



FREMONT PLANNING BOARD
October 1, 2014
Meeting Minutes

Present: Chairman Roger Barham, Vice-Chairman John (Jack) Karcz, Members Jack Downing, Andy Kohlhofer, Selectmen Brett Hunter, 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. Downing made the motion to approve the minutes of the September 17, 2014 meeting as written. Motion seconded by Mr. Karcz with unanimous favorable vote except for Mr. Hunter who abstained as he was not present at that meeting.

BUILDING INSPECTOR

Mr. Meade submitted his end-of-month report for August which included permits for 1 new home, 2 demos, 5 renovations and 40 trades permits.

Mr. Meade reported:

- Peterson Farm/Grass Drags, Martin Road: He is going out to look at the new service that is being put in.
- Whittal: 8 Abbott Road: A letter was sent reminding Ms. Whittal that the year is up in March for her to rid her property of junked and unregistered vehicles on the property.
- Gutierrez, 123 Sandown: A new fence has recently been erected close to the road. The Road Agent measured and said it is okay. Mr. Karcz said he would recommend that the Road Agent check again and possibly write the owner a letter if it is found to be in the street right of way.
- Jacob's Cove: The minutes say Mr. Donigian had until November 1, 2014 to finish the road.

Mr. Barham asked what the situation with the Village Market is that the gas tanks are taped off and they are not selling gas. Mr. Meade said there was an accident that created a gas leak and it is in the hands of DES.

ENERGY CHAPTER OF THE MASTER PLAN

Mrs. Rowden submitted a draft of the vision section and the recommendations section of the Energy Chapter of the Master Plan. She said these are the same as in the current chapter and she asked that the Members take some time to look it over and find recommendations that do not fit for Fremont and find those that the Town can feasibly execute.

After some conversation Mrs. Rowland agreed that she will send the most updated version to Mrs. Bolduc who will forward it to the Members for their review.

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

The proposed Zoning amendments were sent to the Town Attorney who advised:

- As long as the change to the State regulations is simply a change in numbering or lettering, the Board can change the citation administratively, and can change the reference from “APO” to “Article” in the context of a meeting.
- The new Article III Section 6 is fine as written.
- Amendment to **Article IX, H.2; Do not delete** “(in compliance with the RSA)”

1. Mr. Karcz made the motion to send to Public Hearing the following:

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.

Seconded by Mr. Downing with favorable vote except for Mr. Coombs who voted no.

2. **AMENDMENT to Article IX, H.2 of the Fremont Zoning Ordinance: Wetland and Watershed Protection District:**

~~3. Delete text~~

4. Add text

Mr. Karcz made the motion to replace “149:8a” with **485-A: 17**. Motion seconded by Mr. Downing with unanimous favorable vote.

Mr. Karcz made the motion to send the amendment to **Article IX, H.2** to public hearing: “Dredging, filling, drainage (in compliance with RSA 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.

Motion seconded by Mr. Coombs with unanimous favorable vote.

3. Article XI: Aquifer Protection District

Mr. Karcz made the motion to make the following administrative changes:

- **C. Definitions; Toxic Materials:**
 - Replace “~~Ws 410.04 (1)~~” with **Dw902**, in New Hampshire Solid Waste Rules
 - Replace “~~He P 1901.03 (v)~~” with **Env-Sw 103.12**,
- **D. DISTRICT BOUNDARIES**
 1. Location
 - Replace “~~Fremont Water Resources Map 2004~~” with “**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. Replace “~~A.P.O~~” with **Article**.
 - f. Replace “~~A.P.O~~” with **Article**.

Motion seconded by Mr. Downing with unanimous favorable vote.

AMENDMENT to Article XI Section E-6:

~~Delete text~~

Add text

Mr. Coombs made the motion to send to Public Hearing the following amendment to Article XI Section 6 of the Fremont Zoning Ordinance:

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 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.

Motion seconded by Mr. Downing with unanimous favorable vote.

Mr. Karcz made the motion to schedule the first Public Hearing for the Zoning amendments as voted by the Planning Board and approved by the Town Attorney, for 7:30 pm on November 5, 2014 and the second Public Hearing, if necessary, for 7:30 pm on November 19, 2014.

Motion seconded by Mr. Hunter with unanimous favorable vote.

JACOB'S COVE

The Board received a copy of a September 12, 2014 invoice #827625 from Stantec in the amount of \$1,051.29 for Jacob's Cove subdivision construction monitoring and a correspondence from Town Administrator Heidi Carlson to Treasurer Kimberly Dunbar relative to withdrawal of \$1,051.29 from the Jacob's Cove escrow account to cover the invoice.

Dan Tatem of Stantec has related via e-mail that an additional \$1,500 needs to be deposited in the Jacob's Cove escrow to cover the rest of the required inspections for this year. Mr. Donigian has been notified of this.

Mr. Downing said he went out to the site and the road is ready to pave and looks really good.

BEEDE SPAULDING

Map 3 Lot 053

The Board received a copy of a September 12, 2014 invoice #827627 from Stantec in the amount of \$841.00 for Spaulding Road subdivision construction monitoring and a correspondence from Town Administrator Heidi Carlson to Treasurer Kimberly Dunbar relative to withdrawal of \$841.00 from the Beede Spaulding escrow account to cover the invoice.

Mrs. Bolduc reported that the ZBA will conduct and attend a site visit 5:00 pm on Thursday October 9, 2014 at the Spaulding Road extension, Map 3 Lots 56-15, 56-16, 56-17, 56-18, 56-19 and 56-20 relative to an application for Special Exception for well placements and associated infrastructure, some foundation drains as well as some tree removal all within 100' of wetland. The Planning Board is invited to attend.

FRASER INVESTMENT PROPERTIES:

Mrs. Bolduc reported that the ZBA will conduct and attend a site visit 4:30 pm on Thursday October 9, 2014 at 99 Louise Lane, Map 2 Lot 10 relative to an application for Special Exception for well placement and associated infrastructure, and the placement of a house all within 100' of

wetland. The Planning Board is invited to attend.

SEACOAST UNITED SOCCER CLUB

Map 6 Lot 020-001

The Board has received a copy of a September 25, 2014 final monitoring report from CWS Chris Albert of Jones & Beach Engineers, Inc. to the NHDES with photographs per condition #14 from the June 17, 2013 NHDES approval letter. Mr. Albert reported that there were a total of two trees that died falling with the 75% survivability for the project and the report should close out the Restoration Project for the wetland violation for tree cutting within the prime wetland buffer.

There was a conversation relative to the SUSC restoration plan with the Town. Mr. Coombs questioned if the report to DES addressed the Town's issues. Mr. Barham consulted the Planning Board minutes of October 23, 2013 for the agreement for replacement tree plantings and the minutes of August 7, 2013 for the restoration plan. It appears that the Town has been included in receiving the report and that seems to be what SUSC was supposed to do. Mrs. Bolduc will contact Chris Albert of Jones & Beach to request he issue the report to the Planning Board as per the restoration plan.

RPC Dues

Mrs. Rowden reported that the RPC Dues are increasing by \$65 because of an estimated increase in the population by the Office of Energy and Planning (OEP). The letter from RPC should be arriving soon.

CIP

There was no update at this time.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

Mr. Karcz made the motion to adjourn at 8:20 pm.
Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: October 15, 2014.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From September 17

Bolduc:

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

Rowden:

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

From October 1

Bolduc:

- Set up public hearings for Zoning Amendments
- Contact Chris Albert about the SUSC monitoring report for the Planning Board.

Rowden:

- Send the most updated version of the Energy Chapter MP amendments to Meredith who will forward it to the Members for their 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 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