

Present: Chair Brett Hunter, Vice Chair Jack Karcz, Members Jack Downing, Andy Kohlhofer, Tim Lavelle, Paul Powers, and Roger Barham, RPC Senior Planner Jenn Rowden, Building Inspector Greg Arvanitis, and Land Use Administrative Assistant Casey Wolfe

Also Present: Cynthia Feeley, Edward Feeley, Mary O'Brien, George Cowan, Jeffery Doane, Renee King, Doug Andrew, Debbie Goudreault, Mike Wason, Cindy Grasso, and Randy Grasso

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

I. MINUTES

Mr. Karcz made a motion to approve the minutes of March 21, 2018. Mr. Kohlhofer seconded the motion. The motion passed 7-0-0. After making an amendment, Mr. Kohlhofer made a motion to approve the minutes of April 4, 2018. Mr. Karcz seconded the motion. The motion passed 7-0-0. Mr. Kohlhofer made a motion to approve the site walk minutes of April 14, 2018. Mr. Powers seconded the motion. The motion passed 6-0-1.

II. CONTINUED BUSINESS

Mr. Lavelle recused himself from the Board as a voting member to present the application as the surveyor for the project. Mr. Powers also recused himself as an abutter to the project.

Public Hearing for a subdivision review submitted by Kasher Corporation who seeks to subdivide Map 2 Lot 148-1 (16.44 acres) into three lots of multifamily housing on Copp Drive.

After passing out updated plan sets to the Planning Board members, Mr. Lavelle, the surveyor for the project, summarized that the applicant is proposing to subdivide the 16.44-acre parcel into three lots. He described the size and frontage of each proposed lot. Two test pits have been done on each lot and each lot will be serviced by its own septic system and well. He stated that the westerly side of the property is wet but everywhere else on the property is dry. The existing structure on the lot will be removed. Anything proposed on each lot larger than a duplex will need to come back before the Planning Board for a site plan review.

Ms. Rowden asked the Board if they were concerned about the proposed placement of the well on lot number two. Mr. Lavelle stated that he could certainly move the well so that less of the well radius overlaps the wetland area. He also said that he could move the well location on lot number three. Ms. Rowden suggested that the Board places a condition of approval that the well locations must be as far away from wetlands and wetland buffers as possible. She also stated that this project is probably ready for the Board to make a decision on, unless they want the applicant to provide a drainage or traffic study. Mr. Kohlhofer felt the Board should wait until the site plan process to ask for these studies. Mr. Karcz made a motion to open public input. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.

Ms. O'Brien asked if this part of Spruce Swamp was considered prime. Ms. Rowden stated that this part of Spruce Swamp is not prime wetland. There were a couple questions about duplexes.

Ms. Rowden explained that a duplex must share a common wall and that only one duplex can be on a lot without a site plan approval from the Planning Board. There was some discussion about when the gate between Copp Drive and Gristmill Road will be open. Ms. Rowden stated that the Planning Board will take a traffic study into consideration when this project comes before the Board under site plan review. Mr. Kohlhofer made a motion to close public input. Mr. Karcz seconded the motion. The motion passed 5-0-0.

After some discussion, the Board agreed that the wells drawn on lots two and three should be moved so that they are at least 25 feet from the wetland. Ms. Rowden suggested that the Board adds the following conditions: that all necessary State permits are obtained, that a recordable Mylar is produced, all fees are paid, and that the monumentation is certified. Mr. Kohlhofer made a motion to approve the application with these conditions, along with the condition that the proposed wells on lots two and three are at least 25 feet from the wetland. Mr. Karcz seconded the motion. The motion passed 5-0-0.

Public Hearing for a subdivision review submitted by Kasher Corporation who seeks to consolidate the parcels at Map 2 Lots 144, 145, 146-2 & 147 (33.45 acres) and then subdivide the land into five lots for multifamily housing on Copp Drive.

Mr. Lavelle passed out updated plan sets to the Planning Board members. Mr. Lavelle stated that at the last meeting, lot one did not meet the required average lot width in the zoning ordinance. To solve this problem, he changed the proposal to only four lots rather than five. He felt it was a better proposal with better shaped lots. Each lot has well over 200 feet of frontage and each lot now has more than enough width. He explained that these lots range from six and a half acres to ten and a half acres. Ms. Rowden felt that this was a better proposal. She mentioned that there are still some jogs in the lot lines and that the building envelope on lot number four is very small. Mr. Lavelle expressed that he was confident that this area would fit a duplex. Ms. Rowden stated that jurisdiction has already been accepted for this project. Mr. Karcz made a motion to open public input. The Kohlhofer seconded the motion. The motion passed 5-0-0.

An abutter expressed that he did not think anything else in the area was buildable. Mr. Lavelle explained that the reason why these lots have not been developed until now was because of ownership. After a comment from an abutter, Ms. Rowden stated that because the plans changed and the public has not had time to review the plans, it wouldn't be unreasonable to continue the application to the next scheduled Planning Board meeting. Mr. Karcz made a motion to continue the application to the May 2nd Planning Board meeting. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.

Mr. Lavelle and Mr. Powers returned to the Board as voting members.

III. BUILDING INSPECTOR'S REPORT

Mr. Arvanitis summarized his report to the Board of the Selectmen. In the month of March, there was one new home, one porch, one pool, one shed. He had fourteen trades' permits and two renovations.

IV. OTHER BUSINESS

Discussion about conditionally approved site plan on Shirkin Road (Map 5 Lot 35)

Ms. Rowden summarized to the Board that Mr. Galloway's site plan has only been conditionally approved, the plans have not yet been signed. Mr. Lavelle stated that he has been out there and there is no work being done. Mr. Arvanitis explained that Ms. Carlson went down Shirkin Road to look at the neighboring Patterson site (to investigate what the Patterson's have been dumping on their property) and on the way back she looked at Mr. Galloway's site. The alleged complaint is that Mr. Galloway is preparing the site for his conditionally approved concrete reprocessing plant. Mr. Arvanitis wasn't sure whether or not this was true. Mr. Kohlhofer stated that he can excavate per his active earth removal permit, but he cannot do any site work. Mr. Lavelle stated that when he ran into Andy Galloway, he said that the dirt is just from the gravel operation.

Ms. Rowden said that if Mr. Galloway is doing site work, the Board of Selectmen could issue a cease and desist. Perhaps the Board could send a letter reminding him that he does not have final approval. Mr. Arvanitis said that he did notice the trucks coming onto the site. They come in full and come out empty. Ms. Rowden mentioned that the Board should consider updating their site development agreement and getting it looked at by their attorney. She suggested that they put in a note about the preconstruction meeting, when their sites can be accessed by the Town, and how the project will be inspected for site plan compliance during construction. Mr. Karcz felt that a letter to Mr. Galloway reminding him he needs signed plans and a preconstruction meeting would be appropriate. Ms. King asked if there is a deadline for Mr. Galloway to meet his conditions. Ms. Rowden explained that the litigation paused the clock. If he does approach a deadline, he could always ask for an extension. Mr. Grasso stated that the trucks have been going by his property for three weeks. Mr. Galloway can bring in gravel per his excavation permit. Mr. Lavelle stated that he did not see concrete or asphalt when he was out there. Ms. King said that the abutting Patterson property also contributes to the problem. A letter has already gone out to the Patterson family.

Discussion about Altaeros Energies site work

Mr. Lavelle recused himself from this discussion.

The Board has recently received correspondence from the Stantec engineer Dan Tatem that Mike Rislove does not intend to follow temporary stabilization measures and stabilize a detention pond on the Altaeros work site. Ms. Rowden stated that the Board has no enforcement authority, however, the Board does have an interest in having them comply with State permits. Ms. Rowden recommended putting the property on notice and asking for voluntary compliance. She recommended a simple statement that the silt fence should be put in place per their permit. Mr. Lavelle, speaking as an advocate for his client, stated that Mr. Rislove will stabilize the detention pond when it is completed. He recommended that the Board takes a look at the site themselves. Ms. Rowden stated that the Board does not really have the authority to go out there. She stated that they could ask the code enforcement officer to take a look at the site, however, there really is

not a whole lot the Planning Board can do about compliance with site work. Ms. Rowden stated that the Board certainly can choose to do nothing. Mr. Lavelle stated that the incomplete detention pond has been under snow up until just three or four weeks ago. Mr. Barham suggested holding off for a little bit, considering winter did just end. Mr. Lavelle stated that the issue should resolve itself in a short amount of time. He did not think Mr. Rislove was refusing to stabilize the pond, he was just waiting until the pond was finished to stabilize it. There was a brief discussion about an abutter's complaint that a nearby wetland has been contaminated by the Altaeros site work. Mr. Tatem has determined that this was not the case.

Mr. Lavelle returned to the Board as a voting member.

Discussion about Governor's Forest Access Road

The access road at Governor's forest has been partially reconstructed without an approved plan or preconstruction meeting. Mr. Lavelle stated that he looked at the boulder wall that Mr. Ferwerda had constructed along the access road. He stated that no one is going to certify the wall in the condition that it is in. Mr. Barham stated that Mr. Ferwerda only has a conditional approval. He does not have his conditions met, his plans signed, a preconstruction meeting, or construction review escrow in place. One of the conditions that Mr. Ferwerda needed to meet was that the road cross section needed to be approved by the town's engineer. Mr. Ferwerda was in no position to work on the wall without an approved design. Now there is an unstabilized area. Ms. Rowden showed the Board a picture of large amounts of sand that has washed down to an abutter's property at the bottom of the access road. Ms. Rowden stated that the only thing the Board can do at this time is recommend a cease and desist. Mr. Tatem's suggestion in an email to the Board was to have Mr. Ferwerda stabilize the wall. Mr. Arvanitis was not sure there was a way to stabilize the wall without completely reconstructing it. He felt that Mr. Ferwerda was putting the abutters in danger with this wall. Mr. Arvanitis stated that he will send Mr. Ferwerda a letter. Ms. Rowden stated that there are still steps that need to be completed before the Board can sign his Mylars. She stated that the Board can send a letter outlining these steps to Mr. Ferwerda. Mr. Powers asked if the Board should give Mr. Ferwerda a timeline of when the stabilization needs to be completed. The Board felt this could be left up to code enforcement.

Excavation Permit renewal applications

Ms. Wolfe informed the Board that all four applications have come in to renew earth removal permits. Ms. Wolfe reminded the Board that the last two years Mr. Tatem went out to inspect the gravel pit sites and recalculate how much surety should be in place for each site. Ms. Rowden reminded the Board that each site has 75% of Mr. Tatem's recommended amount in escrow with the Town for reclamation surety. Mr. Barham stated that he would be happy keeping it at 75% this year. He explained that the dispute is over how much it costs to reclaim a gravel operation site. The Board felt that Mr. Tatem needs to do his site inspections again this year. Mr. Kohlhofer felt that the Board should increase the amount of reclamation surety in place to 85%. He did not like the idea putting the Town at risk. Mr. Karcz stated that the landowners can reduce the amount of open acreage they have if they want to reduce the amount of surety they need in place with the Town. Ms. Wolfe will work on getting the site walks scheduled.

Fremont Planning Board Minutes
Approved May 2, 2018

18 April 2018

Mr. Lavelle made a motion to adjourn the meeting at 8:30 pm. Mr. Karcz seconded the motion.
The motion passed 7-0-0.

Respectfully Submitted,

Casey Wolfe
Land Use Administrative Assistant