

**Board Members Present:** Chair Paul Powers, Vice Chair Andrew Kohlhofer, Ex Officio Roger Barham, Members Jack Karcz, Eric Abney, and Todd O'Malley.

**Also Present:** Madeleine DiIunno, Rockingham Planning Commission (RPC); Land Use Administrative Assistant Leanne Miner; Mike Haroutunian of Ceiba Tree LLC; Alex Ross, Ross Engineering, LLC Representative for Ceiba Tree LLC; Katie and Mike Moran of KaeRae Photography

## I. WELCOME

Mr. Powers opened the meeting at 7:00PM.

## II. MINUTES

**Mr. Karcz made a motion to approve the meeting minutes for March 6, 2024. Mr. Kohlhofer seconded the motion and the motion passed 6-0.**

## III. NEW BUSINESS –

1. **Map 2, Lot 60 (665 Main Street) – Minor Site Plan Review** - Katie and Mike Moran of Auburn, NH have submitted a Minor Site Plan application for a Change in Use to operate a professional photography business called Kae Rae Photography. The Board will also review a Conditional Use Permit for operation in the Aquifer Protection District in accordance with Fremont Zoning Ordinance Article 12, Section 1203.8.

Materials Distributed since previous hearing:

- Cover letter and application package, addressed to the Planning Board, prepared by the applicant, received February 12, 2024.
- Conditional Use Permit application dated February 12, 2024.
- Mapping and sketch of lot with existing and planned structures and landscape features;
- Review Letter, addressed to the Planning Board, prepared by the Rockingham Planning Commission, Senior Planner, Madeliene DiIunno, dated March 15, 2024.

Ms. Moran addressed the Planning Board. She explained that her business will involve photography both indoors and outdoors. They plan to demo the front portion of the building and rebuild. The back portion of the building will no longer be an apartment. It will have waiting space for customers and office space for their business. They plan to update the siding and roofing. The new building will be installed in the same footprint.

Ms. DiIunno stated that the application is complete with waiver requests. Comments and discussion proceeded as follows:

- Fire Safety – The contractor will be hard wiring fire safety components.
- Parking – No changes are planned for the parking area.

**Mr. Barham made a motion to take jurisdiction of the Minor Site Plan Review Application for Map 2, Lot 60. Mr. Kohlhofer seconded the motion which passed 6-0.**

Mr. Powers took up the waivers for discussion. Waivers were requested for any items not checked on the application including from Section 1.5 Items G through X. These are requirements that are expected for Major Site Plan Review. It was noted that the application did not reflect the regulations, however the Board proceeded with their review of the waiver request noting that information for Items G

through X were not required since the structure and lot are pre existing and there are no changes to the parking area. The proposed use will have less traffic that the previous use as a restaurant. Landscape plans were provided.

**Mr. Kohlhofer made a motion to grant the waiver as requested to items G through X for Kae Rae Photography. Mr. Karcz seconded the motion which passed 6-0.**

Mr. Powers took up the application for a Conditional Use Permit for Professional (Photography) Servies in the Aquifer Protection District. The Board reviewed the criteria for a CUP from Article 12, Section 1208.3, Item F.2, a through d as follows:

- a. The proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;
- b. The proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer;
- c. The proposed use will discharge no wastewater on site other than that typically discharged by domestic wastewater disposal systems and will not involve on-site storage or disposal of toxic or hazardous wastes as herein defined;
- d. The proposed use complies with all other applicable sections of this Section 1203.

Department Comments: The Road Agent and Police Chief submitted comment sheets indicating they had no issues with the application. The Code Enforcement Officer provided comments regarding demolition and building permit requirements which are unrelated to the Board's jurisdiction, but helpful for planning purposes.

The Board voiced their favorable concurrence with the criteria as read based on responses and information provided. In general, the proposed use will have less impact on the area overall in terms of noise and traffic compared to the previous use as a restaurant. Photography no longer uses chemicals for photo development. Their practice will be all digital.

**Mr. Kohlhofer made a motion to approve the Conditional Use Permit application for professional (photography) services in the Aquifer Protection District. Mr. Karcz seconded the motion which passed 6-0.**

Mr. Powers took up the application for Minor Site Plan Review for the change in use from restaurant to professional services. There were no additional questions or discussion from the Board.

**Mr. Kohlhofer made a motion to open the hearing for public comment on the Minor Site Plan Review for Kae Rae Photography. Mr. Karcz seconded the motion which passed 6-0. No comments were made. Mr. Kohlhofer made a motion to close the hearing for public comment on the Minor Site Plan Review for Kae Rae Photography. Mr. Karcz seconded the motion which passed 6-0.**

Ms. Miner reviewed limited and standard conditions of approval for member and applicant consideration as follows:

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

2. Any significant change to the approved Site Plan required to meet state fire code, building code, or any state permit requirements must be reviewed by the Planning Board prior to implementation.
3. All fees incurred by the Planning Board, including but not limited to consulting, engineering, and legal fees, have been paid by the applicant.
4. 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.

**Mr. Kohlhofer made a motion to approve the Minor Site Plan Application for KaeRae Photography to operate a professional photography studio as proposed at 665 Main Street, known as Map 2, Lot 60 with the conditions as read. Mr. Karcz seconded the motion which passed 6-0.**

The applicants left at 7:25PM.

**2. Map 2, Lot 151-2-6; Preliminary Meeting for Major Site Plan Review - Ceiba Tree LLC** is proposing to build a 13,125 square foot building with 15 parking spaces. This will be a multi-use building for contractor/storage and warehousing units with related offices. The property is located in the Main Street and Aquifer Protection Overlay Districts.

Materials Distributed:

- Cover letter, addressed to the Planning Board, dated March 6, 2024.
- Application for Major Site Plan Review (with attachments).
- Site Plan drawings (5-sheets) revised February 27, 2024.
- Building Architectural Renderings (2-sheets) 2,960

Alex Ross of Ross Engineering addressed the Board on behalf of applicant Mike Haroutunian of Ceiba Tree, LLC. Alex is a licensed surveyor, professional engineer, and septic designer. His client proposes to construct a prefabricated building for contractor/storage and warehousing and related offices. After describing the general layout and plans for the site he asked about requirements for traffic survey. Typical truck traffic will include small trucks, box trucks, dump trucks. Generally, the Board likes to see turning radii for deliveries to ensure there is adequate room for turnaround without using the public roadway. There will be 3 units. They do not anticipate the need for retail space, just contractor space equipment, storage for equipment such as scissor lifts. The landscaping planned is very general and will consist of drought tolerant plants and bushes in the back and on the side. There was also a dumpster area. The Board suggested they reach out to the Fire Chief about emergency access. They will also be submitting a hydrogeology evaluation, drainage analysis and stormwater management plan. The Board suggested bollards to protect the building. The Applicant inquired about phasing site work and then building construction or similar to manage financing. The Board voiced their openness to a phasing proposal. Ms. Miner has the application and fees have been paid. The hearing is scheduled for April 17<sup>th</sup>.

**3. Map 2, Lot 151-2-7 Site Restoration Bond and Construction Monitoring Estimates – Ms. Miner** distributed correspondence from Casset Holdings LLC Jason Settineri and estimates for construction monitoring (\$2,960) and restoration surety (\$21,296) prepared by KNAs Senior Field Engineer. Mr. Settineri had no comment on the monitoring fee, however he did push back on the restoration estimate. He anticipates completing work in phases such that the whole site will not be

disturbed at any duration. KNA considered this and conducted a site visit. Based on existing conditions as now staked in the field, KNA reduced the surety to \$18,260. The Board voiced their concurrence with the revised estimate.

4. **Planning Board Refresher** – Ms. DiIonno provided a presentation on Planning Board Basics. There was much discussion, Q &A, and a non-binding quiz at the end.

#### IV. CONTINUED BUSINESS – None

#### V. ADMINISTRATION, OTHER

1. **Membership** – Eric Abney and Todd O’Malley have been sworn in as voting members. Ms. Irwin has stepped down as she cannot commit the time to the Board. She welcomes the opportunity to come back when her schedule allows.
2. **Incoming Correspondence and Project Updates -**
  - a. There are no items on the agenda for April 3. The Board agreed to cancel the meeting and reconvene April 17.
  - b. Outstanding final approvals – Map 2, Lot 151-2-4 Play Laugh and Grow; Map 2, Lot 151-2 Solar Array.
  - c. Fremont Land LLC Gravel Pit – Ms. Miner followed up an inquiry regarding the area disturbed at the site. Severino Construction has been very active in the quarry recently. They remain under the 5 acres of disturbed ground. Newer activities and any changes in the current permit will be revisited in April-May during permit renewal.
  - d. ZBA and Planning Board coincident hearings/cases. There was discussion about timing and/or conditions of approval. Ms. DiIonno explained that the Planning Board may grant as a condition of approval that the project meet zoning/gain a variance or special exception etc from the ZBA for a project (i.e, the applicant may apply to both boards at the same time.
  - e. The Board also discussed substantial completion requirements and expressed the desire to require pavement completion in a phased approach on larger developments. Ms. Miner will add this item to the Boards working revision list.
3. **Other Department News** – Ms. Miner noted receipt of the Historical Society’s newsletter and asked the Board if they’d like to be on the distribution list.

#### VI. ADJOURNMENT

**Mr. Karcz made a motion to adjourn the meeting at 9:04 PM. Mr. Kohlhofer seconded the motion, which passed 6-0.**

**Respectfully submitted,**



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