



FREMONT PLANNING BOARD  
November 5, 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, interim Circuit Rider Glenn Coppleman, and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham opened the meeting at 7:10 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 October 15, 2014 meeting as written. Motion seconded by Mr. Kohlhofer with unanimous favorable vote.

#### BEEDE SPAULDING

Map 3 Lot 056

The Board received an October 28, 2014 correspondence from Town Engineer Dan Tatem summarizing his findings regarding the reported drainage concerns related to the Beede Spaulding project which were raised by the abutting land owner of Map 3 Lot 54-1-20. Mr. Tatem reported that during a September 26, 2014 site visit he met with the Road Agent, Design Engineer, and Mr. & Mrs. Belperron, the abutting property owners. At this meeting the following concerns were voiced by the abutters.

1. *Additional stormwater runoff is flowing into their driveway and causing erosion and puddling issues.*
2. *The neighbor's lawn to the south was regraded, resulting in additional stormwater being directed to the culvert under the roadway at Station 2+60.*
3. *The pavement seam, between the existing and driveway extension is not a clean edge.*
4. *The stormwater flows into and saturates the rip rap that was installed between the old driveway and new driveway.*

*It was determined by the Road Agent, Design Engineer, and Stantec that the driveway was constructed per the approved plans and there were no apparent issues with the roadway or driveway drainage infrastructure. Also, although the existing pavement edge did not appear to be saw cut, the pavement seam was acceptable. Because no apparent issues were noted, the Road Agent recommended that the abutter provide photographs or videos of the reported stormwater issues. As of this date, we have not received any photographs or videos of the reported issues. In addition, since the noted on-site meeting the Road Agent informed us that he has visited the site on 4 or 5 occasions, during rain events, and has*

Approved November 19, 2014

*not noted any drainage issues. The road agent contacted Stantec and informed us of his findings from his multiple site visits and requested that we generate a letter documenting our findings during our site visit. At this time, we concur with the Road Agent that the Driveway and roadway, at this location, have been constructed per the approved plans and no further modifications to the driveway or surrounding property is necessary.*

#### CHRISTOPHER FUHS

13 Beede Hill Road

Map 3 Lot 112

The Board received a copy of an October 16, 2014 correspondence from the Selectmen to Christopher Fuhs relative to Site Plan Review Regulations violation, possible zoning sign ordinance violation, and safety concerns as a result of his “nearly continuous” yard sales at his property. The letter instructed Mr. Fuhs to meet with the Planning Board to review his situation. Mr. Fuhs called to get the phone number of Selectman Leon Holmes, Sr., but has not made an appointment to meet with the Planning Board.

Mr. Meade said that he also sent 2 letters to Mr. Fuhs relative to signs and merchandise in the street right-of-way.

#### ENERGY CHAPTER OF THE MASTER PLAN

Mrs. Rowden said she will not be able to finish up Fremont’s Energy Chapter for the Master Plan prior to her impending maternity leave and she would prefer to resume making the minor changes on it when she gets back in March rather than asking Glenn Coppelman to work on it with the Board. Mrs. Rowden said this will not cost Fremont anything additional. The Board agreed to table discussions relative to the Energy Chapter of the Master Plan until Mrs. Rowdens return.

#### SEACOAST UNITED SOCCER CLUB

Map 6 Lot 020-001

The Board has received a copy of a November 5, 2014 monitoring report from CWS Chris Albert of Jones & Beach Engineers, Inc. to the Planning Board with photographs per condition (c) of the restoration plan. In his report Mr. Albert stated that there were approximately 59 trees and 22 shrubs planted as part of the State of New Hampshire and Town of Fremont’s restoration plans. A total of 2 trees have died falling with the 75% survivability required for the project. If requested by the Town a follow-up inspection can be conducted in the spring of 2015.

Item (c) of the Restoration Plan states:

*Jones and Beach are required by NH DES to monitor the results of the Forestry Management Plan annually for the next two years. During these annual surveys they will also monitor the results of the Restoration Plan and report their findings back to the Planning Board.*

Mr. Karcz said he would request that Jones and Beach do an inspection again in the late Spring of 2015 as required by the Restoration Plan. The Board agreed and Mr. Albert will be so notified.

Planning Board Meeting Minutes - November 5, 2014

Approved November 19, 2014

#### P/Z EXPENDITURE REPORT

The Board reviewed the P/Z expenditure report as of October 20, 2014 and discussed the need for line item transfer requests due to actual and projected spending.

4191100 (Postage) currently minus \$178.31

Transfer \$375 from 4191700 (Professional Services) - to cover current overexpenditure plus \$196.69 for anticipated spending.

4191250 (Advertising) currently minus \$375.30

Transfer \$575 to cover current overexpenditure plus \$200 for anticipated spending.

- \$150 from 4191320 (Printing)
- \$425 from 4191700 (Professional Services)

4191110 (Office Supplies) currently \$37.02

Transfer \$200 from 4191310 (Recording Fees) to cover anticipated spending.

Mr. Downing made the motion to request the line item transfers within the current P/Z budget as discussed. Motion seconded by Mr. Karcz with unanimous favorable vote.

#### RECODIFICATION OF THE ZONING ORDINANCE

Mrs. Rowden said she had previously mentioned that grant funds would not be available until July 1, 2015 to start reorganizing the zoning ordinances (these are 50% match grant funds).

However, she has found that RPC may have approximately \$1,000 left in this year's grant (ending 6/30/2015) if Fremont would be interested in matching these funds to begin the process of reorganization of the zoning ordinances this spring.

Mr. Barham said he has looked at the P/Z expenditure sheet and he thinks there is about \$1,000 that can be used for this. She said she needs to verify the exact amount that is available. It was the consensus of the Board that they do wish to move forward with this project.

Mr. Copleman was thanked for sending Kingston's zoning ordinance for the Board to review.

#### CIP

There was no update at this time. There was a conversation relative to the purpose and process of the CIP. Mr. Copleman was thanked for sending a copy of the Kingston CIP for 2011-2016 as well as the 2013 OEP Planning Board Handbook in which Capital Improvement Programs are discussed in detail (Chapter VI).

#### JACOB'S COVE

Map 1 lot 098-1

Present: Owner/developer Jacob Donigian, LLS Kevin Hatch

At 7:35 pm Mr. Donigian and Mr. Hatch met with the Board to discuss the recent surety recommendation from Dan Tatem.

The Board received from Dan Tatem of Stantec an October 16, 2014 surety recommendation for Jacob's Cove. This included a table of estimates for the entire project (\$780,248.80) and a table of estimates for work to be completed (\$325,832.26.)

In his cover letter Mr. Tatem stated:

*At the request of the Developer, we met on-site on October 14, 2014 to view the remaining work items on the subject project for the purpose of providing the Planning Board with a recommended surety amount. We understand that the Developer must provide surety for the remaining work prior to the issuance of building permits.*

*Article IV, Section 1.B of the Subdivision Regulations requires that the reduce surety estimate include 20% of the original, total surety estimate for construction. Because the original surety estimate was never completed, the Town requested that we generate an estimate of the entire project as well. This estimate has been attached; the amount is \$780,248.80. The recommended amount for the project is \$325,832.26.*

Mr. Hatch objected to requiring a \$45,000 bond for drainage work on driveways that are already constructed, \$24,000 for removal of piles of material that are already on site and will be used for the lots, and \$4,875 for removing the silt fence. He also objected to requiring 20% of the original bond estimate.

There was a discussion relative to Mr. Hatch's objections and concerns. It was noted that the original bond amount was done by the developers Engineer and that was the amount Mr. Tatem used. Mr. Barham said that because there was not an original bond amount, that does not release the developer from the requirement to bond the 20%. Mr. Barham said he thinks originally the 20% was for the road and was not meant to extend to the entire site work. He said he wants to review the regulations to decide that before the next meeting.

Mr. Donigian said it may be some time before the road is actually finished because he will not put the finish coat on the road until the project is completed. Mr. Copleman said there should be a bond for anything yet to be done and for reclamation of the site to protect the Town.

It was suggested that Mr. Hatch and Mr. Donigian discuss the bond estimate with Mr. Tatem, as the Town Engineer.

Mr. Donigian asked if he puts the road in does he still have to bond the 20% surety of over \$156,000 (20% of the original bond). Mr. Hatch asked if that was pressure for Mr. Donigian finish the road and Mr. Barham said that was basically it. He said the Board can discuss the 20% of the original amount, but not the volumes. Mr. Hatch agreed to talk to Mr. Tatem about the stockpiles, his other concerns, and the 20% of original surety and come back at the next meeting with the result of that visit.

Mr. Hatch & Mr. Donigian agreed to meet with Mr. Tatem and possibly the Road Agent and come back to the Planning Board at 7:30 pm on November 19, 2014.

There was a general conversation relative to development and road bonding. It was agreed that there should be at least a bond of 20% of the work to be completed. Mr. Donigian and Mr. Hatch left the meeting at 7:50 pm.

## ZONING ORDINANCE AMENDMENT PUBLIC HEARING

At 7:50 pm Mr. Barham opened this Public Hearing and read the notice as follows:

*In accordance with NH RSA 675:6 and 675:7, you are hereby notified that the Fremont Planning Board will hold a Public Hearing on Wednesday November 5, 2014 at 7:30 p.m. in the downstairs Land Use Meeting Room of the Fremont Town Hall to address adding a new **Article III Section 6** (Camper trailer/ Motor Home/ Trailer coach), and amendments to **Article IX Section H.2** (Wetland and Watershed Protection District) and **Article XI Section E-6** (Aquifer Protection District) of the Fremont Zoning Ordinance. A second Public Hearing will be held on Wednesday November 19, 2014 at 7:30 p.m. if necessary.*

*The full text of the proposed amendment will be posted at the Fremont Town Hall, Library, Safety Complex, and Post Office, will be on file in the offices of the Selectmen, Planning/Zoning and Town Clerk, and can be viewed during regular business hours.*

Mrs. Bolduc reported that Town Attorney Diane Gorrow has reviewed the proposed zoning amendments and said they are legally fine.

Full text:

~~Delete~~

*Add new*

### **NEW: Article III Section 6**

#### *Camper trailer/ Motor Home/ Trailer coach*

- *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.*

Rationale: This Article will allow for regulation of camper trailers used for long term living purposes.

Mr. Coombs questioned the need for this ordinance. He stated that he does not think that a landowner who has a camper or snowbirds who come back to live on their land for the summer months should be required to get permission from the Selectmen to live on their land. He agreed that it would be a separate issue if there is a health issue.

Mr. Meade said as Code Enforcement Officer he has been involved with campers placed on a property that pose health and safety hazards. He said he feels the Town needs an ordinance to restrict living in a camper trailer and he does not think what is proposed is a lot different than rules other towns have.

Mr. Karcz made the motion that the Planning Board recommend to add new Article III Section 6 to the Fremont Zoning Ordinance as presented and noticed and to send it on to voters at the 2015 Town meeting.

The motion was seconded by Mr. Downing.

Approved November 19, 2014

Board Vote: Barham – yes, Karcz – yes, Downing – yes  
Coombs – no, Hunter – no, Kohlhofer - no.

The motion failed.

This prompted a discussion about whether this ordinance is needed and, if so, who should be responsible for enforcing it. Mr. Hunter felt that it should not come under the purview of the Selectmen. It was noted that this would be a zoning article and it would be up to the Code Enforcement Officer to document and notice the homeowner of a violation. It would then be up to the homeowner to seek either a Variance an Appeal to the ZBA. Mr. Hunter looked at the Town of Raymond’s ordinance which the Board discussed, and the Board moved forward with re-crafting part of the proposed ordinance. It was generally agreed that the proposed ordinance could be modified as long as the intent and use remains the same as originally proposed.

After careful consideration by the Board, Mr. Karcz made the motion to send this new Zoning Article III Section 6 as proposed with changes below to the second public hearing which is scheduled for 7:30 pm on November 19, 2014.

**Delete**

**Add new**

*Camper trailer/ Motor Home/ Trailer coach*

• *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.*

• *Use:*

~~*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.*~~

*1. A Camper trailer/ Motor Home/ Trailer Coach may be stored unoccupied at the owners premises or permanent domicile in any zone in the Town of Fremont for any period of time.*

*2. A Camper trailer/ Motor Home/ Trailer Coach may be occupied for camping in all zones of the Town of Fremont for up to ninety (90) days of the year providing the Camper trailer/ Motor Home/ Trailer Coach presents no threat to public health and safety.*

*3. A Camper trailer/ Motor Home/ Trailer Coach shall not be occupied as a permanent dwelling at any time in the Town of Fremont.*

Mr. Downing seconded the motion with favorable vote except for Mr. Coombs who abstained.

**AMENDMENT: Article IX, H.2**

“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.*

- Rationale: This amendment would alleviate the need for a special exception for temporary disturbance within the 100’ wetland buffer by adding an exception.

Mrs. Bolduc reported that the Conservation Commission has recommended that “such as” should be replaced with “of” so the exception would read:

No Special Exception is required for temporary disturbance ~~such as~~ of installing a well with associated water lines.

Mr. Meade disagreed with the Conservation Commissions recommendation because that would limit the exception to only the installation of wells and not include any other action that would create a temporary disturbance. There was some discussion and the Board agreed with Mr. Meade.

After careful consideration by the Board, Mr. Downing made the motion approve and recommend the amendment to Article IX, H.2 of the Fremont Zoning Ordinance as noticed and put it before the voters on the 2015 Warrant.

Motion seconded by Mr. Karcz with unanimous favorable vote.

It was agreed that because of this decision on the amendment to Zoning Article IX, H.2 there will be no need to move it to a second Public Hearing.

This decision will be posted for a period of thirty (30) days.

#### **AMENDMENT: Article XI Section E-6.**

##### ~~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.~~
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.

- Rationale: This amendment would put businesses, multi-family residential development, and sand and gravel excavation that are not prohibited by the ordinance and that would not be likely to impact the Aquifer Protection District under the purview of the Planning Board in conjunction with Site Plan Review process rather than the Zoning Board of Adjustment. The same conditions would apply.

Mrs. Bolduc reported that the Conservation Commission has recommended that in the second paragraph under B “may” should be replaced with “*shall*” so the sentence begins;

**B.** The ~~Board of Adjustment~~ **Planning Board** ~~may~~ *shall* require that the applicant provide data or reports....

Mrs. Rowden said the word “may” gives the Board flexibility in what to require and “shall” does not. The Members considered the recommendation and agreed that they may need flexibility in some cases so “may” should remain.

After careful consideration by the Board, Mr. Coombs made the motion that the Planning Board approve and recommend the amendment to Article XI Section E-6 of the Fremont Zoning Ordinance as noticed and put it before the voters on the 2015 Warrant.

Motion seconded by Mr. Karcz with unanimous favorable vote.

It was agreed that because of this decision on the amendment to Zoning Article XI Section E-6 there will be no need to move it to a second Public Hearing.

This decision will be posted for a period of thirty (30) days.

At 9:20 pm Mr. Karcz made the motion to close the Public Hearing. Motion seconded by Mr. Downing with unanimous favorable vote.



Approved November 19, 2014

#### BUILDING INSPECTOR

Mr. Meade submitted his end-of-month report for October which included permits for 1 new home, 1 deck, 1 pool, 1 demo, 8 renovations and 37 trade permits.

He noted that Lewis Builders has an application for 2 more quadplexes at Black Rocks Village, Marty Ferwerda has another manufactured home on its way for Governor's Forest, and Dan Perry will be building a garage (Thunder Road).

Mr. Meade reported:

Solar Ordinance. The State Fire Marshall says he cannot enforce the codes for solar energy units without an ordinance. The 2015 codes are going to include requirements for access around the solar energy panels.

Mrs. Rowden said the Office of Energy & Planning (OEP) is crafting a model ordinance for solar units.

Katie Scholes, 927 Main Street:

A call was recently made to his house complaining about a noise disturbance and loud music at 927 Main Street. He called the property owner Katie Scholes who said she would take care of the noise problem. It was noted that this is not the first noise complaint for the property. The owner does not live at the property.

Simon Ackerman, 673 Main Street: There have been complaints of several unregistered off road vehicles at 673 Main Street. They all now have antiques or license plates although it is not known if the plates are current.

Governor's Forest, Main Street: There is excavation activity at Governor's Forest. An excavator is moving material and they are working in the first lot on the right on Linda Lane.

Portable shed: Mr. Meade questioned if the Board considers a portable metal shed, more than 100sq, open at both ends, a structure. Mr. Barham suggested to research the issue and bring it back at the next meeting.

#### INCOMING CORRESPONDENCE

Received: Notice of the November 12, 2014 RPC Legislative forum.

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

Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: November 19, 2014.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

**ACTION ITEMS**

From October 15

Bolduc:

- Send the 2015 proposed P/Z budget to Mr. Barham. Completed.

Rowden:

- Go through the recommendations of the Energy Chapter MP and indicate some of the appropriate recommendations. Discussed.

From November 5

Bolduc:

- Draft notices of decision for approved Zoning Amendments.
- Resend Kingston’s CIP to Members.

Rowden:

- Verify the available amount that is available from this year’s RPC grant to be used for zoning ordinance recodification.

**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