Bolduc.
Also present: Richard Raymond, Joseph and Nancy Goldstein.

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.

MINUTES

Mr. Meade had a question relative to the conversation about temporary structures at the August 20, 2014 meeting.

Mr. Kohlhofer made the motion to approve the minutes of the August 20, 2014 meeting as written. Motion seconded by Mr. Karcz with unanimous favorable vote.

BEEDE SPAULDING

Map 3 Lot 053

Duplicate lot numbers were previously discovered on the recently approved Beede Spaulding subdivision plan. Joe Nichols of Beals Associates was notified and he submitted a "corrective" mylar of the plan with the lot numbers corrected. Mrs. Bolduc said she took the corrected mylar to the Registry of Deeds for preapproval.

After careful review, Mr. Hunter made the motion that the Board sign the mylar. Motion seconded by Mr. Karcz with unanimous favorable vote. The mylar was signed by the Members and will be recorded tomorrow (September 4, 2014).

Mrs. Bolduc reported that it has been discovered that several of the wells in the Beede Spaulding subdivision are proposed to be placed within the 100' wetland protection buffer. According to Article IX Section H.2 of the Fremont Zoning Ordinance a Special Exception must be granted for any dredging, filling, drainage or otherwise altering the surface configuration of the land closer than 100' to a wetland. This has been required of other developers and is the legal opinion of the legal advisor at the Local Government Center. The developer has been notified.

BLACK ROCKS VILLAGE

Map 3 Lot 15

The Board received an August 26, 2015 e-mail message from Town Engineer Dan Tatem reporting that he drove through the Black Rocks housing development and noted that the developer has continued to construct roadways, sidewalks, utilities, and outdoor site lighting without contacting him for the required site plan compliance monitoring. He reminded the Board that he has been monitoring that site all along and he wondered if they (Lewis Builders) had been given a pass to all future monitoring or if they have been doing the work outside of the permission and requirements of the Town's regulations.

Mrs. Bolduc related in a September 2, 2014 e-mail message to Mr. Tatem that at the May 4, 2011 meeting it was agreed by the Planning Board that the Road Agent will inspect the driveways and the Board accepted a letter of responsibility from Lewis Builders for the construction of the sidewalks stating that the Town will hold the bond for the sidewalks for a period of 2 years after the completion of the project phase, after which the Town will release the bond if the sidewalks meet the approval of the Town. Mr. Tatem called Mr. Bolduc this morning and said that it was his understanding that Lewis Builders was to bond the sidewalks that were built as of the May 2011 date and all new ones were supposed to be monitoring by him.

Mr. Meade said Mr. Tatem called him with concerns that he was not called to inspect spurs that come off the driveways. Mr. Barham said in the original discussions about who inspected what in the Black Rocks Village project they were talking about the demarcations. Mr. Meade said he has been inspecting conduit for light poles in the project since he started working for the Town 3 years ago. It was agreed that roads were to be inspected by Mr. Tatem as the Town Engineer. Mr. Meade said the loop road should be Mr. Tatem's responsibility, but the little spurs that extend off some driveways should be the Road Agents responsibility. Mrs. Rowden asked what the spurs were. Mr. Meade showed a plan that shows the driveways with the spurs and it was agreed that they are not part of the road.

Mr. Meade said he knows the Road Agent looks at the driveways, but he does not know if he has been reviewing the sidewalks. Mr. Barham said we should find out if Road Agent has been inspecting the sidewalks and he recommended that Mr. Meade speak with Road Agent and go to the site to inspect sidewalks and see if they are up to par. Mr. Meade agreed to do so.

It was noted that the last Stantec construction monitoring invoice was for the period ending November 23, 2012.

ZONING ORDINANCE

1. Time limit for staying/living in a camper trailer. New as Article III Section 6.

The Board discussed and agreed with the following to be included in a draft;

- Definitions:
Camper trailer/ Motor Home/ Trailer coach: Any vehicle used or intended to be used for living and/or sleeping purposes which is or may be equipped with wheel or wheels or similar devices for the purpose of transporting the unit.
- The use of a Camper trailer/ Motor Home/ Trailer coach for continued living purposes is prohibited. However, the Board of Selectmen may issue a temporary

permit not to exceed sixty (60) days for use by the owner, his immediate family or guests. However, there is no requirement for a permit up to the first 30 days of use.

- This permit will not be renewable within a calendar year of the initial permit.

Mrs. Bolduc will clean this article up and present it to the Board at the next meeting.

2. **Aquifer Protection District, a Special Exception from Article XI, E; 6.1** - property which is in the Commercial Highway District, and also in the Aquifer Protection District, needs a Special Exception from Article XI, E; 6.1.

The Board discussed removing Article IX Section E, 6 (1) and possibly 2 and 3 from the Zoning Ordinance and add same to the Site Plan Review Regulations. This would move permission to have a commercial use in the Aquifer Protection District from the Zoning Ordinance to within the Site Plan Review Regulations. See below:

Article IX Section E.6 (Special Exceptions)

The following uses are permitted with Conditional Use Permit (in compliance with Town Zoning Ordinance):

1. *Industrial and commercial uses not otherwise prohibited in Section E.4. of this A.P.O.*
2. *Multi-family residential development. (Minimum lot size to be determined by using Article IV Section 3 and substituting three (3) acres instead of two (2) acres).*
3. *Sand and gravel excavation and other mining provided that such excavation or mining is not carried out within eight (8) vertical feet of the seasonal high water table and that periodic inspections are made by the Planning Board or its agent to determine compliance.*

The Planning Board may grant a Conditional Use Permit for those uses listed above only after written findings of fact are made that all of the following are true:

- The proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;*
- The proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer;*
- The proposed use will discharge no waste water on site other than that typically discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of toxic or hazardous wastes as herein defined;*
- The proposed use complies with all other applicable sections of this Article.*

The Planning Board may require that the applicant provide data or reports prepared by a professional engineer or hydrologist to assess any potential damage to the aquifer that may result from the proposed use. The Planning Board shall engage such professional assistance as it requires to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above criteria. Costs incurred shall be the responsibility of the applicant.

Mr. Rowden said this would keep businesses that would not be likely to impact the Aquifer Protection District under the purview of the Planning Board rather than the Zoning Board of Adjustment. The timeline and money involved would be shortened because the applicant would not need to go to the ZBA prior to going to the Planning Board for Site Plan Review. She said that some towns require the application be reviewed by the Conservation Commission and they would issue an opinion.

Mr. Kohlhofer said he has no problem with moving the requirement from the ZBA to the Planning Board. Mr. Karcz said the Board could seek the opinion of the Conservation Commission prior to making decisions.

Mrs. Rowden will clean this up and present it to the Board at the next meeting,

3. ARTICLE IX SECTION H.2 - WETLAND AND WATERSHED PROTECTION DISTRICT

- Remove ~~(in compliance with the RSA 149:8a)~~ (because that RSA has been repealed) and replace it with the current RSA.
- Add an exception for temporary disturbances.

See below:

Dredging, filling, drainage ~~(in compliance with the RSA 149:8a)~~ **485:A,17** or otherwise altering the surface configuration of the land; streets, roads and other access ways and utility rights if essential to the productive use of land if so located and constructed as to minimize any detrimental impact of such uses upon the wetland and watershed protection areas.

Exception: no Special Exception is required for temporary disturbance such as installing a well with associated water lines.

Mrs. Bolduc will redraft this and bring it back to the Board at the next meeting.

Sign Ordinance: There was a conversation about the complexity and restrictions in the current sign ordinance. Mr. Kohlhofer said he would be willing to work on a replacement draft. It was noted that there may not be time to redraft it and get it to the voters for this year.

Schedule: Mrs. Rowden said the second public hearing for zoning changes needs to take place by the end second week in January.

BUILDING INSPECTOR

Mr. Meade submitted his end-of-month report for August which included permits for 1 new manufactured home, 2 quad-plexes, 2 sheds, 1 sunroom, 5 renovation permits, 1 demo, 19 trade permits and 2 fines.

Mr. Meade reported:

- Mark Pitkin, 9 Squire Road: The pond and excavation area looks good. Mr. Pitkin has installed a silt fence and a secondary fence.
- Governor's Forest/Martin Ferwerda, RT 107: A notice was received from the State DES that the August 2014 water samples submitted for the Governor's Forest public water system exceeded a Maximum Contaminant Level (MCL) for drinking water is in violation of water quality and listed the exceedance as "total coliform bacteria".

Mrs. Goldstein said Mr. Ferwerda has sent e-mails to the homeowners in Governor's Forest saying that he will be chlorinating the water because there was bacteria present in the recent routine water test. Mr. Ferwerda sent another e-mail on Tuesday September 2, 2014 advising that he was chlorinating the evening of Wednesday September 3, 2014. This is a public water system so it is tested by the State on a quarterly basis. Mrs. Rowden said issues with a public water system are DES issue and not a Planning Board issue.

There was a conversation relative to water testing for homes and Mrs. Rowden said there is no Town regulation requiring private water testing, but the Town can enact a rule that water test be conducted prior to the sale of a home. The Selectmen could require a water test prior to the purchase of a home. Mr. O'Brien said that FHA and USDA requires a water test prior to purchase and he said that any building should have a water test prior to purchase.

Mrs. Goldstein said they are here because they expected to see Mr. Ferwerda at this meeting.

Mrs. Goldstein was concerned that the new foundation does not meet the required 30' distance between homes. Mr. Meade said he will go out to inspect it again tomorrow.

There was a conversation relative to new driveways and it was noted that there is a horseshoe driveway cut between 2 homes on Tarah Way. Mr. Meade will find out what is going on with the driveway. He will send a letter outlining concerns about a path in the road off Tarah Way which may be the base for what is going to be a driveway.

Mr. Barham said a shared driveway change was approved during a regular Planning Board meeting. Mr. Karcz said if there are any significant changes from the approved plan the owner will need to file an amendment to the approved plan that would require a Public Hearing where all the park residents would be notified.

The approved plans were reviewed. Mr. Goldstein asked how he could get access to the original plans to the park. Mr. Rowden said he could view them in the Land Use Office and that the Registry of Deeds would have a copy.

Mrs. & Mrs. Goldstein and Mr. Raymond left the meeting at 9:15.

- Anne Sloan, 300 Main Street. Mrs. Sloan is the new owner of the building at 300 Main Street. The building currently is used as a kindergarten on the main floor and has an apartment on the upper level. Mrs. Sloan wants to reinstate the basement level to another living space as it had been some years ago.
- Robert Carr, Pollinger Lane: Mr. Carr wants a final inspection because he wants a certificate of occupancy. Building permits were taken out for a duplex, but there is no kitchen yet in the lower unit. No signed off permits can be found in the house file. Mr. Carr has been living in the house for 3 years without a certificate of occupancy and without it you are not supposed to occupy. Fire Chief Richard Butler visited the site with Mr. Meade and found several code violations. If the violations are not corrected soon the State Fire Marshall will be called in for inspection. A checklist of the violations will be sent to Mr. Carr and if he accomplishes all the violations a certificate of occupancy will be issued.
- Temporary units: There was a conversation about the placement of temporary items (such as a fence) and the Board agreed that even a unit that is temporary must stay off the road right of way.

CIP

There was no update at this time.

ENERGY CHAPTER OF THE MASTER PLAN

Mrs. Rowden said she would like to incorporate a few things from the State Energy Plan in the upcoming Energy Chapter of the Master Plan. She will submit the draft at the next meeting.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

Mr. Hunter made the motion to adjourn at 9:40 pm.

Motion seconded by Mr. Karcz with unanimous favorable vote.

Next regular meeting: September 17, 2014.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From August 20:

Bolduc:

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

From September 3:

Bolduc:

- Draft the “Camper Trailer” ordinance to present to the Board at the next meeting.
- Amendments to Zoning Article IX, H (2).

Meade:

- Speak with Road Agent and go to the Black Rocks Village site to inspect sidewalks.

Rowden:

- Change from Zoning Ordinance Article XI, E; 6.1 (business in the Aquifer Protection District) to the SPR Regs to present to the Board at the next meeting.

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	Pending	Contracted				
Submittal Materials (2010 TBG)		Completion Date				
1 final copy of updated MP, CIP elements (2010 TBG)	Pending	Contracted				
MP		Completion Date				
Energy Chapter	Pending		Completion date		Contract Completion Date	
MP	Completed				Contract Completion Date	Approved
Growth Control Chapter						