



FREMONT PLANNING BOARD
September 17, 2014
Meeting Minutes

Present: Chairman Roger Barham, Vice-Chairman John (Jack) Karcz, Members Jack Downing, Andy Kohlhofer, 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 7:05 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 September 3, 2014 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote except for Mr. Coombs who abstained as he was not present at that meeting.

BEEDE SPAULDING

Map 3 Lot 053

The Board received from Mr. Catapano a request for referral to the ZBA as per Article IX Section H of the Fremont Zoning Ordinance for which he is seeking a Special Exception to allow dredging, filling and drainage for the installation of electric, water line, and foundation drain closer than one hundred (100') feet to a wetlands/watershed protection area on each of the parcels located at Map 3 Lots 56-15, 56-16, 56-17, 56-18, 56-19 and 56-20.

After some conversation, Mr. Karcz made the motion to authorize Mr. Barham to issue the requested referral. Motion seconded by Mr. Downing with unanimous favorable vote.

FRASER PROPERTY INVESTMENTS, LLC

Map 2 Lot 010

The Board received from Mr. Fraser a request for referral to the ZBA as per Article IX Section H of the Fremont Zoning Ordinance for which he is seeking a Special Exception to allow dredging, filling and drainage for the installation of a well with associated water/power line closer than one hundred (100') feet to a wetlands/watershed protection area.

After some conversation, Mr. Karcz made the motion to authorize Mr. Barham to issue the requested referral. Motion seconded by Mr. Downing with unanimous favorable vote.

ZONING ORDINANCE (NEW) ARTICLES AND AMENDMENTS TO EXISTING
ARTICLES FOR 2015

deleted verbiage ~~struck through~~
added verbiage in *red italics*.

1.

NEW: Article III Section 6

- 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.~~

There was a discussion relative to this proposed new ordinance. Mr. Coombs objected to property owners needing to get permission to live on their own property. This prompted a conversation relative to safety and health issues that could become problems if a camper trailer were to be used as a long term living facility.

Mr. Karcz made the motion to move this item to Town Counsel for review.

Mr. Downing seconded the motion with favorable vote except for Mr. Coombs who voted no.

2.

AMENDMENT to Article XI: Aquifer Protection District

The Board discussed amendments to Article XI (Aquifer Protection District) of the Fremont Zoning Ordinance as follows:

- **C. Definitions; Toxic Materials:**
Toxic or hazardous materials include, without limitation, volatile organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies, and include products such as pesticides, herbicides, solvents and thinners, and such other substances as defined in New Hampshire Water Supply and Pollution Control Rules, Section ~~Ws 410.04 (1)~~ *Dw902*, in New Hampshire Solid Waste Rules ~~He-P 1901.03 (v)~~ *Env-Sw 103.12*, and in the Code of Federal Regulations 40 CFR 261.
- **D. DISTRICT BOUNDARIES**
 1. Location
The Aquifer Protection District is defined as the area shown on the map entitled ~~Fremont Water Resources Map 2004~~ "*Fremont, New Hampshire – Surface Water Resources, Aquifer Protection, Flood Zone and Zoning District Map: March 2013*", and any updates, located in the Planning Board Office.
- **E. USE REGULATIONS**

5. Permitted Uses

- a. Land development, per the Fremont Zoning Ordinance, except as prohibited in Section E.4. of this ~~A.P.O~~ **Article**.
- f. Maintenance, repair of any existing structure, provided there is no increase in impermeable surface above the limit established in Section E.3. of this ~~A.P.O~~ **Article**.

6. Special Exceptions

~~Special Exceptions~~ **Conditional Use Permit**

A. The following uses are permitted as ~~Special Exceptions~~ **with a 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~~ **Article XI**.
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.

B. The ~~Board of Adjustment~~ **Planning Board** may grant a ~~special exception~~ **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 ~~Board of Adjustment~~ **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 Board of Adjustment 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.

Rationale:

Amendments to this Zoning Article would:

- (Definitions); Update the NH Water Supply & Solid Waste rules code numbers.
- (Section D.1); Reference the origin of the current Aquifer Protection District Map.

- (Section 6); Put businesses, multi-family residential development, and sand and gravel excavation and other mining 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 cost involved would be shortened because the applicant would not need to go to the ZBA for Special Exception approval prior to going to the Planning Board for Site Plan Review.

It was the consensus of the Board to move forward with the amendments to Article IX as discussed. Mrs. Rowden will make the necessary minor changes and get it to Mrs. Bolduc to send to the Town Attorney for approval. Then the Board can set dates for public hearings for the amendments to this ordinance.

Mr. Karcz made the motion to move this item to Town Counsel for review.
Mr. Downing seconded the motion with unanimous favorable vote.

3.

AMENDMENT to Article IX, H.2: Wetland and Watershed Protection District

The Board discussed amendments to Article XI (Aquifer Protection District) of the Fremont Zoning Ordinance as follows:

- 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.

Rational: This would point to the correct RSA for dredging and filling. This would also alleviate the need for a special exception for temporary disturbance within the 100' wetland buffer.

It was the consensus of the Board to move forward with the amendments to Article IX, H.2 as discussed and to send it to the Town Attorney for approval. Then the Board can set dates for public hearings for the amendments to this ordinance.

Mr. Karcz made the motion to move this item to Town Counsel for review.
Downing seconded the motion with favorable vote.

PSNH - Public Hearing
NORTH ROAD – A Designated Scenic Road
Present: PSNH Arborists Robert Berner

Mr. Barham opened this Public Hearing at 7:30 pm and read the public notice as follows:
In accordance with NH RSA 231:157-158 and RSA 231:158-189 you are hereby notified that the Fremont Planning Board will hold a Public Hearing on Wednesday September 17, 2014 at 7:30 p.m. at the Fremont Town Hall, Basement Land Use meeting room, relative to a proposal from Public Service of New Hampshire for trimming and removal of trees along 309 and 393 North Road. North Road has been designated a scenic road by the Town of Fremont. You are invited to attend in person or by counsel or agent.

Mr. Barham stated that this Public Hearing was posted on August 22, 2014 at the Fremont Post Office, Fremont Town Hall and published in the August 22 and 29, 2014 editions of the Manchester Union Leader Newspaper.

Mr. Berner stated that PSNH is seeking permission for trimming and removal of trees and brush along North Road, which is a designated scenic road. PSNH proposes to remove two 14” maple trees and one 18” maple tree at pole #11/28-29, located at 309 North Road and one 20” maple tree at pole #11/14-15 located at 393 North Road. These trees are between the stone walls so they are in the right-of-way of North Road. PSNH considers these trees hazard prone. They will trim along the road and remove limbs as necessary within the Scenic Road rules. Mr. Berner said that PSNH has contracted with Asplundh Tree Expert Company to perform the removal of these trees.

The owners of the properties at 309 and 393 North Road were notified of this public hearing as a courtesy via first class mail. Comment sheets were received by 1) the Road Agent who had no comment; and 2) the Selectmen who said “*please remove trees necessary to protect public safety and electric power supply*”.

After some discussion by the Board, Mr. Downing made the motion to approve the request of Public Service of New Hampshire to allow trimming and/or removal of trees along North Road. Motion seconded by Mr. Coombs with unanimous favorable vote.

At 7:55 pm Mr. Karcz made the motion to close the Public Hearing. Motion seconded by Mr. Coombs with unanimous favorable vote.

Mr. Berner thanked the Board and left the meeting at this time.

ANNE SLOAN
300 Main Street, Map 3 Lot 32

At 7:55 pm Mrs. Sloan met with the Board to discuss a proposed change of use for her 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 that has been there for years, and she recently created a living unit in the basement level. Mrs. Sloan wants to convert the building to a 3-dwelling (multi-family) unit.

Mrs. Sloan explained that when her parents purchased the building in 1979 all of the three floors were being used as 2-bedroom apartments, with full kitchens. Since 1984 the main floor has been used for a preschool, the bottom floor became storage for the school, and the top floor remained an apartment. With the introduction of public kindergarten in Fremont, enrollment in the school has declined so they now only required one floor for students. Mrs. Sloan said she expects the school will no longer be in operation soon and she would like to return the building to a multi-family.

Mrs. Sloan passed out information packets that included the tax card and a plot plan of the property. The parcel consists of .34 acres with 67' frontage on Rt 107 and is located in the Flexible Use Residential District, the Aquifer Protection District, and the Village District.

Zoning issues were discussed and it was noted that zoning issues for this change in use include frontage and lot area requirements as well as to a multi-family dwelling in the Aquifer Protection District. Mrs. Rowden agreed there would be a need for a special exception from Article XI Section E.6.2 of the Fremont Zoning Ordinance for a change in use to a multi-family residential development because the property is in the Aquifer Protection District.

Fremont's Zoning lot size requirements for a 3 - family unit are:

- Street property line setback = 65' (Article IV Section 1)
- Side & rear setback = 50' (Article IV Section 1)
- Road frontage = 260' (Article IV Section 2)
- Minimum lot size = 4.24 acres (Article XI Section E-1)

Mr. Barham said that if the property receives the required Variances and Special Exception approvals from the Zoning Board of Adjustment, then the change of use would still require Site Plan Review with the Planning Board.

Mr. Meade said his concerns would be with the building codes because of, and associated with, the proposed change of use.

At 8:15 Mrs. Sloan thanked the Board and left the meeting.

BUILDING INSPECTOR

Mr. Meade reported:

- Black Rocks Village, Map 3 Lot 15-1: Mr. Meade reported that he and Road Agent Mark Pitkin went to the Black Rocks Village site to inspect sidewalks. Mr. Pitkin told him that he has been inspecting the driveways, the driveway spurs and the sidewalks and he is satisfied with the work.
- Tibbetts Road. A complaint has been received relative to a shed moved too close to a lot line.
- Governor's Forest, RT 107: The Planning Board has told Mr. Ferwerda that he could do what he wanted with his driveways but he would need to submit an as-build plan. The spurs for the driveways were not part of the approved plan so Mr. Ferwerda would need to come in for an amendment to the approved plan. As for the horseshoe driveway,

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electrical conduit is run underground in schedule 40 and for a driveway to be over a service it would have to be schedule 80 or protected and it is not paved.

- Pitkin: 9 Squire Road; There is more water in the pond and it looks good.
- Water tests. There was a conversation relative to whether there should be required water testing prior to the purchase of a home. Mrs. Rowden said that would be a Selectmen's regulation.
- Thunder Road: Dan Perry said he hopes to have the road built to base before the end of the year.

JACOB'S COVE

Mr. Coombs reminded the Board that Mr. Donigian said he would have the Jacob's Cove roadway done by October 1, 2014. (the agreed date is November 1, 2014) Mr. Downing said he has been to the site and the road is almost done and ready for pavement.

REORGANIZATION OF THE ZONING ORDINANCES

Mrs. Rowden said she has found that the cost of recodification of the Zoning Ordinance will be \$5,000 to \$6,000 and it can be worked on as a whole project or in pieces. Recodification will not change the intent of the Ordinance, but will clarify the verbiage to make it easier to understand. She said the Board could apply for a grant for up to \$2,000 for this purpose. There was a discussion relative to what to budget for next year for this purpose.

RENOVATIONS AT THE SCHOOL

Mr. Kohlhofer reported that renovations to the nurse's office, art room, teachers lounge at the Ellis School have been completed and they will be putting in a science lab over Christmas vacation. Mr. Meade said that no permits were requested or issued for the renovations and Mr. Kohlhofer said he would relate to the School Board that permits are required.

CIP

There was no update at this time.

ENERGY CHAPTER OF THE MASTER PLAN

Mrs. Rowden will submit the draft Energy Chapter of the Master Plan at the next meeting.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

Mr. Karcz made the motion to adjourn at 8:50 pm.

Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: October 1, 2014.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From September 3:

Bolduc:

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

Meade:

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

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. Completed.

From September 17:

Bolduc:

- Draft notice of decision for PSNH
- Send Zoning Ordinance amendments to Town Counsel for review.

Rowden:

- Send changes to Article XI (Aquifer Protection District) of the Zoning Ordinance to Meredith so she can forward them to Town Counsel for review.

LEGISLATIVE BILLS

Pending: 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.
- 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	Approved

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Growth
Control
Chapter

Completion
Date
