

Present: Vice Chair Jack Karcz, Members Jack Downing, Leon Holmes, Andy Kohlhofer, Alternate Member Tom O'Brien, Building Inspector Bob Meade, Regional Planner Jenn Rowden, Town Engineer Dan Tatem, and Land Use AA/Recording Secretary Casey Wolfe

Also present: Dennis Quintal, Bob Nadeau, Susan Dow, William Dow, Ken Danisevich, Jan Danisevich, Ellen Douglas, Nancy Fiske, Eric Holt, Sandra Mullen, Warren Gerety, Paul White, Thomas Sells, Renee King, Randy Grasso, Cindy Grasso, Jamey Watkins, Jim Watkins, Diane Wilkinson, Noreen Myers, Janet Leonard, Linda Kelley, Terry Grimes, John Grimes, Tom Pelusi, Sonja Morrow, Beth Pinucci, John Wilson, Ethel Wilson, Carol Rawson, Mark Pitkin, Laurie Pitkin, Corinne Sheridan, Haizuey Cook, John Grimes, Theresa Grimes, Kevin Baum and Travis Baum.

Mr. Karcz opened the meeting at 7:15 pm.

I. CONTINUED BUSINESS

Public Hearing continuation – Galloway / Seacoast Farms Site at parcel 05-035 located on Shirkin Road

Mr. Quintal introduced himself to the Board. He is the engineer representing Mr. Galloway's proposed concrete reprocessing plant. The project will utilize three acres of Lot 5.35. Mr. Quintal explained that he has applied for a variance because he will be altering the land within the 100 foot setback of a wetland. He is going to wait to submit the revised plans to the state until he knows whether or not he will get the required variance from the Town. Quintal needs to add to the plans a list of the waivers that they got approved, a sign for "local traffic only" for turning right off of Shirkin Road, and a note about test pits on Shirkin Road. He needs to take the note off about the truck limit per day. Mr. Quintal has met with an agent from Eversource about the process and estimated cost of moving the utility poles on Shirkin Road.

Mr. Quintal explained that Mr. Galloway is not licensed to move any hazardous material. The wells will be monitored along with the water in the ponds. Their property will be much more valuable with the widening of Shirkin Road. Now he is waiting on the ZBA to approve the variance for detention ponds within the 100 foot setback. If Mr. Quintal does not get the variance, he will need to go through the whole design process all over again. Mr. Downing brought up that it is likely that the ZBA will need two meetings to decide on the variance. Mr. Karcz asked about screening the property from Shirkin Road so that the road wouldn't be so unattractive to other developers. Mr. Quintal explained that there will be a ledge berm when the road gets flattened someday. There was a short discussion about vegetative screening.

Mr. Holmes asked if the test pits would be done before the sides get ripped up. The test pits will be done as part of the design before approval. Ms. Rowden recommends that inspections of materials brought into the site happen by an independent party. Mr. Tatem added that the applicant can put money in escrow for this. Ms. Rowden also wants all trucks that come in to be logged. Mr. Tatem explained that testing should happen more frequently at the beginning and get more spaced out as time goes on. The testing should be random and the Town can choose the

testing consultant. Mr. Quintal explained that Mr. Galloway does not want to contaminate the property either – the property is an investment.

Mr. Sells asked how this is a benefit to the Town and also asked if the EPA has weighed in yet. Mr. Kohlhofer explained that it doesn't need to benefit the Town, he just needs to meet the Town's requirements. Ms. Rowden explained that the project simply needs to comply with all state and federal regulations. This project only needs state permits. Mr. Gerety asked if they will be accepting materials from other companies. Mr. Karcz explained that paperwork would be required. Ms. Fiske asked if the applicant will need to put any money in escrow for clean-up if the water gets contaminated. Ms. Rowden explained that it would be hard to estimate costs of a clean-up. The liability would be on the property owner to do any clean-up. Mr. Tatem explained that DES would step in with heavy fines if they contaminated the water.

Cindy Grasso said that Mr. Galloway currently brings in trucking from other companies. Mr. Kevin Baum felt that there should be a written plan of how the operation is going to work and how trucks and materials are going to be monitored. Mr. Tatem added that the notes on the plans could be more detailed. Ms. King wanted to confirm that no one can dump material on the site when no one is there. She also asked about how Mr. Galloway would go about expanding his site. Ms. Rowden explained that Mr. Galloway would need to go through the same site plan process to expand. She also explained that Mr. Galloway could take legal action if another company dumped material on his property since that would put him out of compliance. Mr. Karcz added that the Town could administer a cease and desist order if Mr. Galloway violated his site plan.

There was a brief conversation about Mr. Kelly (owner of Seacoast Farms) violating his site plan. Mr. Holmes felt that the Planning Board should get another shot at getting Mr. Kelly back into compliance. Mr. Kevin Baum felt that Seacoast Farms certainly needs to be addressed and that the Town has the teeth to do it. There was also a conversation about trucking. Mr. Travis Baum wanted the number of trucks to be limited. Mr. Holmes did not feel that this was going to be a busy operation – Mr. Galloway will run out of space for material. Ms. King explained that this is why he will want to expand in the future and Mr. Grasso added that Mr. Galloway will be bringing material in and *out* – so he will not necessarily run out of space. Ms. Grasso wanted to know why the number of trucks is not part of the dialog anymore. Mr. Meade did not feel that limiting the number of trucks for a business in the Corporate Commercial District would hold up in court.

Ms. Wilson reminded everyone that at the last meeting there was a man here that said that he has dumped stuff for Galloway with no questions asked. Ms. King appreciates the Board answering everyone's questions and mentioned that it would be nice if Galloway would be present at his public hearings. Ms. King felt that since they do not live here, they are not concerned about pollution in the area. Mr. Travis Baum asked if Shirkin Road is centered in the Town right-of-way. Mr. Quintal explained that the road will be in the right-of-way and that the utility poles have to be moved. Mr. Holt asked if air quality has been considered. Ms. Rowden explained that air quality would be regulated by the EPA. This project does not require a permit for air quality. Mr. Karcz said that at Mr. Galloway's operation in Plaistow, there was no noticeable dust. Mr.

Grasso explained that he could feel it in his house when the crusher is running, but perhaps it has to do with the type of material that is getting crushed.

Ms. Rowden said that the noise decimal level could be on the plans if noise is a concern. There is a difference, however, between being able to hear the operation and the operation being an obstruction. The Board should think about the allowed hours of operation on Saturday. Someone suggested 9:00 AM to 2:00 PM. Mr. Grasso had a concern about dust blowing off the trucks into the wetland. Mr. Quintal explained that trucks going over 35 mph have to be covered. There could be a stipulation that all trucks have to be covered. There was a brief discussion on monitoring the wells. Mr. Quintal will be at the ZBA meeting on November 15th, 2016. Mr. Kohlhofer made a motion to close the public hearing at 8:58 and to continue to December 7th. Mr. Downing seconded that motion. The motion passed 4-0-0. There was a five minute recess.

II. MINUTES

Mr. Holmes made a motion to approve the minutes of October 5th, 2016. Mr. Downing seconded that motion. The motion passed 4-0-0. Mr. Kohlhofer requested that from now on, the minutes includes the number of votes in each motion. Mr. Kohlhofer made a motion to approve the October 19th, 2016 minutes. Mr. Holmes seconded that motion. The motion passed 4-0-0.

III. BUILDING INSPECTOR'S REPORT

For October there was one new home, a garage, four renovations, a shed, and twenty-seven trade permits.

There was a discussion about Seacoast Farms. Mr. Meade felt that he should be invited back for a discussion with the Planning Board. Ms. Wolfe will write a letter to Mr. Kelly.

IV. OTHER BUSINESS

Ms. Rowden explained that warrant article needs to be ready soon. She has tweaked the existing accessory dwelling unit ordinance to comply with the new law. She wanted to Board to look at this and be ready at the next meeting to send this to public hearing. She suggested having ADU's allowed by conditional use permit because the Planning Board is more accustomed to looking at a wide variety of issues.

Ms. Rowden announced that next week on November 9th, the RPC is hosting a legislative forum at the Unutil office building in Hampton, NH.

Mr. Holmes made a motion to adjourn the meeting at 9:32 PM. Mr. Downing seconded that motion. The motion passed 4-0-0.

Fremont Planning Board Minutes
Approved November 16th, 2016

2 November 2016

Respectfully Submitted,

Casey Wolfe
Recording Secretary