

Present: Vice Chair Jack Karcz, Andy Kohlhofer, Roger Barham, Paul Powers, alternate member Mike Wason, and Land Use Administrative Assistant Casey Wolfe

Also Present: Mary O’Brien, Tim Lavelle, Mike Rislove, Bill Gregsak, and Dan Tatem.

Mr. Karcz opened the meeting at 7:04 pm.

I. MINUTES

The Board tabled approving the minutes of November 7, 2018 to the next meeting.

II. CONTINUED BUSINESS

Public Hearing for a site plan application for two proposed manufacturing and assembly buildings for Ragnar Original Innovations, Inc. to be located at 662 Main Street (Map 2 Lot 151-2). Application submitted by Fremont Land, LLC.

Mr. Lavelle was not a voting member at this meeting. Mr. Karcz announced that senior planner Ms. Rowden will not be at the meeting this evening, however, she wrote up a memo outlining the order of procedures that the Board should take this evening. The Board needs to address the waiver requests before they go any further. Mr. Gregsak, the engineer for this project, stated that since the last meeting they have received a comment letter from town engineer Dan Tatem dated November 16, 2018. Mr. Lavelle added that soil and wetland scientist Jim Gove has written a report about protection of the aquifer at this site. Mr. Gregsak passed out a copy of this report to the Board members. Mr. Karcz stated that at the last meeting the Board should not have taken jurisdiction until the waivers were addressed. The problem at that last meeting was that the Board members had just received the waiver request letter a couple hours before the meeting. Because the waivers have not been addressed, the application is still incomplete. Mr. Barham mentioned that Ms. Rowden still has not had a chance to comment on the waiver requests.

The Board looked at the waiver request letter dated November 6, 2018 (see attached). In request number one, the applicant is requesting relief from the regulation requiring the proposed sign details. Mr. Lavelle felt that showing where the sign will go on the plans should be sufficient. The sign will need to meet the zoning ordinance regardless. They will also need to get a sign permit from the building inspector. There was some discussion about this waiver request. Mr. Tatem stated that the regulations require proposed sign details so that the Planning Board has some control over how their town looks. If the Board is not concerned about how the sign looks, then it is no big deal to grant the waiver. If they do want to see these details, then they have every right to require that. Mr. Gregsak added that the sign would need to follow the zoning ordinance. The Board looked at waiver request number two. Number two is basically a continuation of waiver request number one. Mr. Lavelle stated that the sign has not been designed at this time. Mr. Kohlhofer stated that he did not want to get involved in the design of the sign.

The Board moved on to waiver request number three. The applicant has asked for relief from the regulation requiring a landscaping plan. Mr. Lavelle stated that having a landscaping plan and

planting shrubs would be a waste on a facility that cannot be seen from the road. There was some discussion about the waiver request. Even if there would be minimal landscaping, Mr. Barham wanted to see a plan with what they are proposing. Mr. Rislove stated that a landscaping plan would only include the areas that will be mowed. There was some discussion about possible areas that would be appropriate for landscaping. Because they are not proposing any landscaping, Mr. Barham was not sure if they even need to request a waiver from this regulation. Mr. Tatem stated that the applicant does need the waiver. The regulations require specific things in terms of landscaping. He stated that if the Board does not care about this, then they should grant them a waiver from the landscaping requirements. There was some discussion about granting the waiver with the condition that if there is future development on that lot then they need to do landscaping. Waiver requests five and six also pertain the landscaping.

Waiver request number four pertains to the requirement for raised sidewalks. Mr. Tatem agreed that this waiver request makes sense. He suggested requiring the parking spaces to have wheel stops to prevent vehicles from going into the walkway. There was a discussion about waiver requests number nine and ten. These two waivers are not necessary. The applicant withdrew these two requests. There was some discussion about waiver request number eleven. This regulation requires a landscape buffer and/or fencing of truck loading areas. There was some discussion about the surrounding properties. Most abutters will not be able to see this structure through the existing vegetation. The Board looked at waiver request number seven. This is a waiver seeking partial relief from the regulation requiring site plan compliance monitoring. The applicant has requested for the construction monitoring to take place for the drainage, erosion, and sedimentation control only. The Board stated that they normally have Mr. Tatem monitor the entire project.

The Board moved on to waiver request number eight. This is a request for partial relief from the requirement to bond the site. Mr. Gregsak proposed bonding the site at \$26,441.04 for phase one, \$21,350.38 for phase two, and \$9,117.60 for phase three. Mr. Gregsak stated that right now his client has two acres bonded for the gravel pit area at \$24,000. There was some discussion about why three different surety rates (one for the proposed manufacturing facility, one for Altaeros, and one for the gravel pit) are being applied to this single parcel. Mr. Rislove proposed giving the Town another \$10,000 for surety purposes in addition to the \$24,000 that is already in place. The Board did not feel that the \$24,000 that is currently being held for surety can apply to this proposed manufacturing facility. The gravel pit and this proposed site are two different projects. Mr. Rislove proposed applying a \$12,000 per acre rate to this project, just like the rate for the gravel pit. Mr. Barham stated that the \$12,000 per acre rate that was applied to the gravel pit was simply a compromise. He also stated that the reason that Altaeros got a break on their surety rate was because they were pleading poverty. There was some discussion about the surety rate that Mr. Tatem calculated for this project. Mr. Tatem emphasized that the Town needs to be able to make the site safe if the applicant goes out of business. Mr. Wason stated that the \$12,000 rate is reasonable.

Mr. Karcz stated that this meeting will not go past 9:00 pm, due to this being the eve of Thanksgiving. **Mr. Kohlhofer made a motion to open the public hearing for waiver requests number one and two. Mr. Powers seconded the motion. The motion passed 5-0-0.** There were no comments from the public. **Mr. Powers made a motion to close the public hearing.**

Mr. Kohlhofer seconded the motion. The motion passed 5-0-0. Mr. Kohlhofer made a motion to approve waivers requests number one and two with the condition that the proposed sign meets the zoning ordinance requirements. Mr. Powers seconded the motion. The motion passed 5-0-0. Mr. Kohlhofer made a motion to open the public hearings for waiver request numbers three, five, six, and eleven. Mr. Powers seconded the motion. The motion passed 5-0-0. Ms. Mary O'Brien at 688 Main Street had a comment about these waiver requests. She stated that earlier in the meeting when they were talking about screening, other abutting properties were mentioned, however, her property was not. She was concerned that the existing wooded buffer between her home and the operation will be cut down for future projects. There was some discussion about requiring a no-cut zone. Mr. Barham felt that this project should require some level of landscaping. Mr. Tatem stated that because this site is a commercial property, they cannot clear their land without a public hearing and a site plan review. He suggested that the applicant put a notes that states, "No additional trees shall be cut as shown on plans."

There was some discussion about landscaping. Mr. Lavelle stated that this site is not retail in nature. Mr. Tatem stated that it should not matter whether or not people driving by on route 107 can see the site. The regulation is in place to give the Planning Board the tools to make the town look nice. It is possible for the next commercial development on this site to be a retail project. The landscaping regulation is meant to make the site look nice and professional. He agrees that the requirement for island landscaping is probably not necessary for this project. Mr. Barham would like the applicant to go back and create a landscaping plan and then come back with waiver requests from specific landscaping requirements. There was some more discussion about landscaping on the site. The applicant agreed to plant a few bushes. Mr. Gregsak stated that he does not want to get into an argument with Mr. Tatem about appropriate landscaping. Mr. Karcz stated that Mr. Tatem can comment on the plans. Mr. Barham stated that Mr. Gregsak needs to be able to communicate with the town engineer. If he is able to do that, then the application will go more smoothly. There was a consensus from the Board that there needs to be a note on the plans about no additional cutting.

Mr. Powers made a motion to close the public hearing. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0. The applicant withdrew waiver request number three, five, and eleven. **Mr. Kohlhofer made a motion to approve waiver request number six. Mr. Powers seconded the motion. The motion passed 5-0-0.** There was some more discussion about withdrawing waiver requests number three, five, and eleven. **Mr. Kohlhofer made a motion to open the public hearing for waiver request number four. Mr. Powers seconded the motion. The motion passed 5-0-0.** There were no comments from the public. **Mr. Powers made a motion to close the public hearing for waiver request number four. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0. Mr. Kohlhofer made a motion to grant waiver request number four with the condition of requiring wheel stops at the appropriate parking spaces. Mr. Powers seconded the motion. The motion passed 5-0-0.**

Mr. Kohlhofer made a motion to open the public hearing for waiver request number seven. Mr. Powers seconded the motion. The motion passed 5-0-0. Ms. O'Brien asked for clarification on the waiver request. Mr. Lavelle explained that they are asking for construction monitoring to only be relevant to drainage, erosion, and sedimentation. They do not want to be

monitored for anything else. **Mr. Kohlhofer made a motion to close the public hearing. Mr. Powers seconded the motion. The motion passed 5-0-0.** Mr. Kohlhofer was concerned about the Town getting stuck with repairing the structures on the property. Mr. Barham questioned why they should make an exception for this commercial property. Mr. Kohlhofer expressed concern about disagreements between the town engineer and the applicant during the construction review process. He would like to receive correspondence from the town engineer. Mr. Tatem offered to issue a weekly report during construction. This weekly report could be a condition of the plans. **Mr. Barham made a motion to deny waiver request number seven. Mr. Kohlhofer seconded the motion. The motion passed 4-1-0.**

Mr. Kohlhofer made a motion to open the public hearing for waiver request number eight. Mr. Powers seconded the motion. The motion passed 5-0-0. There were no comments from the public. **Mr. Kohlhofer made a motion to close the public hearing for waiver request number eight. Mr. Powers seconded the motion. The motion passed 5-0-0.** Mr. Barham stated that Mr. Tatem's surety estimates were calculated similarly to the way the surety estimate for the cell tower was calculated. He felt that the surety rate that was used for the gravel operation was a compromise. He would like to stick with the estimate that Stantec came up with for this project. Mr. Kohlhofer suggested splitting the cost different between the two surety rates. Mr. Barham disagreed with this. Mr. Rislove stated that the whole project will not be built all at once. The phases reduces the liability for the Town. Mr. Karcz stated that the bonding will be done by phase. Mr. Rislove felt that the surety estimate that Mr. Tatem came up with is too high. Mr. Barham would like to deny this waiver request and require the amount that Mr. Tatem calculated. Ms. Wolfe asked if the applicant would still need a waiver even for Mr. Tatem's calculation to apply. Mr. Tatem stated that if the Board wants to use his numbers without granting some kind of waiver that would be fine because they could argue they are now following new procedures that they have adopted in the past. Mr. Tatem needs to issue a new letter with the adjusted phasing. **Mr. Barham made a motion to deny waiver request number eight and to require surety based on the methodology used in the November 1, 2018 Stantec letter. Mr. Kohlhofer seconded the motion. The motion passed 4-1-0.**

Mr. Barham stated that a hydrogeologist should review the report written by Jim Gove. Mr. Tatem stated that a hydrogeologist will review the report. The Board will continue this hearing to the 5th of December. **Mr. Kohlhofer made a motion to continue this application to December 5, 2018. Mr. Powers seconded the motion. The motion passed 5-0-0.**

Mr. Powers made a motion to adjourn at 9:06 pm. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.

Respectfully submitted,



Casey Wolfe
Land Use Administrative Assistant



GREGSAK ENGINEERING, INC.
CONSULTING ENGINEERS & PLANNERS

November 6, 2018

Mr. Brett Hunter, Chairman
Fremont Planning Board
Town of Fremont
PO Box 120
Fremont, NH 03044-0120

Re: Fremont Land, LLC
662 Main Street
Map 2, Lot 151-2
Fremont, NH

Dear Mr. Hunter,

In reference to the proposed Site Plan for Fremont Land, LLC at Tax Map 2, Lot 151-2, we are hereby requesting additional waivers from the following Site Plan Review Regulations, Town of Fremont, New Hampshire:

1. Section 1.10.2 Provide Proposed Sign Details - The applicant is requesting relief from this section. The previously approved plans for Altaeros Energies and this Site Plan show the proposed location of the signs. The signs will be designed in accordance with the current Fremont Zoning Sign Ordinance.
2. Section 1.13-E.2 The location, size and design of proposed signs and other advertising or instructional devices - The applicant is requesting relief from this section. The previously approved plans for Altaeros Energies and this Site Plan show the proposed location of the signs. The signs will be designed in accordance with the current Fremont Zoning Sign Ordinance.
3. Section 1.13-O Landscaping Plan - The applicant is requesting relief from this section. The proposed facility is light manufacturing. The proposed site location is located approximately 900 feet along an existing drive off of Route 107 and will not be visible from Route 107 or from any abutters.
4. Section 1.15-K Sidewalks must be 6" above grade and have protective curbing - The applicant is asking for relief from this section. The proposed walkways are minimal and will be paved and at grade so as not to impede any drainage flow or cause falls.
5. Section 1.15-N.h - Landscape areas in broad expanses of pavement - The applicant is requesting relief from this section. The proposed facility is light manufacturing. The proposed site location is located approximately 900 feet along an existing drive off of Route 107 and will not be visible from Route 107 or from any abutters. The broad expanses of pavement are due to truck movements to and from the buildings. Landscaped areas would create unnecessary additional pavement.
6. Section 1.15-N.i - 5% Landscape areas in parking areas of 20 spaces or more - The applicant is requesting relief from this section. The proposed facility is light manufacturing. The proposed site location is located approximately 900 feet along an existing drive off of Route 107 and will not be visible from Route 107 or from any abutters. The broad expanses of pavement are due to truck movements to and from the buildings. Landscaped areas would create unnecessary additional pavement.
7. Section 1.19 - Site Plan Compliance Monitoring - The applicant is requesting relief from this section. The client requests that construction monitoring take place for the drainage and erosion and sedimentation control only. This is a private site and will be maintained and operated privately. The Town will have no responsibility for the maintenance of the site.



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Page 2
Fremont Planning Board
11/06/2018

8. Section 1.21 – Bonding of the site – The applicant is requesting relief from this section. We strongly believe the Bonding should follow the same means as the Bond set for Altaeros Energies, which is on the same parcel. The Bond was set at \$37,835 for a total area disturbed area of 4.98 acres which equals \$7,598 per acre. Applying the same method to this proposed site plan calculates to as follows:
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|---------|---|---|-------------|
| Phase 1 | 3.48 Acres Disturbed x \$7,598 per acre | = | \$26,441.04 |
| Phase 2 | 2.81 Acres Disturbed x \$7,598 per Acre | = | \$21,350.38 |
| Phase 3 | 1.22 Acres Disturbed x \$7,598 per Acre | = | \$9,117.60 |
9. Section 2.4.3 – Provisions for the parking of bicycles -The applicant is requesting relief from this section. The existing and proposed facilities are light manufacturing and are not conducive to bicycle traffic. I believe this is part of the Site Plan requirements for projects within the Fremont Village District.
10. Section 2.4.5 – Provide landscape islands to separate large parking areas - The applicant is requesting relief from this section. The proposed facility is light manufacturing. The proposed site location is located approximately 900 feet along an existing drive off of Route 107 and will not be visible from Route 107 or from any abutters. The broad expanses of pavement are due to truck movements to and from the buildings. Landscaped areas would create unnecessary additional pavement. I believe this is part of the Site Plan requirements for projects within the Fremont Village District.
11. Section 2.6.6 – Provide landscape buffer and/or fencing for truck loading area areas - The applicant is requesting relief from this section. The proposed facility is light manufacturing. The proposed site location is located approximately 900 feet along an existing drive off of Route 107 and will not be visible from Route 107 or from any abutters. The broad expanses of pavement are due to truck movements to and from the buildings. Landscaped and fenced areas would create unnecessary additional pavement. I believe this is part of the Site Plan requirements for projects within the Fremont Village District.

We look forward to meeting with you on November 7, 2018. If you have any questions, please do not hesitate to call.

Very truly yours,

William M. Gregsak, PE