

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

Also Present: Dan Tatem, Leanne Miner, Pat deBeer, Joseph Falzone, Scott Cole, Jeremy Lennon, Amanda Lennon, Gordon Muench, Marvin Weed, Robert Doucette, Mary O’Brien, Albert Alix, Peter Karamourtopoulos, Audrey Karamourtopoulos, Mike Rislove, Bill Gregsak, Gail O’Connell, and Ruth Valliere

Mr. Karcz opened at 7:00 pm. Mr. Karcz appointed Mr. Wason to vote on behalf of Mr. Kohlhofer.

## I. MINUTES

**Mr. Barham made a motion to approve the minutes of December 19, 2018. Mr. Powers seconded the motion. The motion passed 5-0-1.**

**Mr. Barham made a motion to table approving the non-public minutes of December 19, 2018. Mr. Powers seconded the motion. The motion passed 6-0-0.**

## II. CONTINUED BUSINESS

### **Public Hearing for proposed changes to the Aquifer Protection Ordinance (Article XII Section 1203)**

Ms. Rowden went over the changes to the Ordinance that the Board accepted at their last meeting. The first change was adding a statement that says, “The following definitions shall apply only to this Aquifer Protection District and shall not be affected by, the provisions of any other ordinance of the Town of Fremont” to the beginning of the proposed definitions section. The second change was striking the clause in the “toxic or hazardous materials” definition that gives the Planning Board the authority to decide what qualifies as a toxic or hazardous use. The third change was allowing more officials to approve a spill prevention, control and countermeasure (SPCC) plan under Section 1203.8.F.d. These changes warranted another public hearing. **Mr. Lavelle made a motion to open the public hearing . Mr. Powers seconded the motion. The motion passed 6-0-0.** Ms. deBeer stated that changing the ordinance so that more officials can approve a SPCC plan is a good idea. She also stated that she did not think the percentage of impervious surface in lots in the aquifer protection district should be increased. Ms. deBeer referenced NH RSA 674.18 which states that a local legislative body can adopt a zoning ordinance under RSA 674:16 only after the Planning Board has adopted the mandatory section of the Master Plan. She asked if the Master Plan has a 10% cap on impervious surfaces for lots in the aquifer protection district, then the zoning ordinance has to have the same cap? Ms. Rowden stated that the Master Plan is only advisory while the Zoning Ordinance is regulation. Ms. Wolfe read a comment submitted via email by Ms. Renee King on January 2nd, *“I was hoping to attend the meeting tonight but due to an illness I am unable. I would like to be on record FOR the protection of aquifer ordinance.”*

Ms. Valliere stated that she did not want anything that is toxic in the aquifer protection district. She felt that accidents happen despite best efforts. She only wanted industry in the aquifer protection district that does not use chemicals. Ms. Rowden explained that under this proposal, automotive repair shops and dry cleaners would be allowed uses in the aquifer protection district as long as they follow best management practices. Junk yards and gas stations would still be prohibited. Ms. deBeer stated that not a lot of people understand these proposed changes to the ordinance. Ms. deBeer felt that the advertising for these proposed changes were misleading and that these uses are toxic for the groundwater. Ms. Rowden stated that the Board held a workshop and two public hearings, and all of the businesses in the district were notified about these proposed changes. Mr. Lavelle stated that the proposal would add an inspection program that did not exist before. Ms. deBeer stated that this proposal would allow two new uses that surrounding towns do not allow in the aquifer protection district. Ms. deBeer would like to see the proposed changes on the website. Ms. Valliere would also like to see this information on the website. She also stated that automotive repair shops and dry cleaning businesses are hazardous businesses. Ms. Rowden stated that this proposal is seen as a compromise between two competing uses. The idea is that as long as best management practices are followed, there are some low-risk uses that can be added to the aquifer protection district. Ms. Valliere stated that she would rather see these inspections done once a year, rather than every three.

An unnamed man commented that the chemicals used by dry cleaning businesses are not safe. Mr. Karcz stated that under this proposal a dry cleaning business would be allowed only with a conditional use permit. Most dry cleaning businesses ships the clothes off-site. In addition, any commercial use will need to go through the site plan review process with the Planning Board and will need to meet best management practices. Ms. Rowden briefly explained the process for these proposed changes to get to the Warrant Article. She stated that this is the second public hearing for these proposed changes. If the Board votes to move these proposed changes to the Warrant Article, then the towns people will vote on these changes in March. Another unnamed man in the audience stated that he did not feel it made sense to have these uses in the aquifer protection district. Mr. Barham stated that best management practices require secondary containment to be used. Any chemicals will not simply be dumped onto the ground. There was a discussion about posting requirements. Some members of the public did not feel that these hearings were sufficiently advertised. Mr. Barham stated that the meetings are posted online and the workshop was advertised on the Fremont cable station. Ms. Rowden stated that the notice was also in the newspaper and posted around town, as required by State Statute. Mr. Lavelle stated that the Board is looking to further protect the Town, however, if someone is looking to repair small engines, that use probably should be allowed. There are uses that are not dangerous to the aquifer. Ms. deBeer didn't feel that the Town could count on best management practices and gave several examples. She felt it was a mistake to allow auto repair shops and dry cleaning businesses.

Ms. Valliere wanted to make sure the proper processes are in place to inspect the existing businesses. She would like to see these inspection done once a year. Ms. deBeer stated that other towns with similar inspection programs do their inspections twice a year. Ms. Rowden stated that NH DES recommends that these inspections are done once every three years, however, the ordinance is written so that the inspections can be done every year if the Town chooses to do so. The Board needs to think about the amount of time the Code Enforcement Officer can spend on

these inspections. Ms. Valliere did not feel that every three years was frequent enough. Ms. Miner stated that the Town also has the flexibility to collect fees for these inspections. Mr. Lennon asked about existing businesses. Ms. Rowden clarified that existing businesses will get inspected if they have hazardous materials. Mr. Lennon stated that containment systems are quite elaborate and a business would have to do quite a lot of damage for chemicals to get in the aquifer. He felt that all of the requirements placed on businesses are enough to prevent contamination from happening in the first place. Mr. Lavelle agreed. After Ms. O'Brien asked, Ms. Rowden clarified that toxic chemicals in a quantity of greater than five gallons are regulated. The secondary containment has to be able to hold 110% of the fluid in the primary container. Ms. Rowden stated that if a businesses does not have secondary containment, then they would be in violation with their approval and can be fined by the Town. **Mr. Lavelle made a motion to close the public hearing. Mr. Powers seconded the motion. The motion passed 6-0-0. Mr. Barham made a motion to move the proposed changes to the aquifer protection ordinance to the Warrant Article. Mr. Lavelle seconded the motion. The motion passed 6-0-0.**

**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 and Mr. Powers recused themselves from this part of the meeting. Mr. Gregsak stated that he got the email from Ms. Rowden containing the five comments from the Fire Chief. Mr. Lavelle stated that they have an appointment with the Fire Chief next week to go over these comments. Mr. Gregsak reported that the existing utility pole has been abandoned and a new pole that is further away from the entrance is now being used. This has improved the truck turning radius. They asked if they could continue this application so they could have time to address the Fire Chief's comments. Ms. Rowden stated that the applicant needs to agree to an extension because the Board's 65 day clock will run out before the next meeting. The applicant agreed to this extension. **Mr. Barham made a motion to extend the clock another 30 days. Mr. Downing seconded the motion. The motion passed 4-0-0. Mr. Barham made a motion to continue the application to January 16th. Mr. Downing seconded the motion. The motion passed 4-0-0.**

### **III. NEW BUSINESS**

**Design Review meeting for a preliminary proposal to subdivide a 39 acre parcel on South Road at Map 2 Lot 19 into five lots.**

Mr. Lavelle and Mr. Powers returned to the Board as voting members. Scott Cole of Beals Associates introduced himself and Joe Falzone, the developer. Ms. Rowden clarified that this is not a public hearing and that this session is for design review purposes only. The abutters were notified. Mr. Cole stated that both lot 19 and 20 are on the plans, however, they are only here to talk about lot 19 this evening. The five lots in the proposed subdivision range from 2.5 to 7 acres. All of the proposed lots have at least 200 feet of frontage. The plans show the proposed septic area. Each lot has at least a two-acre building envelope. Mr. Cole added that they tried to limit the number of driveways, so they are proposing three driveways for the five homes. Ms. Rowden

stated that the plans meet the basic dimensional requirements in the zoning ordinance. She also stated that shared driveways are permitted.

Mr. Cole asked if the Board would give a waiver from the regulation that requires the topography of the entire lot to be displayed on the plans. Mr. Barham stated that the Board has given that relief before. Mr. Falzone mentioned that he will be sprinkling all five homes. There was a discussion about shared driveways. There was a comment from an abutter about moving a driveway for safety reasons. Mr. Cole stated that this is still in the design review phase and they will have a sight distance plan. Another abutter asked if the developer would need driveway permits before he can get any other kinds of permits. Ms. Rowden stated this is usually how it works. Another abutter asked if the lots will be sold right after they are subdivided or will the developer also build the houses. Mr. Falzone stated that he has a builder that will do the houses. He plans to sell the other 50 acre lot undeveloped. There was a question from an abutter about wetlands. The applicant left at 8:02 pm.

**Public Hearing for an application to consolidate the parcels at Map 2 Lots 144, 145, 146-2 & 147 (33.45 acres) and then to subdivide the land into six lots for residential purposes. Each of these lots have frontage on Copp Drive.**

Mr. Lavelle and Mr. Powers recused themselves from this part of the meeting. Mr. Lavelle explained that they have rethought the original subdivision that was done on this property last year. They are now proposing six lots for single-family homes. They already have test pits completed from the last subdivision. He confirmed that all of the lots have more than two acres of upland. They have not yet submitted for State subdivision approvals at this time. Ms. Rowden expressed some concern about the odd configuration. She stated that the application is complete. Mr. Lavelle will work on the configuration of the lots. Mr. Powers, as an abutter, commented that note number one did not list the correct lot numbers. He also stated that the plans should say “Copp Drive” and not “Copp Road.” The acreage listed on the plans also needs to be corrected. Ms. Miner had a question about the well heads. Mr. Lavelle stated that he tried to keep them as far away from the wetlands as possible. Ms. Rowden stated that the Board can do a site walk if they would like to. The Board already did a site walk at this site last year. Mr. Barham would like the lots straightened out a little more. The name of the zoning district also needs to be changed on the plans. **Mr. Barham made a motion to continue the public hearing to January 16th. Mr. Downing seconded the motion. The motion passed 4-0-0.**

#### **IV. OTHER BUSINESS**

Mr. Lavelle and Mr. Powers returned to the Board as voting members. **Mr. Barham made a motion to recommend Ms. Miner to be appointed as an alternate Planning Board member. Mr. Powers seconded the motion. The motion passed 6-0-0.**

Ms. Rowden made an announcement recommending that all communication with applicants via email should go through Land Use Administrative Assistant Casey Wolfe to avoid violating the Right-to-Know Law. Applicants should not be copying Board members on emails.

**Mr. Powers made a motion to adjourn at 8:24 pm. Mr. Barham seconded the motion. The motion passed 6-0-0.**

Respectfully Submitted,

Casey Wolfe  
Land Use Administrative Assistant