

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; Steffan Morgenstern, Peace Coast Skateboards; Tom Nisbet, Property Owner PPM Fremont Holdings; Eric Abney.

I. WELCOME

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

II. MINUTES

Mr. Karcz made a motion to approve the meeting minutes for February 7, 2024. Mr. Kohlhofer seconded the motion and the motion passed 5-0.

III. NEW BUSINESS –

1. Map 3, Lot 37 (326 Main Street, Unit 5) Minor Site Plan Review - Applicants Steffan and Kurt Morgenstern submitted an application for a Change in Use to operate a light manufacturing business called Peace Coast Skateboards. Commercial uses proposed include manufacture of skateboards, screen printing services, and retail space. The property is an existing building unit which has original approvals for Light Manufacturing. The Applicant has also requested a Conditional Use Permit in the Aquifer Protection District in accordance with Zoning Ordinance Article 12, Section 1203.8.

Materials Distributed:

- Cover letter, addressed to the Planning Board, prepared by the applicant received on January 18, 2024.
- Application for Minor Site Plan Review, with attachments including approved site plan sheets and MSDS sheets for chemicals used in manufacturing process, executed by the applicant on January 17 and received on January 18, 2024.
- Application for a Conditional Use Permit February 19, 2024, received February 20, 2024.
- Site plan drawings Sheets from recorded Coopers Corner Condominium Site Plan dated December 2, 2005 (D-33484 Sheets 1 through 4) and from recorded Coopers Corner Condominium Site Plan dated June 15, 2005 (D-33264 Sheets 1 and 2).
- Review memorandum, addressed to the Planning Board, prepared by Madeleine DiIunno of the RPC dated February 15, 2024.
- Comments Town Departments

For the record, Public Notice was made as follows:

Union Leader published February 5, 2024; Posted on the Town's Website Legal Notice page on February 8, 2024; Mailed to abutters and posted at the Post Office on February 6, 2024; posted at 2 locations at the Town Hall on February 1, 2024. All notices were delivered to abutters on or about February 7, 2024 with one exception of a vacant home (Lindeman 319 Main Street).

Mr. Morgenstern addressed the Board as the Applicant and described his operations for the manufacture of skateboards and screen printing. Questions and discussion were primarily focused on chemicals used in the process and how they were proposed to be stored, utilized, and disposed of in a safe manner. Part of the skateboard manufacture process involves spraying gloss lacquer onto the finished skateboard. This will be done in a ductless spray booth with carbon filtration. No fumes will be

vented to the exterior of the building. Screen printing particulate matter and emulsion removed will be treated by filtration and further purified using activated carbon before being released into the septic system.

Ms. Dilonno reported that the application was complete.

Mr. Kohlhofer made a motion to accept jurisdiction for the Conditional Use Permit in the Aquifer Protection District for Map 3, Lot 37 (Unit 5) located at 326 Main Street for light manufacturing operations proposed by Peace Coast Skateboards. Mr. Karcz seconded the motion which passed 5-0.

Ms. Miner summarized Town Department comments as follows:

Code Enforcement Officer – *Depending on the process used to make skateboards, fire suppression system may need to be installed or modified. Fire Chief Butler must have input on this manufacturing.*

Fire Chief - Email from Richard Butler, Fire Chief dated February 20, 2024 with a question: *If they are fabricating their skateboards there do they have a dust collector for the saws and sanders in the plans?*

Emergency Services - Email from Mark Deveber, Emergency Management Director dated February 20, 2024 In reference to a Change in Tenant form, *I recommend sign off by fire chief be added. And I will work with him. My only other input is there needs to be a condition that NHDES is consulted for compliance. Reason being is that there is a requirement for spray booths (usually associated with auto shops) but I think consulting them is the correct path of due diligence. The State of NH may have the same requirement as osha and epa, but it could also be more stringent. And there would also be the option to review their status as a haz waste generator.*

Police Chief – *No issues.*

Office of Select Board, Town Administrator – No comments received.

Conservation Commission – *Question: Are there any drains in the building? Is there a slop sink/janitor floor sink?*

Road Agent – No comments received.

Mr. Morgenstern noted that for dust collection, he has two types: direct dust collection that connects to the machines and an air filtration unit that filters out finer material in the air.

In response to questions raised by Emergency Response Services, Ms. Miner suggested the Applicant schedule an inspection with the Building Inspector and Fire Chief so they may review his operations and provide their approval in the form of a Change in Tenant Permit. It was recommended that information relevant to NHDES compliance for proposed spray booth operations be provided in advance of the inspection.

Ms. Miner reviewed the MSDSs provided, and all are non-hazardous. It was also noted that any use of hazardous chemicals is prohibited in the Aquifer Protection District.

In response to comment by the Conservation Commission, there are no floor drains. All waste water is contained and treated to clean water standards before discharge to the septic.

Mr. Kohlhofer made a motion to open the hearing for public comment. Mr. Karcz seconded the motion which passed 5-0.

No comments were made.

Mr. Kohlhofer made a motion to close the public comment period. Mr. Karcz seconded the motion which passed 5-0.

Mr. Powers reviewed the criteria for a Conditional Use Permit 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; *It was remarked that this manufacture use does not require high water use.*
- c. The proposed use will discharge no waste water on site other than that typically discharged by domestic waste water 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.

The Board voiced their favorable concurrence with the criteria as read based on responses and information provided.

Mr. Kohlhofer made a motion to grant a Conditional Use Permit to Peace Coast Skateboards for Change in Use to manufacture skateboards and conduct screen printing operations in the Aquifer Protection District in accordance with Zoning Article 12, Section 1203.8 at 326 Main Street, Unit 5, known as Map 3, Lot 37. Mr. Karcz seconded the motion which passed 5-0.

Mr. Powers took up the Application for Minor Site Plan Review.

Mr. Morgenstern noted that his plans had not changed from his preliminary meeting with the Board except he expanded his research to include more detail and plans on waste management. He still plans to be the only operator with the potential to add one employee in the future. Operations will start no earlier than 9AM and will end no later than 9PM, Sunday through Saturday. He plans to install a sign at the building to help vendors and others to locate his business. The business sign will measure less than 3 square feet which will not require a sign permit from the Town. He felt that the existing easement would accommodate any future plans for signage at Main Street. He plans to use approximately 240 square feet of the building as retail space. Ms. DiIunno noted that the Town's parking requirements are met with the 2 existing spaces per the parking schedule in the Fremont Site Plan regulations (SPR 1.18.D).

Mr. Kohlhofer made a motion to open the hearing for public comment on the Minor Site Plan Application. Mr. Karcz seconded the motion which passed 5-0.

No comments were made.

Mr. Barham made a motion to close the public comment period. Mr. Karcz seconded the motion which passed 5-0.

Ms. Miner reviewed recommended conditions of approval as discussed throughout the hearing as follows:

1. The handling, disposal, storage, processing, or recycling of hazardous or toxic materials is prohibited.

2. A site inspection and Fremont Change of Tenant Permit must be completed and approved by the Building Inspector and Fire Chief or other Town designated agent prior to occupancy.
3. The Applicant shall provide information relevant to NHDES compliance for proposed spray booth operations as part of the inspection.
4. As an industrial facility located in the Aquifer Protection District known to the Code Enforcement Officer as using or storing regulated substances in containers with a capacity of five gallons or more, this facility is subject to inspections under Fremont Zoning Ordinance Article 12, Section 1203.8, Item J at the applicant's expense.
5. Should operations change such that the use requires the storage, handling, and use of regulated substances in quantities exceeding 55 gallons or 660 pounds dry weight at any one time, the applicant must submit an adequate spill prevention, control and countermeasure (SPCC) plan, in accordance with Section 1203.7 which must be approved by the Health Officer, Fire Chief, Code Enforcement Officer or other Town designated agent and the applicant's expense.
6. This Notice of Decision shall be recorded at the Rockingham County Registry of Deeds.
7. 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.
8. All fees incurred by the Planning Board, including but not limited to consulting, engineering, and legal fees, have been paid by the applicant.
9. 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 for Applicants Steffan and Kurt Morgenstern of Peace Coast Skateboards to manufacture skateboards and conduct screen printing operations at 326 Main Street, Unit 5, known as Map 3, Lot 37 with the conditions as read. Mr. Karcz seconded the motion which passed 5-0.

Mr. Morgenstern left the meeting at 7:40 PM.

IV. CONTINUED BUSINESS - None

V. ADMINISTRATION, OTHER

1. Circuit Rider Business – None

2. Incoming Correspondence and Project Updates -

- a. Ms. Miner is meeting with CSA Environmental and the Building Inspector and Town Administrator to review the Source Water Protection Plan and actions/inspections required in the Zoning Ordinance.
- b. Map 2, Lot 151-2-7 Cassett Holdings LLC – Hearing continued to March 6, 2024. No new materials have been received since February 7, 2024 public hearing.
- c. Map 2, Lot 151-2 Ragnar Original Innovations – Solar Panels application public hearing March 6, 2024.
- d. Source Water Protection Plan – Notice for Public Hearing to adopt has been posted for March 6, 2024.
- e. Map 2, Lot 060 – 665 Main Street – Minor Site Plan and Conditional Use Permit Applications for Change in Use – Currently being process for public hearing March 20, 2024.
- f. RPC Letter to Paul Powers and the Fremont Planning Board dated January 24, 2024 RE: Transportation Advisory Committee (TAC) that administers the urban transportation planning process for the 27 communities of the RPC. Inquiring about a new TAC member.

- g. RPC Memo dated November 8, 2023 RE: Upcoming Commissioner meetings RE Transportation Planning and Regional Master Plan workshops. Open to the public.
- h. Lots continue to sell and building continues on Bassett Lane and Liberty Lantern Estates. Ms. Miner will review status of on-site improvements over the next few weeks.
- i. 2023 Annual Town Report is now available in hard copy.
- j. 2023-2024 Edition of NH Planning and Land Use Regulations is available in hard copy.
- k. Map 2, Lot 149-001, 706 Main Street: Ms. Miner spoke briefly with Geraldine Palmer of Palmer Cleanouts. The letter sent on behalf of the Planning Board (RE: site plan amendment required if they plan to expand their commercial business) was received and acknowledged. They are considering construction of a barn or similar in the space that has been cleared.
- l. Memo from the RPC Development of Regional Impact Subcommittee dated February 16, 2024. RE: Raymond Regional Impact Declaration: Site Plan Application for Marden Woods – 296 Unit Residential Development off Batchelder Road (Tax Map 17, Lot 66 and Lot 82.
- m. Outstanding final approvals – Map 2, Lot 151-2-4 Play Laugh and Grow.

3. Other Department News – None

VI. ADJOURNMENT

Mr. Karcz made a motion to adjourn the meeting at 8:00 PM. Mr. Kohlhofer seconded the motion, which passed 5-0.

Respectfully submitted,



Leanne Miner
Land Use Administrative Assistant