

**Present:** Vice Chair Andy Kohlhofer, Jack Karcz, Jack Downing, Brett Hunter, Roger Barham, Tim Lavelle, alternate member Leanne Miner, Senior Planner Jenn Rowden, and Land Use Administrative Assistant Casey Wolfe

Mr. Kohlhofer opened the meeting at 7:00 pm. He appointed Ms. Miner to vote on behalf of Mr. Powers.

## **I. MINUTES**

**Mr. Karcz made a motion to approve the minutes of April 17, 2019. Ms. Miner seconded the motion. The motion passed 7-0-0.**

## **II. NEW BUSINESS - none**

## **III. OTHER BUSINESS**

### **Planning Board Rules of Procedure proposed amendments**

Ms. Wolfe stated that she made the changes as suggested by the Board at the last meeting. Mr. Barham would like the formatting to be fixed throughout this document. He offered to help Ms. Wolfe with this if necessary. Ms. Rowden stated that the RSA references are correct in this document. Ms. Wolfe stated that she added in that Planning Board applications must be submitted by the Board's application deadline. She also added in that the Chair may set a time limit on comments and questions from abutters during a public hearing. The Board agreed with these changes. **Mr. Lavelle made a motion to move these proposed changes to the Rules of Procedure to the next scheduled meeting for adoption by the Board. Mr. Karcz seconded the motion. The motion passed 7-0-0.**

### **Recap of April 25<sup>th</sup> Subcommittee Meeting**

Ms. Miner summarized that she, Mr. Powers, and Mr. Wason got together on April 25<sup>th</sup> to discuss potential changes to the site plan, subdivision, and excavation regulations. She stated that the subcommittee discussed whether or not stockpiles at a gravel pit should be included as an area that needs reclamation surety held by the Town. At their meeting, the subcommittee members concluded that the regulation should remain as is and not require surety for stockpile areas. Ms. Miner stated that gravel pits can have up to five acres disturbed at a time, so larger operations would not have room for their stockpiles if stockpile areas had to be included as part of that five acres. Mr. Barham pointed out that even through stockpile areas are not included in the five acre limit, these areas do ultimately need to be reclaimed. Mr. Lavelle suggested that the Town could require a separate surety to be in place for stockpile areas. He agreed that the whole area does eventually need to be reclaimed. Typically when a gravel operation goes out of business, all of the material is sold and the whole area is left barren. Mr. Karcz felt that stockpiles should simply be included in the total disturbed area and the Town should have one escrow account for the operation. He felt that the current Town regulation contradicts the RSA.

Ms. Rowden would like the Board to require the current gravel pit operations to provide plans that delineate where they plan to work on their site as part of this year's permit approval process. These

plans would also delineate any stockpile areas. This would make it clear for both the applicant and the Board what is open, especially since the surety is now based on open acreage (rather than simply the five acre limit). There was some discussion about distinguishing between areas that can allow excavation and areas that are only for stockpiling purposes. Mr. Lavelle suggested that the regulations limit five acres for excavation purposes but for the regulations to also state that stockpile areas will be included in the calculation for required surety. Mr. Barham agreed that the stockpile areas should be excluded from the five acre limit, however, it still needs to be subject to a surety requirement. It was noted that many gravel operations actually lowered their excavation area cap, so that their surety requirement could be reduced. State law allows for gravel operations to disturb up to five acres for excavation purposes. The Board's objective is to figure out a way to require reclamation surety for the stockpile areas. Ms. Rowden noted that it might be less expensive to reclaim stockpile areas than the excavation areas, depending on the site. Ms. Miner and the other subcommittee members will work on some language to amend the excavation regulations.

Ms. Miner also informed the Board that the subcommittee talked about having a flat per acre cost for the reclamation surety. This cost would get reviewed by the Board every few years. Ms. Miner also pointed out a disclaimer that is on the application for a conditional use permit. This disclaimer is only on the conditional use permit application and not on other application forms. Ms. Wolfe likes the idea of doing a general overhaul of the application forms and fixing discrepancies like this. Ms. Miner would also like to make major changes to the application for a minor site plan review. There was also some discussion about the site plan regulations, bonding, and construction monitoring. Mr. Barham felt that any components of a project that gets bonded needs to be monitored by the Town Engineer. Ms. Miner stated that the subcommittee also talked about preconstruction meetings. The subcommittee came up with some amendments to the regulations to change the requirements for this meeting. Some members wanted to require a Planning Board member to be present at this meeting. Ms. Rowden cautioned them against this because one member should not represent the entire Board. There was a discussion about the minutes for the preconstruction meeting and who should write them. Mr. Lavelle suggested that the Town Engineer sends the minutes to the developer, who then needs to sign them before the project can continue. This would ensure that the two parties are on the same page about what was agreed upon and discussed at the preconstruction meeting. If the parties are not in agreement, then the developer needs to report to the Planning Board.

There was some discussion about selecting a reviewing firm for each project. Ms. Miner wanted to know the process for switching the reviewing engineer for a project when necessary. Ms. Rowden explained that generally the Board chooses which firm reviews each project, not the applicant. Mr. Barham stated that the beauty of using more than one firm is to allow the applicant to choose the firm (one of the three that the Town may have a contract with in the future), so that the applicant is less likely to complain and more likely to cooperate. If the applicant wants to switch engineering firms, it would have to be a pretty drastic situation for the Board to allow that to happen. Mr. Barham felt that this is covered by the RSA. There was some discussion about having a conflict of interest form. Ms. Rowden stated that the engineering firm should already have this issue covered in their contract; that they do not review work for applicants they already have a relationship with. Mr. Karcz suggested simply cycling between using each of the three engineering firms. There was some concern about maintaining a relationship with each of the three firms. The Town of Fremont does not have a large workload. Finally, Ms. Miner stated that it is to the discretion of the Town Engineer which

professionals are necessary to review plans and construction work. Ideally, the most cost-effective decision will be made. The subcommittee will meet again towards the end of the month.

#### **IV. CIRCUIT RIDER BUSINESS**

Ms. Rowden announced that the development of regional impact meeting for the proposed asphalt plant in Epping has been scheduled for Monday, May 6, 2019 at 4:30 pm at the Exeter Library. The applicant's engineer will be at this meeting. Ms. Rowden is helping to write a memo about potential impacts and recommendations for the Epping Planning Board. She explained that this is a public meeting (not a public hearing), however, the committee tends to provide time for public comment. She also mentioned that this committee is advisory only and cannot change the final decision of the Epping Planning Board. There was some discussion about the possibility of limiting trucking on Fremont roadways. The Town of Fremont does not have any ability to impact the decision on this proposal.

**Mr. Karcz made a motion to adjourn at 8:23 pm. Mr. Lavelle seconded the motion. The motion passed 7-0-0.**

Respectfully Submitted,

Casey Wolfe  
Land Use Administrative Assistant