

Present: Vice Chair Jack Karcz, Jack Downing, Andy Kohlhofer, Paul Powers, alternate member Mike Wason, Senior Planner Jenn Rowden, Building Inspector Gregory Arvanitis, and Land Use Administrative Assistant Casey Wolfe

Also Present: Dennis Acton, Mary O'Brien, Matthew Thomas, Amanda Lennon, Jeremy Lennon, Leanne Miner, Pat deBeer, Amy Bean, Audrey Karamourtopoulos, Lisa Marggraf, Peter Marggraf, and Dennis Howland

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

I. SPECIAL SESSION

Planning Board Special Session to discuss proposed changes to the Fremont Zoning Ordinance including a new definitions section, changes to the zoning districts, and changes to the table of permitted and prohibited uses within all districts

Ms. Rowden introduced herself as a senior planner working for the Rockingham Planning Commission. She clarified that this is not a formal public hearing, but it is a public information session. The Board is still tweaking the proposed changes and would like some feedback from the public. The proposed changes are some of the most significant changes Fremont has seen in about 10 years. She explained that this is an opportunity to provide feedback to the Planning Board and that when this goes to public hearing the public will be able to provide even more feedback. She started her presentation explaining that when Fremont's Zoning Ordinance was established in 1947, there was only one district and it was not well defined. The zoning districts that the Town has today were created in 2007. Part of the proposed changes to the zoning ordinance is the addition of a "definitions" section that will define terms used throughout the ordinance. Ms. Rowden pointed out that these proposed changes were not done in a vacuum and that they were discussed at multiple Planning Board subcommittee meetings.

Ms. Rowden explained the process for these proposed changes to the ordinance to be adopted. After this special session, these changes will have a more formal public hearing. At this public hearing, the Planning Board may vote to have these changes on the Warrant Article. Voters then can vote on these proposed changes in March. Ms. Rowden summarized the proposed changes. She explained that currently there are definitions scattered throughout the ordinance. This proposal includes creating a section specifically for definitions. This section would include existing definitions and proposed definitions. The proposal also includes modifying the zoning districts and the zoning map. Finally, the proposal includes simplifying the table of uses. The current table of uses includes uses that are no longer relevant. Ms. Rowden would like each of these three major changes to be their own Warrant Article on the ballot in March. This would allow some of these proposed changes to pass despite another one failing.

She went through the proposed definitions to be added to the zoning ordinance. She explained that these definitions will provide clarity to Board members, staff, and residents. An example of this would be a definition for "structure." Some definitions are very specific for the section that

they are in (the floodplain ordinance, for example) and will remain listed under that ordinance. Ms. Rowden briefly went through a few definitions such as “accessory use” and “structure.” She then summarized the proposed changes to the zoning districts. The proposed name change for the Corporate Commercial district is the Shirkin Road Commercial District and the proposed name change for the Commercial Highway District is the Main Street District. Additionally, a defined Residential District has been proposed to be added to the ordinance. The way the map illustrates the Flexible Use District is also proposed to change so that each parcel already in that district is shaded pink on the map. Additionally, the new map will have the Main Street Commercial District extended further down Main Street closer to the Brentwood town line. Finally, the use table will be adjusted to allow certain uses by a conditional use permit.

Ms. Rowden stated that part of the proposal also includes eliminating parcels with frontage on Chester Road, South Road, and North Road from the Flexible Use District. She emphasized that these changes are intended to preserve the rural character of the town. There is also a proposal to allow multifamily housing in residential areas via a conditional use permit. Ms. Rowden also explained a proposal to allow business activity within 500 feet of the road in the Flexible Use District. Future businesses would only be able to operate further than 500 feet from the road with a conditional use permit. Ms. Karamourtopoulos asked why Chester Road, South Road, and North Road were chosen to be removed from the Flexible Use District. Ms. Rowden explained that in the ten years that those three roads have been in the Flexible Use District, only three businesses have gone in and one of them may be defunct. This zoning change would not affect existing businesses, however, if they wanted to expand their business they would need to get a variance from the Zoning Board. The idea is to maintain the rural character of the town. Ms. Karamourtopoulos did not agree that removing these roads from the Flexible Use District was necessary to maintain the rural character.

Ms. Rowden pointed out that uses that fall under the home occupation ordinance would be allowed in the residential district. Mr. Acton stated that if these roads are removed from the Flexible Use District, then he will not be able to use his property for commercial purposes without getting a variance. He felt that he was losing freedom to do what he wants with his property. He felt that it would be better to leave these roads in the Flexible Use District and that removing these roads would be “a solution waiting for a problem.” He suggested, at the very least, for these changes to be on hold until next year. Ms. Rowden asked if keeping these three roads in the Flexible Use District would alleviate his concerns about this portion of the proposal. Mr. Acton stated that he understand the 500-foot cap on commercial uses from the road in the Flexible Use District is just a guideline, however, if future Planning Boards interpret this ordinance much more strictly he would be in trouble. Ms. Rowden stated that the conditional use permit is meant to be granted on a case-by-case situation, and it is hard to predict how future Boards will interpret the ordinance.

Ms. Rowden moved on to the Shirkin Road Commercial District. She explained that some uses in this district do require a conditional use permit. Ms. deBeer asked how much weight does a conditional use permit carry. Ms. Rowden explained that if an applicant cannot comply with the

conditions of a conditional use permit, they can appeal that decision to Superior Court. Ms. deBeer pointed out that this district is surrounded by prime wetlands. There was some discussion about the process of getting a conditional use permit. Ms. Rowden moved on to the Main Street District. She explained that part of the proposal is to expand this district into Danville Road, Red Brook Road, and further down Main Street. Ms. Karamourtopoulos felt that it was odd to expand a commercial district into an area that is very residential. Ms. Rowden added that there would still be constraints for these lots such as size, wetlands, and the aquifer protection zone.

Ms. Rowden moved on to the table of uses. She explained that the new table is proposed to completely replace the old one. She stated that the biggest change is the removal of “airport hangar,” “teleport,” and “airfield” from the use table. She also pointed out a typo in the current draft of the proposed use table: single family residences should not be prohibited, they should be permitted. Mr. Karcz disagreed and did not feel that this was a typo. Ms. Rowden explained that if a use is not described as permitted in the use table then it is presumed to be prohibited. She summarized the uses that are listed in the proposed table. Mr. Acton asked about governmental land use. Ms. Rowden explained that typical government functions do not need to comply with zoning. There was a discussion about outdoor shooting ranges. The proposed use table would not allow them in any district. Ms. Rowden summarized that the next phase of the process is for the Board to host a public hearing to allow for more public input. Ms. deBeer asked if the conditional use permits would add to the workload for the Planning Board. Ms. Rowden explained that typically applicants who need a conditional use permit also need a site plan review so it should not change the workload too heavily.

This portion of the meeting ended at 8:19 pm. The Board took a five minute recess.

II. MINUTES

Mr. Kohlhofer made a motion to approve the minutes of October 2, 2018 with the amendment of Mr. Karcz’s comment about Ragnar Original Innovations doing repair work. Mr. Powers seconded the motion. The motion passed 5-0-0.

III. NEW BUSINESS

Peter Marggraf introduced himself and his wife Lisa Marggraf. They have been living on Gristmill Road for almost two years. He explained that Gristmill Road is still a private road. He did not know it was a private road when he purchased the house. He stated that the hours of operation for the development were established in the 2006 site plan. The hours of operation are seven days a week from 7:00 am to 6:00 pm. He explained that the equipment they bring down that road is loud and obnoxious. He said that it is not unusual for them to operate their equipment outside of these hours of operation. He would like some help getting these hours reduced and with getting these hours enforced. He explained that he would also like some help getting the road turned over to the Town. The road does not get plowed because it is a private road. He asked if the Town had a bond in place for this road. Ms. Rowden explained that it would be difficult to change hours of operation that are on the approved site plan. The Board would have

to revoke the site plan to require the owner to come back and amend it. As far as the Town adopting the road, the road would need to be to town standards. For the Town to adopt the road, it would have to be petitioned to the Board of Selectmen. Ms. Rowden explained that the Town would not want to adopt roads that are substandard. Mr. Marggraf stated that there should be a bond in place for the road. Ms. Wolfe stated that there is a \$130,000 bond in place. Ms. Rowden stated that Fremont does not have a mechanism to increase road bonds over the years. She recommended that they email violation complaints to the code enforcement officer so that the Town has a record of any violations for future purposes. Mr. and Mrs. Marggraf left at 8:44 pm.

IV. CIRCUIT RIDER BUSINESS

Ms. Rowden stated that she, Mr. Kohlhofer, Mr. Karcz, and Mr. Arvanitis met last week to discuss the Aquifer Protection District ordinance change. Part of the proposal involves doing a workshop for the public to educate them on the proposed changes. She would like to establish a date to have this workshop. The Board decided to have this workshop on November 28th at 6:00 pm. The Board could then have the scheduled public hearing at 7:30 pm.

A subcommittee to discuss the zoning changes discussed this evening will meet October 25th at 2:30 pm.

V. OTHER BUSINESS

Ms. Wolfe informed the Board that she emailed town engineer Dan Tatem about surety for the Ragnar Original Innovations project. Mr. Tatem suggested calculating the surety the same way it was done for the Donigian cell tower project. After some discussion, Mr. Kohlhofer made a motion to have Ms. Wolfe email the applicant before having Mr. Tatem go ahead and come up with an estimate for the surety. Mr. Powers seconded the motion. The motion passed 5-0-0.

Mr. Powers made a motion to adjourn at 8:58 pm. Mr. Downing seconded the motion. The motion passed 5-0-0.

Respectfully Submitted,

Casey Wolfe
Land Use Administrative Assistant