

Present: Chairman Doug Andrew, Vice Chairman Dennis Howland, Members Neal Janvrin and Jack Downing, and Todd O'Malley and Recording Secretary Casey Wolfe.

Also present: Lisa Darling, Alfred Patterson, Richard Fisher, and Mark Pitkin

Mr. Andrew opened the meeting at 7:37 PM.

I. Continued Business

Case # 016-002/Variance

Map 2-1.2

Richard Hewett

Mr. Hewitt seeks a variance from Article IX Section E so that he can build a garage within the wetland setback. Mr. O'Malley abstained from voting on this application. Ms. Wolfe read a final comment from the Conservation Commission concerning the application:

“The Conservation Commission reviewed the Hewett/Darling request for a variance at its meeting on September 12th, 2016. After participating in a site walk and assessing the wetland impact that construction of a 20 by 25 foot garage would have on a wetland in question, the Commission is making the following recommendation. The requested variance be granted with the stipulation that the garage have a stone-filled trench sufficiently wide and deep enough to absorb runoff from the roof. Building the garage will create approximately 500 square feet of impervious surface area within the wetland setback. A stone-filled trench wide enough and deep enough to absorb roof runoff will act to mitigate the effect the garage would have on the wetland. The stone-filled trench must be constructed in such a way as to allow for heavy rain and snow melt to percolate into the soil in order to prevent any impact on the wetland's wildlife value and ability to function.”

The Board voted on each of the criteria:

1. The variance will not be contrary to the public interest:
Yes – 4
No – 0
2. The spirit of the Ordinance is observed:
Yes – 4
No – 0
3. Substantial justice is done:
Yes – 4
No – 0
4. The values of surrounding properties are not diminished:
Yes – 4
No – 0

5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship:
Yes – 4
No – no

Mr. Howland made a motion to grant Mr. Hewett and Ms. Darling the variance with the condition that a stone-filled trench wide enough and deep enough to absorb roof runoff is constructed. Mr. Janvrin seconded it with all in favor. Ms. Darling left at 7:43 PM.

II. New Business

Case # 016-003/Variance
Map 5-34
Alfred Patterson

Public Notice:

Chairman Andrew read the Public Notice of the Hearing as follows:

In accordance with NH RSA 676:7, you are hereby notified that the Fremont Zoning Board of Adjustment will hold a Public Hearing at 7:30 pm on Tuesday September 27th, 2016 in the Community Room at the Fremont Library, 7 Jackie Bernier Drive, Fremont NH, concerning three Variances to the terms of Article IV Section 2, Article V Section 3, and Article XVIII Section 6.1 of the Fremont Zoning Ordinance. The applicant is seeking a Variance from the class V road frontage requirement of a parcel (Article IV Section 2), a Variance from the maximum building height (Article V Section 3), and a Variance from the allowed uses of the Corporate Commercial District (Article XVIII Section 6.1).

If the Fremont Zoning Board of Adjustment grants these variances, the Fremont Planning Board may be in the position to consider a site plan application for an asphalt plant on parcel 05-34 on Shirkin Road. Said property is owned by Alfred Patterson. You are invited to attend in person or by counsel or agent. Written comment will be accepted up until the date of the Hearing. A copy of the plan can be viewed at the Fremont Town Hall during regular business hours. Please feel free to contact Casey Wolfe at (603) 895-3200 X 17 with any questions.

Notification Requirements:

It is noted for the record that certified notices were sent to all abutters on September 12th, 2016. This hearing was posted at the local post office and at Town Buildings the same day and published in the Union Leader on September 19th, 2016.

Department Plan Comments:

Mr. Andrew read through the Department Plan Comment sheets, received from the following Town Officials (comments in *italics*):

Building/Code Enforcement Official/Health Officer: *1. Conditional pending approval from*

BOS and upgrade road as Galloway has done. 2. Previous discussions had this chimney at twice our maximum height. 3. Would this use not be more appropriate in an industrial zone rather than a corporate commercial district? The request that I received was vague at best. 4. I do not believe that this is consistent with what this area is set aside as. I also believe that Galloway's excavation and consequently seacoast farms predates the corporate commercial zoning – therefore comparing this to Seacoast Farms is inappropriate. Furthermore, the smell from composting comes only if best management practices are not followed. Asphalt is another story – note: Seacoast Farms has not asked for a 60/75 foot chimney like this. The drawings show the plant and control room closer than 100 feet to wetlands (75') this should not be closer than 100 feet.

Fire Chief: *The height of the structure would not allow us access in the event of somebody being injured while working on it. A lot of flammable material and not a lot of water in the area. Containment on runoff. Containment of tanks of possible spills. Increase in ...*

Police Chief: *No issues.*

Conservation Commission: *In general Conservation Commission does not have adequate information to provide in depth review and comment, however with regard to variance for proposed structures and use the Conservation Commission (CC) would provide the following comments:*

The CC will want to review data and information that relates to site wetlands, wildlife, surface and groundwater quality.

The CC will require up to date mapping with wetland delineation done by a licensed wetland scientist. The applicant should review the Town Ordinance related to wetlands.

The Site is located within an aquifer protection district therefore a hydrogeologic investigation may be required in order to proceed.

Depending on use and location of plant, the applicant may need to submit to the wetland bureau of NHDES.

The site is within the Lamprey River Watershed so the Lamprey River Advisory Committee (LRAC) should be made aware. If the site is within ¼ mile the Lamprey River corridor, the LRAC will need to be advised

Applicants Alfred Patterson and Dick Fisher came forward to present their application. Mr. Patterson seeks variances from Article IV Section 2, Article XVIII Section 6.1 and Article V Section 3 so that he can have an asphalt plant in the Corporate Commercial District. Mr. Fisher spent some time explaining the proposed operation. The asphalt plant should have a minimal impact to the surrounding community. The dust will be caught in a baghouse and there should not be a smell. Trucks will not use Squire Road to access the plant – only Shirkin Road. Mr. Fisher also explained that once something is in the area, the other parcels will get developed as well. He is not looking to hurt the neighbors and explained that the facility will be state-of-the-art. Mr. Patterson clarified that only moisture comes out of the stack – no smoke.

The plant running at maximum capacity can produce 200 tons of asphalt an hour which would be 8 tri-axel trucks going in and out an hour. About 15 of these trucks a day would be for Mr.

Patterson's own business. There would also be about 10 trucks a day bringing in the aggregate. There are about 35 asphalt plants in the state. Gencor is the name of the manufacturer. The design of the stack can be modified. The stack doesn't necessarily need to be so high, however, the higher the stack, the less noise since the blowers won't need to be running. The application requested a 68 foot high stack. The unit would be permanent, rather than portable. The state wants a berm around the area to contain the aggregate. The surface of the area would be dirt except the truck route would be paved.

Mr. Pitkin pointed out that the trucks going by are going to smell like asphalt. He also has a problem with the proposed stack height. He asked if the area is in the aquifer and if it meets the wetland setbacks – he is concerned about his water getting contaminated. He also pointed out that someone has installed a culvert on Squire Road.

Mr. Janvrin expressed that he wants to do a site walk. After not being able to find a time that everyone was available, the Board decided that each member would go out separately to look at the site. Mr. Howland made a motion to close the public hearing. Mr. Janvrin seconded that motion with all in favor. Mr. Howland made a motion to continue the hearing to the next meeting on October 25th at 7:00 PM. Mr. Janvrin seconded that motion with all in favor.

III. Minutes

Mr. Janvrin made a motion to approve the minutes of August 23rd. Mr. Howland seconded that motion with all in favor.

IV. Other Business

The Board decided that its November meeting will be on Tuesday the 15th to avoid the week of Thanksgiving.

Mr. Janvrin made a motion to adjourn the meeting. Mr. Downing seconded with all in favor.

Respectfully Submitted,

Casey Wolfe
Land Use AA/Recording Secretary