

Present: Chairman Roger Barham, Vice-Chairman John (Jack) Karcz, Jack Downing, Andy Kohlhofer, Selectman Leon Holmes Sr, RPC Circuit Rider Planner Jenn Rowden and Building Official Bob Meade

Dennis Quintal, Andy & John Galloway, Mark & Laurie Pitkin, Jim Watkins, Arleigh Greene, Renee King and Cindy & Randy Grasso were also in attendance.

This meeting was live broadcast on FCTV channel 22.

Mr. Barham opened the meeting at 7:00 pm.

## **1. MINUTES**

Motion to approve the November 18, 2015 minutes was made by Mr. Karcz and seconded by Mr. Downing which was then unanimously accepted.

## **2. CONTINUED APPLICATIONS**

*Public Hearing continuation – Galloway / Seacoast Farms Site at parcel 05-035 located on Shirkin Road*  
7:05 Mr. Barham stated that they would continue the public hearing.

*Pending review as a major Site Plan Review. Updated plan to include all commercial activities at the site (Galloway Excavation area and scope as well as Seacoast Farms). Consider final plat with drawing for all site activities and another page with all conditions and approval information for each individual use within the site, incorporation all prior approvals/conditions/hours, etc. for a comprehensive plan.*

*Discuss Planner Memo and have Town Engineer Dan Tatem review earlier Engineering information, Environmental Impact Statement and overall site Engineering Review. (Both engineering reviews to have estimate prepared by the pertinent consultant for the Town with escrow to be posted by owner)*

Mr. Barham wished to discuss use, major or minor review and our engineer's review.

Mr. Quintal opened by spelling out this will be a three acre site to process concrete and asphalt, has been used to process gravel and that they would be adding an office trailer and dumpsters (drawing showing locations). The title now states "Amended Site Plan," Note #12 was modified to have vehicles for both the excavation and this use to total 16 trips a day. He is proposing major site plan with waivers.

Mr. Andy Galloway said that they would process a raw product in multiple stages to three inch and then a smaller product. There will be work space as well on this three acre parcel and the containers will be for plastic and metal (one for each) with a maximum of 30,000 yards of total material.

Ms. Rowden felt this use qualifies as a low to medium hazard use and is a permitted use in this zone. She cited the definition of low and medium hazard use, per International Building Code (IBC); the IBC is the basis for the allowed uses in Fremont. Her opinion is it would be an approved use.

Mr. Barham would like to see the Town Counsel's opinion (another professional/legal opinion). He also asked for a major site plan application filled out. He felt that we could not take jurisdiction of the plan until we received a formal application and heard from our attorney and had time to review that opinion.

Asphalt was brought up and Mr. Meade asked who about fissures in the ledge and of fracturing from blasting and seepage from hot asphalt in warmer months. Mr. (Andy) Galloway said by the time it was refined enough to be a concern it is the time the finished material would be leaving the site.

The board would like the town engineer to go out and look at the site, and review the waivers, specifically the storm water drainage waiver request.

**Approved 12/16/2015**

There was clarification that currently only sixteen trucks/trips per day are allowed for the excavation operation (and with this new use it would still only be sixteen trucks/trips per day) and that Seacoast Farms trucking would be an addition to that number.

Notes and conditions of approval from the excavation plan and from Seacoast Farms would be needed to be included with this new plan.

Ms. Rowden reviewed the waiver list and agrees with them but would also like the town engineer to look at them.

The Board would like to see the notes on a second page of the plan for all three uses (Seacoast Farms, excavation operation and the proposed new use). Mr. Quintal will include conditions of use/approval for Seacoast Farms on that page. Mr. John Galloway thought that Seacoast Farms' contract was up in a year or two. Mrs. Grasso asked what happens if Seacoast Farms goes away? Mr. Galloway that he had no plans out that far. The Board said if he were to expand, he would have to come back before the Board and this process.

There was discussion of the tailings at Seacoast Farms and the reduced work area. It was also mentioned that Mr. Kelly should be bonded for the tailings and that there was probably more of this material than allowed. Someone thought it was 2,000 yards of tailings and 6,000 yards of finished material.

Discussion came back to the town engineer review (use, waivers and concerns – wetlands and near aquifer). Have him also look at any potential environmental mitigation that should be required (this may include a regular water test). Set up an escrow for his review with a preliminary account – suggested \$2,000. Mr. Andy Galloway acknowledged.

Mr. Barham spoke about continuing the hearing and asked if the public has any questions?

Mr. Pitkin asked about trucking and upgrading the road, Mr. Barham said in effect there would be no change.

Mr. John Galloway mentioned that he would like more trucks. It was suggested that with more trucks, the road may need to be upgraded and the Board would need to look at that. Mr. Quintal told Mr. Galloway he would like to talk about the need for more trucking later.

Mrs. Grasso asked if a log was kept of the number of trucks and the possibility of exceeding the maximum. Ms. Rowden stated that a log is kept for tax purposes and that information is available to the public..

Mr. Greene mentioned he has an attorney and will be contesting this use as a zoning issue. He was also concerned about water runoff and would have someone do a study. He owns property to the north of this site.

Mrs. Grasso asked about a report from NHDES Wetlands Bureau.. Mr. Meade stated that he had contacted DES, in this case, Mr. Lewis and that although they had been communicating, Mr. Lewis had not yet been out to the site. Mr. Meade also brought up that he had contacted DES about possibly upgrading the road at some point and Mr. Lewis thought that would be possible with permitting. Ms. Rowden mentioned that Mr. Lewis may only be looking at Seacoast Farms and their setbacks. Mr. Meade said he thought they were more concerned with what the drawings were showing of Seacoast Farms.

Mr. Meade and Mr. Karcz had visited the site to look at how it was marked out. Mr. Quintal asked to go out with Mr. Karcz, Mr. Downing and Mr. Meade when the town engineer went out.

At 7:40 pm Mr. Barham asked to continue this until the meeting of January 6<sup>th</sup> of 2016 at 7:00 pm. Mr. Kohlhofer made the motion with Mr. Downing seconding, a unanimous vote followed.

### **3. NEW APPLICATIONS – None**

### **4. BUILDING INSPECTOR'S REPORT**

Mr. Perry has his binder coat down out on Thunder Road. Mr. Holmes Sr. stated that he too had gone out and was concerned with the steep slope on each side of the road. The engineer still needs to look at it. Mr. Perry will be looking for a reduction in his bond. It was felt that the town engineer would come up with a cost.

**Approved 12/16/2015**

Someone brought up approximately 25-% would need to be kept in escrow up to two years after the road was complete.

Mr. Meade said that there were two new homes in November, nine renovations, a deck, a porch and forty eight trade permits.

We had an inquiry about 272 Main Street by the EPA (they had an anonymous complaint). Mr. Meade sent them what he had on this.

As stated earlier, we had heard back from DES about Seacoast Farms & Galloway but they have not been to the site.

The letter had gone out to Mr. Suprenant about his business, fuel tank, debris near wetlands and drive way on November: 17<sup>th</sup> and action should be taken if not heard from once thirty days is up.

New hours need to be posted in the outdoor kiosk for the Land Use office. Mr. Meade passed around a draft and would also send that to the Town Administrator.

Mr. Meade asked about other business, Mr. Barham said that there was no other business.

#### **5. CAPITAL IMPROVEMENTS PLAN (CIP)**

Ms. Rowden to give an update on her progress. The next CIP Meeting will be held on Monday December 7, 2015 at 7:00 pm in the basement meeting room at the Town Hall. The final meeting will be held Monday December 14, 2015 at 7:00 pm at the Fremont Public Library.

#### **6. ZONING ORDINANCE RECODIFICATION**

Ms. Rowden spoke about rewriting our sign ordinance. There had been a federal law suit and the amount of time a sign was out and the size of a sign had to be consistent for all. Mr. Meade said that there was still RSA's for utility poles, street signs and road right of way. Possibilities? Long term signs, short term signs, permitting (fees?) Come up with a reasonable sign ordinance, look at other sources such as IBZ and IMLA.

#### **7. INCOMING CORRESPONDENCE**

As mentioned above Arleigh Greene (Hardrock Development) has retained an attorney and a letter from their counsel, the Ganz Law Office, has been received. It was felt that we should be very particular about how we proceed and get our counsel involved and review that opinion. Mr. Holmes Sr. said we should take all steps to be sure to look at all concerns. As in any land use decision, Mr. Greene would have thirty days to appeal to the Zoning board or Superior Court.

There were still concerns about reducing the size of and ultimate disposition of the Seacoast Farms tailings row.

With no further business to come before the Board, Mr. Karcz made the motion to adjourn at 8:10 pm. Motion seconded by Mr. Downing with unanimous favorable vote.

**Next regular meeting:** December 16, 2015

Respectfully submitted,

Bob Meade  
Building Inspector / Code Enforcement Officer

**ACTION ITEMS:** Land use information in Kiosk, Town Engineer (Mr. Caron) to review Thunder Road and come up with bond reduction value.