



**FREMONT PLANNING BOARD**

**October 24, 2007**

**Meeting Minutes**

**Approved November 7, 2007**

Present: Chairman Larry Stilwell, Co-chairman Roger Barham, Member Leon Holmes, J., Member and CC Rep. Jack Karcz, RPC Circuit Rider David West Building Official Thom Roy and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Stilwell called the meeting to order at 7:00 pm.

**MINUTES**

Mr. Karcz made the motion to approve the minutes of the October 3, 2007 meeting as written.

Motion seconded by Mr. Holmes with favorable.

The minutes of the October 10, 2007 were not addressed as there were not enough members that were present at that meeting. They will be addressed at the next meeting.

**SIMON ACKERMAN**

Map 2 Lot 062

2 Lot Subdivision

The Board received and reviewed the plans and mylar for the recently approved 2 lot subdivision for Map 2 Lot 062. After ascertaining that all conditions have been met, the plans and mylar were signed by the Board and will be recorded within 3 business days. Mr. Ackerman has submitted the proper recording fees.

**KAKOURIS, IOANNIS/ROBERT PREMONT**

Map 3 Lot 119

The Commission received an October 3, 2007 correspondence and an October 24, 2007 replacement correspondence from Surveyor Tim Lavelle representing Robert Premont and Ioannis Kakouris. Mr. Lavelle advised that it is the intent of the owners of Map 3 Lot 119 to propose a 2 lot subdivision of their property and they will need to apply to the Zoning Board of Adjustment for a Variance to create a building lot without frontage. He added that the proposed driveway would follow an existing septic access roadway which crossed through a wetland. A Special Exception was previously granted for an access road to reach a septic area, but not for a residential driveway so they need to seek a new Special Exception for that use. Mr. Lavelle requested that the Planning Board issue a referral to the ZBA. This

is directed per Zoning Article IX Section H. The Members reviewed the plan that Mr. Lavelle submitted with the correspondence. There was some conversation relative to the Conservation Easement that is with the property and the issue of creating a no frontage lot. It was the consensus of the Board to issue the requested referral.

#### PRIME WETLAND

Mr. Stilwell stated that at the October 10, 2007 meeting the Board made a consensus to recommend designating as Prime Wetlands, those wetlands in tiers 1, 2, and 3 of Mark West's recent Prime Wetland Designation study and schedule a Public Hearing for 7:00 pm on November 28, 2007 at the Fremont Library with a second Public Hearing, if it is necessary, scheduled for 7:00 pm on December 19, 2007. There was some previous discussion whether the consensus needs to be a vote and it was agreed that it did.

With little discussion, Mr. Karcz made the motion to recommend designating as Prime Wetlands, those wetlands in tiers 1, 2, and 3 of Mark West's recent Prime Wetland Designation study and schedule a Public Hearing for 7:00 pm on November 28, 2007 at the Fremont Library with a second Public Hearing, if it is necessary, scheduled for 7:00 pm on December 19, 2007.

Mr. Holmes seconded the motion with unanimous favorable vote.

#### OFFICE EQUIPMENT

Mr. Stilwell stated that the Conservation Commission has purchased a LED (light emitting diode) projector to be kept in the Land Use Office and shared by all Land Use Boards for power point presentations.

Mr. Stilwell reported that the new computer has been received and set up in the Land Use Office and the former Land Use computer has replaced the old one in the meeting room.

#### DAVID SEARS

MAP 2 LOT 090

Mrs. Bolduc reported that Mr. Sears recently visited the Land Use Office relative to a possible Site Plan Review of his property for a kennel to house his 13 dogs. Mr. Sears stated that his property is mostly used for a meeting place with other people and their dogs and they go offsite for training. There will be no additional buildings. Mr. Roy said that Mr. Sears has built a new building to use as a kennel that he cannot sign off on as it is for a business. The questions were whether Site Plan Review is necessary and, if so, would he need to submit an engineered plan with his application. It was the consensus of the Board that Site Plan Review is in order and an engineered plan is not necessary.

#### ROBERT AND MICHAEL DUDLEY

MAP 1 LOT 048-7

The Board received a ZBA notice of November 20, 2007 Public Hearing for Robert and Michael Dudley, for property located at Map 1 Lot 048 (near the corner of South and Sandown Roads) for a Special Exception to Article IX Section H of the Fremont Zoning Ordinance to allow grading and leveling of their property closer than 100' to a wetland. The Board also received an October 15, 2007 correspondence from Michael Dudley requesting a referral from the Planning Board to the ZBA as required in Article IX Section H.

It was noted that there are four voting Board Members present tonight and, since Mr. Karcz is an abutter to the subject property, there was a discussion relative to whether he should issue a vote on the referral. It was agreed to address this request at the next meeting when there should be more members present.

#### GOVERNOR'S FOREST

Mr. Stilwell reported that the Board has received the following relative to Governor's Forest:

1. A copy of an October 8, 2007 project update from Martin Ferwerda to Building Inspector Thom Roy.
2. An October 10, 2007 correspondence from Mr. Ferwerda to the Planning Board advising that he is not willing to pay for counsel's advise; this relative to his September 19, 2007 request to be allowed to use modular homes instead of mobile homes at Governor's Forest, which is an approved mobile home park. The January 11, 2007 document labeled "Discussion Document" was attached.
3. An October 15, 2007 correspondence from Mr. Ferwerda to the Board informing them "of what is occurring in the pre-constructed residential housing marketplace".
4. A copy of an updated road use agreement between Mr. Ferwerda and Albert Witham, owner of Countryside Estates.

There was a discussion relative to Governor's Forest existing approved Site Plan and Mr. Ferwerda's request at the September 19, 2007 Planning Board meeting to be allowed to install modular homes in Governor's Forest where only manufactured homes are now allowed. It was the consensus of the Board that there is an approved site plan for manufactured housing and any alternative to that approved plan will require an amendment to it. It was agreed that a letter be drafted and sent to Mr. Ferwerda advising him of the Boards position.

#### ZONING AMENDMENTS

##### **Aquifer Protection District Density:**

The Board reviewed Article XI Section E (Aquifer Protection District) of the Fremont Zoning Ordinance and discussed increasing lot requirements for properties located within that district. The Board reviewed the table which showed proposed incremental adjustments for duplex and multi-unit dwellings for lots in the 3 acre (minimum) Aquifer Protection District.

There was a discussion relative to the incremental increases in the minimum lot size. Mr. Karcz felt that the increases from single family to duplex should be the same for properties outside of the Aquifer Protection District as they are for those within it. He offered that either both ordinances should be changed or neither should be changed. Mr. West agreed with Mr. Karcz and stated that adverse use such as those listed in the ordinance as prohibited should be what is restricted within the Aquifer Protection District, but he stated that he does not agree with increasing the lot size. Mr. Holmes asked why larger lot sizing is needed in the Aquifer Protection District. It was thought that one reason is to protect the Aquifer.

After review and discussion of Article X1 Section E the Board agreed that it should be amended as follows:

**Article XI – Aquifer Protection District**

***E. USE REGULATIONS***

***1. Minimum Lot Size***

~~*The minimum lot size within the Aquifer Protection District for each dwelling unit if a residential use, or each principal building if a non-residential use, shall be three (3) acres, or 130,680 square feet.*~~

***E. USE REGULATIONS***

***Section 1.*** *The lot size within the Aquifer Protection District shall be a minimum of three (3) acres in area and lots on which multiple family dwellings are located shall be increased by eighteen thousand (18,000) square feet per family dwelling unit when less than five (5) units and by thirty thousand (30,000) square feet per family unit when five (5) or more family units, i.e. three (3) Acres plus eighteen thousand (18,000) multiplied by the number of family units or three (3) Acres plus thirty thousand (30,000) multiplied by the number of family units. No lot shall have more than one (1) occupied dwelling thereon. (See also Article IX Section F, See also Article XI Section E-6)*

***Section 1-A*** *Setback requirements shall be those as defined by Article IV Section 1*

***Section 1-B.*** *Lot frontage requirements shall be those as defined by Article IV Section 2.*

The Board also agreed that a table be created to reflect the ordinance.

Mr. Karcz made the motion to move the amendment to Article XI Section E of the Fremont Zoning Ordinance as written on to Public Hearing at 7:30 pm on November 14, 2007 at the Town Hall, downstairs Land Use meeting room, with a second Public Hearing, if necessary to be scheduled for 7:30 on December 19, 2007.

Motion seconded by Mr. Barham with unanimous favorable vote.

**Signs:**

The Board continued to use a draft sign ordinance that was submitted by David West and one from San Luis Obispo that Mr. Barham had earlier submitted to discuss what types of signage could be useful for a sign ordinance for Fremont. Mr. Stilwell suggested defining sign types that the ordinance would address, come up with a definition and a picture of that sign type. He noted that pictures should be placed beside each definition.

The Board discussed whether it would be better to have definitions within the respective sign section or whether there should be a definition section for all signs. The Board reviewed and discussed such items as sign types, location, number, illumination, area, setback and size in conjunction with wall signs, window signs, awning signs, projecting signs, suspended and hanging signs, monument signs, pole signs, free standing signs, multi-tenant signs and residential subdivision signs. Murals were discussed and it was agreed that murals are paintings and are not considered signs. It was agreed that non-permitted signs would include sandwich signs, electronic message centers and inflatable signs. Topics of discussion also included signs relative to site plan and conditional use permits, sideline and street setbacks as well as size and height of a sign and structure.

The Board previously agreed, that special event signs, seasonal signs and temporary window signs should not need to be permitted and should be under a heading of "Signs Authorized Without A Sign Permit".

At Mr. Stilwell's requested, Mr. West agreed to take the two ordinances reviewed by the Board and merge them into one to come up with a possible sign ordinance for Fremont that can be put before the voters at the 2008 Town Meeting.

#### REGULATION AMENDMENTS

Board will continue their review of the proposed Subdivision Regulations amendments at a future meeting.

#### COMMISSIONER

RPC Commissioner Peter Bearse joined the meeting at 9:10 pm to give a short briefing of the last RPC Commissioners meeting. He reported that discussed were:

Transportation issues and funding;

1. Safe Routes to Schools Program which he has already discussed with School Board Member Peg Pinkham. Mr. Stilwell offered that this was a subject of discussion during the Vision Chapter of the Master Plan sessions. There is a grant opportunity targeted partly for sidewalks, traffic issues, education relative to bicycle safety, traffic and data.
2. Regional Environmental Program (REP); touched on innovative land use techniques which led to the issuance of a handbook and the need for zoning ordinances. A letter has been issued inviting towns to apply for a grant for innovative techniques in planning and zoning to meet sustainable development.
3. MPO Metropolitan Planning Organizations (MPO): An MPO is transportation planning. Three MPO's now defined and Fremont is part of the Seacoast MPO.

Mr. Bearse reported that at the new Commissioners orientation meeting he attended tonight there was a remark that towns do not seem to be communications with each other relative to planning concerns. This prompted a brief discussion relative to community planning.

#### CORRESPONDENCE

There was no incoming correspondence.

Mr. Karcz made the motion to adjourn at 9:45 pm.

Motion seconded by Mr. Barham with unanimous favorable vote.

Respectfully submitted,  
Meredith Bolduc, Secretary