



FREMONT PLANNING BOARD
May 6, 2015
Meeting Minutes

Present: Chairman Roger Barham, Vice-Chairman John (Jack) Karcz, Members Andrew Kohlhofer, Phillip Coombs, Brett Hunter, Alt. Tom O'Brien, Selectman Leon Holmes, Sr., Building Official Bob Meade, interim RPC Circuit Rider Glenn Copleman, and Land Use AA/Recording Secretary Meredith Bolduc.

This meeting was live broadcast on FCTV channel 22.

Mr. Barham opened the meeting at 7:05 pm.

MINUTES

Mr. Karcz made the motion to approve the minutes of the April 15, 2015 meeting. Motion seconded by Mr. Coombs with favorable vote except for Mr. Kohlhofer who abstained.

BUILDING INSPECTOR

Mr. Meade reported:

- Christopher Fuhs, 13 Beede Hill Road: Mr. Meade visited Mr. Fuhs and reminded him that if he is to have perpetual yard sales he would need to file for Site Plan Review as he agreed to do when he met with the Board on November 19, 2014. Mr. Fuhs called and said he is in the process of doing the paperwork for Site Plan Review for the yard sales and antique shop. He has toned down the sale of merchandise. Mr. Meade stopped by M. Fuhs Saturday morning and found a Witham septic sign which he tagged. Mr. Fuhs called to say he had already taken the sign down. Mr. Karcz said he thought there was supposed to be a Selectmen's ordinance relative to yard sales.

This prompted a discussion relative to the Sign Ordinance.

Mr. Holmes asked if it would be legal if someone puts up a business sign when he is doing business at a residence where he does not live. Mr. Meade said that as the ordinance reads the sign would not be legal. Mr. Barham read the definition of billboard sign in the sign ordinance and said that if someone is working at a residence and has his sign up at the premise he thought it would probably be allowed. Mr. Kohlhofer said that was a gray area in the ordinance. Mr. Holmes felt that the sign ordinance should be gone through to make it less restrictive in some cases. Mr. Copleman said it is scheduled to be worked on this year.

Mr. Meade reported that he has been taking down signs all over Town that have been tacked to telephone poles and put in the street right of way.

- **Governors Forest/Martin Ferwerda:** The signed plans for Governor' Forest show an emergency access connecting Governors Forest and Countryside Estates. (Mr. Meade read the agreement signed by Mr. Ferwerda.) Mr. Ferwerda has torn up the access and left a pile of rubble barricading it. Mr. Ferwerda told him that the access was temporary and he does not have to leave it. The access road is not where it is shown on the plans, but it goes through lot 18. If he puts a home on lot 18 there may not be room for the access road.
Mr. Karcz said if Mr. Ferwerda moves the road he has to amend his approved plan.
Mr. Barham said if the access road is not where it is shown on the plan the Board can force him to amend his site plan. Mr. Copleman said there is an immediate emergency problem that needs to be addressed at once.
Mr. Meade will relay the Board's comments to Mr. Ferwerda.
- He learned at the meeting he went to that there is some funding available for making municipal buildings energy efficient. This is an ideal thing to pass on to the Energy Committee.

PJP, INC. Map 2 Lot 151.2

Site Visit:

Mr. Meade submitted a report that stated at 9:00 am on Saturday May 2, 2015 Planning Board Member Jack Karcz and Building Official Bob Meade met with Darlene Olson, owner of the PJP Gravel operation for the purpose of conducting the annual site visit. They drove/toured the gravel pit and found that not much had changed as it looked like there had been some minor activity on either side of the cliff. Ms. Olson asked about a campground which he found is not allowed in the Commercial Highway District. There was some discussion about what was on the table for shooting ranges which is under "outdoor/recreational uses" (same as campground) –also not allowed. Ms. Olson brought up a golf course which is allowed as a conditional use and it was thought that was one of the original suggestions as to what this site might wind up after excavation. The group left the site at approximately 9:30 am.

The Board agreed that this permit will be approved and signed at the end of June so there is 1 year to the July 1, 2016 permit renewal.

Mr. Meade added that Ms. Olson said someone else is interested in purchasing the property and using it as a gravel pit.

JACOB DONIGIAN

Map 1 Lot 098-1

Jacob's Cove; 11 Lot Subdivision

The Board received a March 1, 2015, Irrevocable Letter of Credit from Pentucket Bank to the Town for Jacob Donigian, Map 1 Lot 98-1, in the amount of \$168,187.50 as approved by the Board at the January 1, 2015 meeting.

The Board received and reviewed the Mylar and plans for the October 6, 2010 conditionally approved Jacob's Cove subdivision. Conditions included:

1. *The State Subdivision number shall be added to the plan.*
2. *The receipt of favorable approval of the State Alteration of Terrain Bureau.*
3. *That any and all fees due the Town of Fremont and its consultants be paid before the Mylar is signed and recorded. All payments are to be submitted by the owner/developer no later than thirty (30) days following the receipt of relevant invoice.*
4. *Proof of posting of all bonds and escrows required shall be submitted before the Mylar and*

plans are signed and recorded.

5. *Final drainage design must be submitted before the Mylar and plans are signed and recorded.*
6. *The road construction security and inspection funds in amounts acceptable to the Planning Board shall be posted before the Mylar and plans are signed and recorded.*
7. *Draft deed easements for the newly created lots shall be submitted for the Planning Board file and such easements shall be reviewed by Planning Board counsel to approve the final language of all the easements and advise the cost of review and recording before the Mylar and plans are signed and recorded. All easements are to be recorded in the applicable deeds.*
8. *The subdivision construction shall follow the schedule that was submitted by the applicant on October 6, 2010. At that point, or by November 1, 2011, the project must be completed or bonded.*
9. *Wetland Scientist stamp shall be added to the plan.*
10. *This approval is conditioned upon the favorable approval and permit(s) by the New Hampshire Department of Environmental Services (DES), and is subject to all other Local, State or Federal permits and approvals that may be required, and does not relieve the applicant from the obligation to obtain such other permits.*
11. *All conditions except for condition #8 shall be met within ninety (90) days of this date (January 4, 2011).*
12. *All conditions must be met before the Mylar and plans are signed and recorded; and the road must be built or bonded.*
13. *RSA 676:17 shall apply.*

Mr. Donigian said what is left for the final drainage are the two ponds and they are bonded. The ponds are not as big and not as high as originally proposed. He wants to take a rain check on construction of the ponds. The Town Engineer is in agreement with the drainage as it is and he wants to see a revised drainage design before he signs off if there are changes. The Board agreed that the drainage design that is on the plan is bonded so is in compliance with condition #5 of the approval and if the Engineer agrees to a change it will be reflected in an as-built plan.

Mr. Coppleman suggested that if there are changes to the plan at this point the mylar should be corrected. Mr. Barham said he will be happy to sign the mylar if Mr. Donigian is willing to submit an as-built plan reflecting any changes to the original plan including the turn-around, the elevation of the road and the catch basin for the drainage. Mr. Donigian agreed and said he understood he must submit an as-built plan to reflect any changes.

Mr. Coombs asked if the drainage design changes would this still be 11 lots or would it be 12. Mr. Donigian said it would remain at 11 lots.

The Board went through the conditions of approval and agreed that all of the conditions of the approval of the subdivision have been met.

Mr. Downing made the motion to issue final approval of the eleven (11) lot subdivision known as Jacob's Cove that was conditionally approved on October 6, 2010 for Jacob Donigian for Map 1 Lot 098-1 in Fremont, New Hampshire, with the exception of lot 98-1-5. Motion seconded by Mr. Karcz with unanimous favorable vote.

The Mylar and plans were signed and the Mylar will be recorded within 3 business days. Mr. Donigian said he will submit checks for the recording fees tomorrow.

ZONING ORDINANCE RECODIFICATON

At 8:05 pm Mr. Barham placed a call to RPC Circuit Rider Jenn Rowden and put the phone on speaker for all to hear. Mrs. Rowden said she has begun recodification of the Zoning Ordinance. She said she would reorganize articles in 5 main categories.

The Board reviewed a general outline of a draft of the revisions of the zoning ordinance articles.

<i>Draft Revisions to Fremont Zoning Ordinance Articles May 2015</i>			
Ordinance Category		Current Article	Proposed Order *Article/ Section #s TBD
General	Purpose	none	1
	Applicability	I	2
	Adoption and Amendment	XII	3
	Continued Use	II	4
	Non-Conforming Uses & Structures *Discuss moving sections 2-6 (junk yards, manufactured housing, camper trailers)	III	5
	Excavation Preliminary Subdivision Review	V-A XVIII	6
Zoning	Zoning District Map & Zoning Ordinance	XVIII	7
	Conditional Use Permit (for zoning)	XVIII	8
	Minimum Lot Requirements	IV	9
	Fremont Village District Ordinance	XIII	10
	Dwelling Unit Requirements In-Law Accessory Apartments Home Occupation *consider revisions to point to sign ordinance	V IV-A XVIII.9	11
	Wetlands& Watershed Protection Floodplain Development Aquifer Protection	IX X XI	12
	Elderly Open Space Open Space Preservation Development	XVI XVIII	13
	Personal Wireless Services Facilities	XV	14
	Impact Fees	Impact Fees for Public Capital Facilities	XIV
Signs	Signs	XIX	16
Administrative	Building Inspector/Building Permits Board of Adjustments Violations of Ordinance	VI VII VIII	17

There was a conversation relative the logic of the recodification. It was noted that this is reorganization and renumbering that would not need to go to the voters. The project is to reorganize, review the reorganization and decide on any changes that should go to the voters. Mr. Copleman said all the sections are still within the ordinance they have just changed numbering. Mrs. Rowden said there will be a reference to the old numbers/new numbers. Mr. Rowden said if the Board wants she could include restructuring of the Sign Ordinance as part of the recodification instead of another section and it could be done with the money allotted to this portion of the recodification. The Members agreed to have the Sign Ordinance included.

Mrs. Rowden said home occupation signs could be covered in the sign ordinance and there would be a reference in the home occupancy section that points to the sign ordinance.

Mr. Rowden said if the Board is happy with this first pass she will make sure all the numbers are correct, renumber, take out the articles that have been voted out, and present it to the Board at a later meeting. The Members agreed that they are happy with the recodification results thus far.

At 8:25 the Board thanked Mrs. Rowden and the speaker call ended.

Mr. Coombs offered to do the tabulation of the zoning ordinance for the recodification. The Board agreed and thanked him for his offer.

WISE I (Water Integration for the Squamscott-Exeter)

Theresa Walker of RPC has been in touch with Town Administrator Heidi Carlson and reported that the RPC held a meeting to discuss a grant proposal for funds to address water quality issues on the Exeter River. She has asked if Fremont would like to participate and Heidi thought it would behoove us to participate but she needs more information to explain this to the Selectmen. Mrs. Walker will send information and offered to attend the Selectmen's meeting on May 14th to explain the proposal and Fremont's role in the project.

ROAD STUDY PLAN

Mr. Copleman said he asked if Fremont has been chosen as the pilot Town for RPC's Road Study. He said there is not a final determination, but it looks like Fremont should be chosen.

BEEDE SPAULDING

Map 3 Lot 056

Bond reduction:

The Board received from Bank of New England the replacement Irrevocable Letter of Credit for Beede Spaulding, Map 3 lot 56, in the amount of \$5,825.00. This reduction from \$285,811.20 was approved by the Planning Board on December 3, 2014.

EXCAVATION PITS

Galloway – Shirkin Road, Map 5 Lot 035, Merrill – Beede Hill Road, Map 4 Lot 015, and Governor's Forest – Route 107, Map 3 Lot 002

Mrs. Bolduc reported that she has contacted Town Engineer Dan Tatem relative to the annual site visits for the Galloway, Merrill and Governor's Forest excavation sites and has requested that they be done on the same day. Mr. Tatem has said for the Board to pick a date for the site visits and he will accommodate them.

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Approved May 20, 2015

Mr. Kohlhofer made the motion to schedule the annual site visits for the aforementioned gravel operations for 10:00 am at the Merrill gravel pit, 11:00 am at the Galloway pit and 1:00 pm at the Governors Forest on Friday May 22, 2015.

Motion seconded by Mr. Downing with unanimous favorable vote

LINDA TUCK

Mr. Meade reported that the shed at 16 Tibbetts Road is supposed to be move tomorrow.

CAMPER USE

Mr. Meade reported that he has drafted letters to some people living in campers letting them know about the ordinance that has recently been passed restricting that use. One letter has gone out at this time.

INCOMING CORRESPONDENCE

There was no additional incoming correspondence.

Mr. Karcz made the motion to adjourn at 9:30 pm.

Motion seconded by Mr. Downing with unanimous favorable vote.

Next regular meeting: May 20, 2015

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From May 6

Bolduc:

- Record the Jacob's Cove Mylar.
- Set up site visits for Galloway, Merrill and Governor's Forest/Ferwerda.

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

LEGISLATIVE BILLS

The following bills are among those introduced for the 2015 Legislative Session. Mrs. Bolduc will follow these bills and report any results to the Board.

- SB 141 = Pending: This bill modifies the voting requirement on certain matters decided by the zoning board of adjustment.

III. ~~[The concurring]~~ **A majority** vote of ~~[3]~~ **a quorum of** members of the board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.

- SB 146 = Pending: This bill establishes requirements for local regulation of accessory dwelling units.

(b)(1) **In this section**, “accessory dwelling unit” means a ~~[second dwelling unit, attached or detached, which is permitted by a land use control regulation to be located on the same lot, plat, site, or other division of land as the permitted principal dwelling unit]~~ **residential living unit that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the dwelling unit it accompanies. An accessory dwelling unit may be within, attached to, or detached from the accompanying dwelling unit.**

(2) The ordinance may include standards for accessory dwelling units relating to parking, lot coverage, exterior architectural character, number of sleeping rooms, utility services, and minimum and maximum size of the accessory dwelling unit, provided that size may not be restricted to less than 800 square feet of living space or 40 percent of the living space of the accompanying dwelling unit, whichever is smaller. The ordinance shall not prohibit accessory dwelling units in any residential zone. Occupancy of an accessory dwelling unit shall not be restricted on the basis of familial relations or other unreasonable criteria.

Effective Date. This act shall take effect 60 days after its passage.

- HB 285 = Pending: This bill adds correspondence with legal counsel to the law governing nonpublic sessions under the right-to-know law.

1 New Subparagraph; Right-to-Know Law; Nonpublic Sessions. Amend RSA 91-A: 3, II by inserting after subparagraph (j) the following new subparagraph:

(k) Consideration of correspondence from legal counsel.

Effective Date. This act shall take effect January 1, 2016.