

**Board Members Present:** Chair Paul Powers, Vice Chair Andrew Kohlhofer, Ex Officio Roger Barham, Members Jack Karcz and Ashley Irwin.

**Also Present:** Madeleine DiIunno, Rockingham Planning Commission (RPC); Land Use Administrative Assistant Leanne Miner; Kevin Hatch of Cornerstone Survey Inc. on behalf of Fred Leclair & Sons; Fred Leclair and Fred Leclair Jr, Applicants; Steffan Morgenstern of Peace Coast; Tom Nisbet of PPM Fremont Holdings; Katie Moran of Kae Rae Photography; James Thompson, Abutter to Leclair & Sons.

## **I. WELCOME**

Mr. Powers opened the meeting at 7:02 PM.

## **II. MINUTES**

**Mr. Karcz made a motion to approve the meeting minutes for December 20, 2023. Mr. Kohlhofer seconded the motion and the motion passed 5-0.**

## **III. CONTINUED BUSINESS –**

- 1. Map 2, Lot 77-1 and 77-1-4 Subdivision Application -** Applicant, Fred Leclair & Sons, has submitted a Subdivision application proposing to create one new 3-acre lot by subdividing existing parcel Tax Map 2, Lot 77-1. The proposed new parcel, identified as Map 2, Lot 77-1-4, will have 200 feet of frontage on Red Brook Road. The remaining parent parcel will consist of approximately 50 acres and will retain over 2000 feet of frontage. The proposed subdivision is located in the Flexible Use Residential and Aquifer Protection Districts.

Applicant Representative, Kevin Hatch of Cornerstone Survey Inc. distributed the following documents and addressed the Board providing the following updates.

### **Materials Distributed:**

1. Plan Set (3 sheets) dated November 2023 revised per RPC comments on December 27, 2023, and distributed this evening.
2. Review Memo from Ms. DiIunno dated December 21, 2023.
3. Letter of Intent from Cornerstone Survey Inc. dated December 4, 2023.
4. Cover letter from Cornerstone Survey Inc dated January 3, 2024, including waiver requests.
5. Note: A review letter from the Town Engineer is expected later this week due to holiday absence.

Mr. Hatch addressed the Board providing the following highlights in addition to the materials provided.

1. State subdivision approval is pending.
2. The drawings distributed this evening were revised to address comments by Ms. DiIunno of the RPC.
3. The proposed new lot will be a residential house site supported by on-site well and septic. The new lot 77-1-4 is on Red Brook Road and is located in the Flexible Use Residential (FUR) District and within the Aquifer Protection District. The Plan includes the Shoreland Permit line for recording purposes. The ESRLAC group was provided a notice as a courtesy though their review is not required.
4. Soils and topography on the parent lot show the remaining lot Map 2, Lot 77-1 will remain buildable.

Ms. DiIonno stated that the application was complete.

Mr. Karcz clarified that the wetland, not shown on the eastern portion of the parent lot, extends to Rte 107. He voiced concern that adding this new lot reduces frontage access to the back land. Mr. Hatch noted that the LeClair's are aware of this. They own approximately 100 acres surrounding both lots. They evaluated future access and are keeping their options open.

**Mr. Barham voted to accept jurisdiction of the Subdivision Application for Map 2, Lot 77-1 and Lot 77-1-4. Mr. Karcz seconded the motion which passed 5-0.**

Mr. Powers noted inconsistencies with acreage and asked that they be double checked on the next version.

Mr. Hatch has been in email contact with the Town Engineer, Keach Nordstrom Associates, Inc. (KNA) who has been on vacation.

Ms. Miner reviewed the property file at the request of the Board and inquired about a past cease and desist. This was apparently related to excavation permitting and soil management activities. The LeClairs applied for an Excavation Permit but decided to withdraw their application given the expense and leave the soil on site for future use.

Ms. Miner noted Town Department Comments were received and read as follows:

- Code Enforcement Officer – No concerns of comments.
- Fire Chief – I don't have any issues with this.
- Police Chief – No issues.
- Office of Select Board, Town Administrator – Please consider future subdivision (it has been done over many years one lot at a time) such that allowance is left for in and around for a future roadway. Using up all the frontage without enough for a loop (in/out) future road will limit the cul-de-sac length based on safety. Wetlands are also a consideration on this lot.
- The Conservation Commission is meeting Monday, January 8 and will review the application at that time.

**Mr. Kohlhofer made a motion to open the hearing for the Subdivision Application for Map 2, Lot 077-001 to public comment. Mr. Karcz seconded the motion which passed 5-0.**

No public comment.

**Mr. Kohlhofer made a motion to close the hearing for the Subdivision Application for Map 2, Lot 077-001 to public comment. Mr. Karcz seconded the motion which passed 5-0.**

There was discussion about the requirement to delineate wetlands under subdivision Article III. Mr. Hatch noted that wetland mapping is valid for 5 years. Given that no further development is planned, the applicant did not want to expend the money. They do show wetlands on the portion of the parent lot on Sheet 3 to show that enough of the parcel meets zoning requirements for buildable area. A boundary plan was provided with the application and is on file.

The Board reviewed Articles 3 and 4 and took up the waiver requests outlined in a letter from Cornerstone Survey dated January 3, 2024, as follows:

Subdivision Article III Section 3C: Surveyed property lines including angles or bearings, distances, monument locations and size of the entire parcel. Said plan must be attested to and stamped by a Licensed Land Surveyor licensed in the State of New Hampshire, signature, seal, and license number shall be legible and included on the plan. **Since a recorded boundary survey was provided for the entire parcel with the application, this requirement has been met.**

Subdivision article III Section 3E: Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%). **The Applicant has submitted topography for the entire new lot and 5 acres of the remaining parent lot to prove it meets subdivision requirements.**

**Mr. Kohlhofer made a motion to grant the waiver from Article III, Section 3E for the parent lot Map 2, Lot 77-1 with area as shown. Mr. Karcz seconded the motion. The vote was 5-0.**

Subdivision Article III Section 3H: Natural features such as streams, marshes, lakes, ponds, rock outcrops, wooded areas, significant trees, ledge, and other significant environmental features, including wetland soils as defined under current Fremont Wetlands Ordinance, wetlands shall be identified by a NH certified soil scientist or NH certified wetland scientist. **The applicant has submitted wetland mapping for the entire new lot and 5 acres of the remaining parent lot to prove it meets subdivision requirements.**

**Mr. Kohlhofer made a motion to grant the waiver from Article III, Section 3H for the parent lot Map 2, Lot 77-1 with area as shown. Mr. Karcz seconded the motion. The vote was 4-0.**

c. Article III - Section 3.L: A Site-Specific Soils Mapping of the entire site, or the portion as determined by the Board. Such soil survey shall be prepared and stamped by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted. **The applicant has submitted soil mapping for the entire new lot and 5 acres of the remaining parent lot to prove it meets subdivision requirements.**

**Mr. Kohlhofer made a motion to grant the waiver from Article III, Section 3H for the parent lot Map 2, Lot 77-1 with area as shown. Mr. Karcz seconded the motion. The vote was 4-0.**

With regard to Subdivision Article III Section 4, I requiring a conceptual plan of the entire property, the applicant has substantial acreage that abuts both Red Brook Road and Main Street. They have no plans for further development at this time, so the Board agreed that a concept plan was not necessary at this time.

Ms. Miner reviewed some of the standard conditions of approval and some that may be project specific for the Board and Applicant to consider for the next meeting as follows:

1. This Notice of Decision shall be recorded at the Rockingham County Registry of Deeds.

2. Plan Sheets 1 and 2 Mylars shall be recorded at the Rockingham County Registry of Deeds and a digital copy of the Mylars shall be provided for Town Land Use file.
4. Two paper copies of the full and final plan set (1 full size and 1 half size) shall be signed for Town Land Use files.
5. All conditions of approval shall be noted on the approved plans and Mylars.
6. All licensed professionals whose names appear on the approved plans and Mylars shall have original stamps and signatures.
7. All required state permits are received, and permit numbers noted on the approved plans and recorded Mylar sheet.
8. Any significant change to the approved site plan required to meet state fire code, building code, or state permit must be reviewed by the Planning Board prior to implementation.
9. All fees incurred by the Planning Board, including but not limited to consulting, engineering, and legal fees, have been paid by the applicant.
10. All the above conditions of approval are met within 365 days of this approval date. The Planning Board may grant an extension of its original approval with good cause.

The Board and Applicant found these draft conditions to be reasonable at this time.

**Mr. Kohlhofer made a motion to continue the hearing for Subdivision Application for Map 2, Lot 77-001 and 77-1-4 to January 17 at 7:00 PM. Mr. Karcz seconded the motion which passed 5-0.**

Mr. Hatch and the Applicants left the meeting at 7:42PM.

**2. Map 3, Lot 37 Unit 3 – Peace Coast - Preliminary Meeting - Light Manufacturing Use - 326 Main St Unit #3**

Ms. Miner distributed a summary of the proposed business that was provided by Steffan Morgenstern on December 21, 2023, and distributed to the Board and the RPC via email.

Mr. Morgenstern was invited to address the Board with a summary of his plans. He is interested in leasing the space at 326 Main St to house his business which includes screen printing services and the manufacture of custom skateboards. He produces all the skateboards in house using wood veneers. He described the process further in an email dated December 21, 2023, which was distributed in advance to the Board. The Board had some questions about employees which may number 1 or 2 in the future in addition to himself. There are 4 parking spaces assigned to this unit. The Board agreed that the use as described meets zoned uses in the Village District. Mr. Morgenstern will need to apply for a Conditional Use Permit for the Aquifer Protection District and a Minor Site Plan Review for the change in use. He should include chemical storage information and plans for spill response. A spill prevention, control, and countermeasure plan (SPCC) is required if there are any plans to store regulated substances in quantities exceeding 55 gallons. Mr. Morgenstern noted that materials are typically in quart to 5-gallon sized containers. The Board also recommended he include any plans for signage that doesn't already exist or meet the zoning requirements. He is also considering a small retail area which is also allowed in the district. Parking is limited but should easily accommodate the occasional retail customer.

**3. Map 2, Lot 60 – 665 Main Street – Kae Rae Photography - Preliminary Meeting**

Ms. Miner distributed copies of an email provided by Ms. Katie Moran of Kae Rae Photography for discussion.

Ms. Moran addressed the Board describing her business and plans to renovate the property at 665 Main St. She is currently under agreement with the owners and performing her due diligence. She is considering a small photography studio for both indoor and outdoor children's portraits. The building will be renovated in its existing footprint. There is a larger sign which she will not be using, but she will have a small sign so clients can locate the business off Main Street. She has no plans to change the parking area. There is no existing entry or exit locations. The lot is wide open to Main Street. In general, she is only serving one client at a time so parking should not be an issue. She plans to keep the curbing and signage as is. She will not be keeping the kitchen and plans to demo and rebuild the restaurant portion of the restaurant. The new business will have 2 baths which will be kept upstairs. Access to the upstairs will be from the inside. The existing apartment will become office space and changing/nursery space. She may have 1 additional employee. The Board agreed that this use meets zoning in the Main Street District. Since the property is in the Aquifer Protection District, she will be required to obtain a Conditional Use Permit for Aquifer District (page 41 and 42 of the Zoning Ordinance) and the Flexible Use Residential District in addition to a Minor Site Plan Application.

Ms. Moran left at 8:11 PM.

**IV. CONTINUED BUSINESS**

**1. Source Water Protection Plan (SWPP):** The plan has been finalized and is ready for adoption by the Planning Board at a future meeting.

**Mr. Kohlhofer made a motion to move adoption of the SWPP to a public hearing on March 6, 2024. Mr. Karcz seconded the motion which passed 5-0.**

**V. ADMINISTRATION, OTHER**

**1. Circuit Rider Business –**

a. Master Plan Chapters – Facilities and History chapters are being drafted. Ms. DiIunno anticipates distribution to the Board end of January 2024.

**2. Incoming Correspondence and Project Updates -**

- a. The Conservation Commission is hosting a talk on Coyotes January 11 at the Library, 7PM.
- b. The public hearing for Casset Holdings LLC Site Plan Review (Iron Horse Park) Map 2, Lot 151-2-7 is scheduled for February 7, 2024 at 7PM.

**3. Other Department News –**

- a. Budget Committee public hearings, warrant article due dates, and deliberative session information are posted at the Town Hall and Post Office.
- b. Planning Board meeting and application submission calendars have been updated on the Town's Website and Planning Board page.
- c. Invoicing was received from the RPC for December 2023.

**VI. ADJOURNMENT**

**Mr. Karcz made a motion to adjourn the meeting at 8:15 PM. Mr. Kohlhofer seconded the motion which passed 5-0.**

**Respectfully submitted,**



**Leanne Miner**  
**Land Use Administrative Assistant**