

Present: Chair Brett Hunter, Vice Chair Jack Karcz, Jack Downing, Roger Barham, Paul Powers, alternate member Mike Wason, Senior Planner Jenn Rowden, and Land Use Administrative Assistant Casey Wolfe

Also Present: John Aubert, Mark Queiros, Jeff Philbrick, and Matthew Thomas

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

I. MINUTES

Mr. Karcz made a motion to approve the minutes of August 15, 2018. Mr. Powers seconded the motion. The motion passed 5-0-1.

II. NEW BUSINESS

Applicant Kasher Corporation has submitted a site plan application for a proposed condominium multi-family development at the recently subdivided Map 2 Lot 148-1. The proposed project involves construction of a four unit multi-family structure on each of the three newly subdivided lots.

Andy Street, the engineer for the Kasher Corporation site plans, has requested a continuance to allow for more time to address comments. Mr. Karcz made a motion to continue the Public Hearings for lots one, two, and three to October 3, 2018. Mr. Downing seconded the motion. The motion passed 6-0-0.

III. OTHER BUSINESS

Preliminary for Jeff Philbrick – Altering a historic building at 454 Main Street

Jeff Philbrick stepped forward and introduced John Aubert and Mark Queiros who also are working on this project. Mr. Philbrick explained that the house at 454 Main Street has been there for a very long time. His brother, who did not take very good care of the property, used to own the home. His business, Colonial Poplin, has recently purchased the property. After some discussions with the Fremont Economic Development Committee, it was thought that a medical practice would be a highly attractive use for the location. He has been in communication with a medical practice that would like to move into town and use the farmhouse location. He emphasized that his discussions with this medical practice are preliminary, however, he expects the project to go through. Mr. Philbrick stated that keeping the original building does not seem like it would be a possibility, however, he hopes to keep portions of the existing building. He has already had some conversations with Town Historian Matthew Thomas (present) about the historical significance of the building. He would like a structure to go up that is appropriate for the area.

Ms. Rowden stated that the site is in the Village District and the Flexible Use Residential District. Mr. Philbrick clarified that he is talking about a doctor's office with possibly some lab services and diagnostics work. Ms. Rowden read from the Village District Ordinance, "Existing

buildings, with historical significance, as recommended within the Fremont Master Plan in conjunction with recommendations from the Fremont Historical Society, shall be preserved and reused for permitted uses.” Mr. Philbrick explained that it was because of this clause in the zoning that he has been in contact with the Town Historian. Mr. Thomas stated that the house was constructed in 1765 and served as a tavern for many years. The landowner gave the Town the land to build the Meeting House. He explained that a lot of town meetings were adjourned to that farmhouse because there was no heat in the Meeting House. We only have about 21 structures left in town that were here before the Revolutionary War and this house is one of the earliest ones. He stated that it would be nice to at least save the frame of the house.

Mr. Thomas felt that Fremont was lucky because between this house, the Meeting House, and the cemetery, they have a good representation of early Poplin in the 18th century while with the school, Fremont Pizzeria, and Glen’s Auto, Fremont has a representation of 20th century. Then on the other side of Beede Hill Road, Fremont has the 19th century represented. He felt that when landmarks get taken down, it does take away from the character of the community. He’d hate to see anything happen to the building, however, the only thing the Town can do is work with the owner and encourage them to at least try to maintain the historical character of the building they are changing. He felt that Mr. Philbrick appreciates Fremont’s history quite a bit and will build a structure that will blend in with the Town’s historical character. He would be really happy if the frame could be saved.

Mr. Philbrick stated that on site there is the farmhouse, a barn, and a corn crib. There used to be a chicken coop, however, a tree fell on that structure. Ms. Rowden stated that the structure cannot be more than 10,000 square feet. Mr. Queiros stated that the site will look like one campus with Colonial Poplin despite the new structure being a separate business. There will be some walking paths connecting the two buildings. Additionally, Ms. Rowden recommended that they merge the lots together. Mr. Philbrick explained that the style of the Village District happens to be their style. The building will be period-appropriate. Mr. Thomas stated that Mr. Philbrick’s mother invested a lot of money into the building in the 90’s and it was thanks to his family that the building had any work done. He felt that Mr. Philbrick will follow in his mother’s footsteps and will build something suitable for Fremont. Ms. Rowden also mentioned this property is in the aquifer protection district, but this use is fine for that district. There was some discussion about the septic system. Mr. Queiros stated that ideally they will be able to relocate the barn, but moving old structures is expensive. It’s too bad the house is in disrepair and cannot be used for the business. Mr. Philbrick, Mr. Aubert, Mr. Queiros, and Mr. Thomas left at 7:22 pm.

IV. CIRCUIT RIDER BUSINESS

Ms. Rowden passed out the proposed definitions, uses, and district changes to the Zoning Ordinance (see attached) to the Board members. The red font is any new language that will be added to the ordinance if it passes at Town Meeting. On page four of their packets, she explained that the blue font is new language that requires commercial operations to be located within 500 feet of the lot frontage within the Flexible Use Residential District. Ms. Rowden passed out maps that show a 500 foot buffer on the lots in the Flexible Use Residential District. This new language would prevent commercial operations from being in the back of large lots. Ms. Rowden explained that the Planning Board could grant a conditional use permit, on a case-by-case basis,

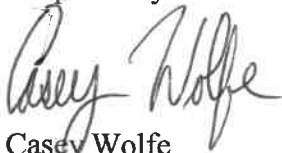
to certain commercial operations outside of this 500 foot buffer. She explained that the proposal would also extend the Main Street District and remove some roads out of the Flexible Use Residential District. There was some discussion about corner lots on the Flexible Use Residential District. Ms. Rowden stated that a parcel only needs frontage on a “red road” to be a part of that district. There was also some discussion that the parcel data that the Rockingham Planning Commission has for the Town of Fremont is outdated. The Board seemed agreeable with the proposal for a 500 foot buffer for commercial uses in the Flexible Use Residential District. They also seemed agreeable to taking a few roads out of this district. Finally, they also seemed agreeable to expanding the Main Street District.

Ms. Rowden moved on and asked the Board to look at the proposed Table of Uses. There was some discussion about allowing outdoor shooting ranges in the Shirkin Road Commercial District with a conditional use permit. In the current zoning ordinance, outdoor shooting ranges are prohibited everywhere in town. Mr. Barham felt that the people who live near Shirkin Road would not like the noise of a shooting range. Ms. Rowden will change the proposed Use Table so that outdoor shooting ranges are listed as prohibited. She reminded the Board that on October 17th they are hosting a special session for the public to come and hear a presentation about the proposed zoning ordinance changes. The formal Public Hearing will be in November. Ms. Wolfe suggested changing the name of the Commercial Highway District to “Main Street Commercial District” rather than “Main Street District.” There was some discussion about how the proposed changes would be organized into warrant articles for Town Meeting. When it is time to host the Public Hearings, some individuals may need to be notified about them per the statutory requirement.

Mr. Powers mentioned that the Town of Hampton has architectural guidelines for developers and asked if this is something that Fremont should consider adopting. Ms. Rowden stated that something like this would go in the site plan or subdivision regulations. She recommended that the Board waits until the New Year to address this.

Mr. Powers made a motion to adjourn at 8:05 pm. Mr. Karcz seconded the motion. The motion passed 6-0-0.

Respectfully Submitted,



Casey Wolfe

Land Use Administrative Assistant

2018 – Proposed Definitions, Uses and District Changes

Existing language

New language

Language to be removed

New language added 9/5/2018

Note: Within the definition section below, any definitions currently existing in the zoning ordinance and intended to be used throughout the whole zoning ordinance are in black and noted as being existing definitions. All definitions and language in red is new language.

Section 403 – Definitions: In the interpretation and enforcement of this Ordinance, all words other than those defined specifically below shall have the meanings implied by their context in the Ordinance or their ordinarily accepted meanings. For those words defined within other sections of the Zoning Ordinance, the term definition shall apply only to the section within which the term is located.

- A. Accessory Use: A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.
- B. Accessory Structure or Accessory Building: A structure or building customarily incidental and subordinate to the principal structure and located on the same lot as the principal use
- C. Agriculture: Any farming activity that involves the cultivation of plants or the raising of livestock – including animals or poultry as defined in RSA 21:34-a.
- D. Agritourism – As defined under RSA 21:34-a as attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including, but not limited to, eating a meal, making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of the farm.
- E. 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.
(EXISTING DEFINITION)
- F. Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, foods or materials of any kind.
- G. Duplex: A building designed and/or used exclusively for residential purposes and containing two principal dwelling units separated by a common party wall.

The common party wall shall be within interior residential space, including garage space, and shall separate this interior residential space of the two principal dwelling units.

- H. Dwelling Unit: Any completed structure or portion thereof designed or used exclusively for residential purposes.
- I. Dwelling Unit, Single-Family: A detached building designed for or occupies exclusively by one family.
- J. Home Occupation: Any business, occupation or activity conducted for gain within a residential building, or an accessory building thereto, which is incidental or secondary to the use of such building for dwelling purposes and which does not change the essential residential character of the building. (EXISTING DEFINITION)
- K. Impervious Surface: A modified surface, that cannot effectively absorb or infiltrate water including roofs, decks, patios, paved gravel or crushed stone driveways and parking areas and walkways unless designed to absorb or infiltrate water.
- L. Junk Yard: Two or more uninspected motor vehicles no longer intended or in condition for legal use on the public highways and/or any machinery, scrap metal or other worn, cast off, or discarded articles of materials ready for destruction or collected or stored for salvage or conversion to some use. (EXISTING DEFINITION)
- M. Light Manufacturing: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances; electronic instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics apparel; lightweight nonferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products. (EXISTING DEFINITION)
- N. Lot: A certain contiguous tract or parcel of land for which there is a deed recorded at the Rockingham County Registry of Deeds.
- O. Lot Coverage: All impervious and pervious paved surfaces on a given lot including: paved, bricked or gravel areas, buildings or other structures, decks and patios, and recreational facilities such as tennis courts, in-ground pools or similar amenities.

- P. Lot of Record: Any lot which, individually or as a part of a subdivision, has been recorded in the Office of the Register of Deeds in Rockingham County.
- Q. Manufactured Housing: Any land rented for the location, either permanently or temporarily, of one or more manufactured houses, recreational vehicles, travel trailers, tent campers, or other vehicles intended for a similar purpose.
- R. Non-conforming Lot: A lot which was lawfully created, but which does not meet the minimum dimensional requirements for frontage and/or lot size within the zoning district in which the lot is located.
- S. Non-conforming Structure: A structure designed, converted, or adopted for a use prior to the adoption of provisions prohibiting such use in such location.
- T. Non-conforming Use: Non-conforming use is any use legally existing at the time of enactment of this ordinance or any of its amendments, which does not conform to the provisions of this ordinance.
- U. Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground or requires an attachment to something having a fixed location on the ground. "Structure" under this definition includes, but is not limited to septic systems, buildings, billboards, carports, porches, swimming pools, tennis courts, and leach fields that are, in whole or in part, constructed above grade; For the purpose of this zoning ordinance sidewalks, driveways, fences, patios, aboveground fuel tanks, and leach fields that are constructed entirely below grade, are not deemed to be structures.

Section 704 - Flexible Use Residential District

704.1 - The intent of the Flexible-Use Residential District is to provide for residential development on individual lots, or agricultural use, which can be accommodated on the land without major alterations of the natural terrain, vegetation, watercourses or surface, and commercial development along connector (non-subdivision) streets.

704.2 By Conditional Use Permit, the Planning Board may allow commercial operations on specific roads identified on the Fremont, NH, Zoning District Map, ~~based on the conditions laid out in Section 703 of this Ordinance. The total maximum square footage of all commercial structures on a single parcel, in the Flexible Use Residential District, is ten thousand (10,000) Square Feet.~~

704.3 Conditional Use Permit Requirements: Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit in the Flexible Use Residential District for commercial operations provided that the following conditions are found to exist:

A. The total maximum square footage of all commercial structures on a single parcel is no greater than ten thousand (10,000) Square Feet.

B. The entire commercial operation shall be located within 500 feet of the lot frontage within the Flexible Use Residential District. The Planning Board may on a case-by-case basis allow commercial operations to be located further than 500 feet from the lot frontage if the impacts of the use on abutting properties are demonstrated to be sufficiently minimized. Impacts include, but are not limited to, noise, odor, visual impacts, traffic, or safety.

C. The commercial operation shall not result in a change in the essential characteristics of the area or abutting properties on account of the location or scale of buildings, other structures, parking areas, access ways, or the storage or operation of associated equipment or vehicles.

D. The proposed use complies with all other applicable sections of the Zoning Ordinance.

704.3 704.4 Within the Flexible Use Residential District the Planning Board may grant a Conditional Use Permit for an Open Space Preservation Development, anywhere in the district, as per Article 13, Section 1302 of this Ordinance.

Section 705 - ~~Commercial Highway District~~—Main Street District

705.1 The intent of the Commercial Highway district is to permit general commercial uses in areas on streets with high traffic volumes and to buffer abutting residential neighborhoods from disturbance and disruption. The maximum square footage of an individual commercial use in the Commercial Highway is twenty-five thousand (25,000) Square Feet.

705.2 Certain commercial operations may only be allowed by a Conditional Use Permit issued from the Planning Board. See the Table of Uses for a list of the uses that require a Conditional Use Permit.

705.3 Conditional Use Permit Requirements: Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit in the Main Street District for provided that the following conditions are found to exist:

- A. The permit is in the public interest.
- B. There will be no greater diminution of neighboring property values than would be created under any permitted use.
- C. That there are no existing violations of the Fremont zoning ordinance on the subject property.
- D. That the character of the area shall not be adversely affected in the context of:
 1. Architecture
 2. Transportation

3. Scale of coverage
 4. Scale of building size
 5. Consistency of uses
- E. That granting the permit will not result in undue municipal expense
 - F. That the proposed use will be developed in a manner compatible with the spirit and intent of the ordinance.
 - G. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
 - H. That the general welfare of the Town will be protected.
 - I. That the following impacts have been mitigated to the extent practical:
 1. Noise
 2. Light
 3. Transportation
 4. Visual effects
 5. Odor
 - J. Landscaped or other appropriate buffers of sufficient opacity and materials shall be required if deemed reasonably necessary for the welfare of neighboring properties or the Town.

Section 706 - ~~Corporate-Commercial District~~ Shirkin Road Commercial District

706.1 The intent of the Corporate / Commercial district is to provide areas for corporate business parks, research and development, light-manufacturing, processing, assembly, wholesaling, and transportation-oriented activities and related services such as trucking and warehousing providing that such uses are determined not to be injurious or hazardous to the public health, safety, and/or welfare. Furthermore, the intent of the district is to reserve suitable land for the location of new industry and to enhance economic development and employment.

706.2 Certain commercial and industrial operations may only be allowed by a Conditional Use Permit issued from the Planning Board. See the Table of Uses for a list of the uses that require a Conditional Use Permit.

706.3 Conditional Use Permit Requirements: Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit in the Shirkin Road District for provided that the following conditions are found to exist:

- A. The permit is in the public interest.
- B. There will be no greater diminution of neighboring property values than would be created under any permitted use.
- C. That there are no existing violations of the Fremont zoning ordinance on the subject property.
- D. That the character of the area shall not be adversely affected in the context of:
 1. Architecture
 2. Transportation

3. Scale of coverage
 4. Scale of building size
 5. Consistency of uses
- E. That granting the permit will not result in undue municipal expense
 - F. That the proposed use will be developed in a manner compatible with the spirit and intent of the ordinance.
 - G. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
 - H. That the general welfare of the Town will be protected.
 - I. That the following impacts have been mitigated to the extent practical:
 1. Noise
 2. Light
 3. Transportation
 4. Visual effects
 5. Odor
 - K. Landscaped or other appropriate buffers of sufficient opacity and materials shall be required if deemed reasonably necessary for the welfare of neighboring properties or the Town.

Section 707 Residential District

707.1 The intent of the Residential District is to provide areas for residential uses of single-family and duplexes that allow for sufficient area to provide necessary water needs and sewage disposal from on-site systems. Multi-family dwellings are also allowed with approved Conditional Use Permit, in areas where the neighborhood character of surrounding residential properties is maintained. This district includes areas where agriculture, agritourism and other open land uses are appropriate and natural conditions make the land unsuitable for intense development.

707.2 Conditional Use Permit Requirements: Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit in the Residential District for multi-family dwellings provided that the following conditions are found to exist:

- A. The proposal meets the additional setback and frontage requirements under Article 9 – Lot requirements.
- B. The multi-family dwellings shall not result in a change in the essential characteristics of the area or abutting properties.
- C. The proposed use complies with all other applicable sections of the Zoning Ordinance.

Section 707- 708 - Table of Uses

The types of uses designated as “Permitted Uses”, “Conditional Use” and “Prohibited” in the following table are necessarily broad and general in many cases. The Planning Board will consider specific applications and whether the proposed use(s) meets the general definition or the definition as listed Section 403 into one or more of the uses listed below.

Uses listed in the following table as “Prohibited” and considered inconsistent with the goals for development in one or more districts within Fremont as expressed in the Master Plan, beyond the capacity of the Town’s infrastructure or incompatible with abutting properties and resources. Any use not listed or not found to meet the definition of the “Permitted” and “Conditional Use” uses listed below shall be considered “Prohibited”. “Prohibited” may only be allowed after receiving a variance from the Zoning Board of Adjustment as described in Section 1702.

Districts: SH = Shirkin Road Commercial District. MS = Main Street District. FUR = Flexible Use Residential District. R= Residential District. P= Permitted, CU= Conditional Use Required, X = Prohibited

Use Categories	Zoning Districts			
	SR	MS	FUR	R
Restaurants and Bars	P	P	CU	X
Assembly/ Function Halls	P	P	CU	X
Government Buildings	P	P	P	P
Indoor Recreational Facilities	P	P	CU	X
Retail, Service and Office Uses	P	P	CU	X
Animals Hospitals and Kennels	P	P	CU	X
Schools and Educational Institutions	P	P	CU	CU
Motor Vehicle Showrooms	P	P	X	X
Motor Fuel-dispensing Facilities	X	X	X	X
Professional Services	P	P	CU	X
Industrial Uses	P	X	X	X
Light Manufacturing	P	P	CU	X
Residential Board and Care Facilities	CU	CU	CU	CU
Assisted Living Facilities	CU	CU	CU	CU
Hospitals and Medical Facilities	CU	CU	CU	X
Nursing Homes	CU	CU	CU	CU
Adult Day Care Facilities	CU	CU	CU	X
Child Day Care Facilities (6 or more children)	CU	CU	CU	X
Hotels, Motels and Bed & Breakfasts	P	P	CU	X
Single Family Residential	X	X	P	P
Duplex	X	X	P	P
Multi-family Dwellings	X	CU	P	CU
Residential/Assisted Living (more than 5 but not more than 16)	X	CU	CU	CU
Campground	X	X	CU	X

Use Categories	Zoning Districts			
	SR	MS	FUR	R
Outdoor Shooting Range	CU	X	X	X
Outdoor Recreational Facilities	P	P	CU	CU
Agriculture	P	P	P	P
Agritourism	P	P	P	P

DRAFT