

Board Members Present: Chair Paul Powers, Vice Chair Andy Kohlhofer, Ex Officio Roger Barham, Members Jack Karcz, Tim Lavelle, and Alternate Member/Administrative Assistant Leanne Miner present in the basement meeting room and by video conference using Microsoft Teams.

Also, Present: Jennifer Rowden, Rockingham Planning Commission (RPC; via Microsoft Teams); Mr. Kakouris Applicant Map – Lot 003-119

I. WELCOME and ROLL CALL

Mr. Powers opened the meeting at 7:02 PM and announced that in accordance with Emergency Order #12 Pursuant to State Executive Orders, the Planning Board is permitted to utilize emergency meeting provisions of RSA 91-A to conduct this meeting through electronic means while preserving, to the extent feasible, the public's right to observe and listen contemporaneously.

Ms. Miner noted that the meeting is being televised on FCTV Channel 22 and will be posted after the meeting on Vimeo. The following E-meeting procedures will be followed in accordance with the Governor's Emergency Order:

1. If anyone has problems with accessing the meeting they can call the Town Hall at 603 895-3200, extension 306 or email landuse@fremont.nh.gov for assistance during the meeting.
2. If for some reason the public is unable to access the meeting, the meeting will be adjourned.

Mr. Powers appointed Ms. Miner as a voting member in place of Mr. Lavelle.

II. MINUTES

No minutes were available for review.

III. NEW BUSINESS

Public Hearing Map 003, Lot 119 (431 Main Street). Applicant Nicholas Kakouris has submitted a Minor Site Plan Application to expand a commercial building, Fremont Pizzeria, located at 431 Main Street for additional storage space. The additional storage area is proposed to be approximately 8 feet by 14 feet.

Ms. Miner stated that Mr. Kakouris had done a preliminary consultation and provided an application. Legal notice was posted in the Union Leader on September 8, 2020 and on the Town's website. Ms. Rowden mentioned that this application needed more information but that Mr. Kakouris' earlier application contains this information. Mr. Kakouris would also like to include a stairway to the second floor.

Mr. Kohlhofer made a motion to accept the Minor Site Plan application for Map 3 Lot 119 expansion of commercial space for additional storage space as complete. Mr. Karcz seconded the motion and the Board accepted jurisdiction. The motion passed 5-0-0.

Department Comments received including:

- Building Inspector – Additional permits for tradesmen will be required and the building permit application will require additional detail.
- Fire Department – Deputy Chief Joe Nichols – No propane or flammable liquids may be stored in the area.

Mr. Karcz motioned to open the meeting up for public comment for the Minor Site Plan application for Map 3, Lot 119 expansion of commercial space for additional storage space. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0

No public comments were received via email or post.

Mr. Karcz motioned to close the meeting up for public comment for the Minor Site Plan Amendment application for Map 3, Lot 119 expansion of commercial space for additional storage space. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0

Mr. Powers read the conditions of approval as follows:

Conditions of approval:

1. All required state and local permits are received including buildings department permits.
2. Any outdoor lighting associated with the expansion will be dark sky compliant.
3. This Notice of Decision shall be filed with the Fremont Land Use Office.
4. Detail from the first application will be added to the second application showing expansion.
5. All 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.
6. Any significant change to the approved site plan required to meet state fire code, building code or state or federal permit must be reviewed by the Planning Board.
7. All fees incurred by the Planning Board, including but not limited to consulting, engineering, and legal fees, have been paid by the applicant.

Mr. Kohlhofer motioned to approve the Minor Site Plan Amendment with conditions for Map 3, Lot 119 expansion of commercial space for additional storage space. Mr. Karcz seconded the motion. The motion passed 5-0-0.

Mr. Lavelle joined the meeting at approximately 730 PM.

Public Hearing Map 003, Lot 037-001 (25 Spaulding Road). Applicant Pine Bucket LLC submitted a Minor Site Plan Amendment Application seeking to construct 5 units on existing unit footprints 18 through 22 with additional proposed uses and modifications to the site.

Dan Ray and Nick Jewett of Jewett Construction/Pine Bucket LLC were present to request approval for expansion of a previously approved but never completed 2-unit (units 18 and 19) addition to existing building along with 3-unit 3 bay addition. Originally approved approximately 7 years ago and partially constructed. They are planning to complete units 18 and 19 as the first phase and units 20, 21 and 22 as the second phase. They were originally approved as combination of professional

offices, retail and sub uses of exercise and daycare. They would like to build units 20 – 22 as light manufacturing and units 18 – 19 will be light manufacturing on first floor and professional offices on the second floor. Parking modifications will be made for overhead doors with rear access, also facial modifications. Signage would be positioned above doors.

Mr. Kohlhofer inquired about outside storage. Mr. Jewitt stated that there would be connex containers outside for storage.

Mr. Karcz inquired about the reasons for inconsistencies with roof structures. Mr. Ray explained the need for clear height adequate.

There was discussion about restrictions in the Aquifer Protection District. The applicant does not intend to store any toxic materials in these buildings, but would like to do incidental maintenance on vehicles which would require limited storage of regulated materials. There was also discussion about containment requirements and necessity for environmental storage plan if warranted. Typical standard conditions would include storage in fire cabinets, on impervious surfaces, etc. Ms. Miner inquired about limiting storage or use for incidental repairs or maintenance. There could be a condition that users follow best management practices for storage of regulated materials.

Ms. Rowden informed the Board that they can approve a Conditional Use Permit for Light Manufacturing in general or require each occupant to come to the Board for a Conditional Use Permit. There was discussion about how to ensure appropriate planning to limit risk of contamination.

The Conditional Use Permit is a separate application from the Minor Site Plan Amendment.

Mr. Lavelle made a motion to accept jurisdiction of the Minor Site Plan Amendment application for Map 3 Lot 037-001 to construct 5 units on existing unit footprints 18 through 22. Mr. Karcz seconded the motion and the Board accepted jurisdiction. The motion passed 6-0-0.

Mr. Lavelle made a motion to open the meeting up for public comment on the Conditional Use Permit for Map 3, Lot 037-001, Units 18-22 for Light Manufacturing. Mr. Karcz seconded the motion, and the vote was 6-0-0.

Tom Nisbet owns 7 units across the street is in favor of this project expansion. Four of Mr. Nisbet's units are occupied by light manufacturing.

Emailed comment from Matthew Thomas, Town Historian, stating the project looks great and will look better rehabbed.

T J and Katie Schipano, 27 Frost Lane, emailed comments. Ms. Miner read the email into the record which stated that they are concerned with the additional traffic that will be brought into the neighborhood. They were wondering if any traffic study has been done or if speed bumps were considered. Currently most vehicles obey the speed limit. Mr. Barham stated that this is an amended

site plan and any studies would have been done when the project was first approved, and it is light manufacturing and would be limited additional traffic.

The Board mentioned that there is an easement for a sign on the corner of Spaulding and Main and this has been approved so it does not need to come before the board again.

Mr. Lavelle motioned to close the meeting up for public comment for the Conditional Use Permit for Map 3, Lot 037-001, Units 18-22 for Light Manufacturing. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0.

There was discussion about including a condition of approval in the Notice of Decision where all of the uses must comply with Section 1203.8, Item F1.

Mr. Lavelle motioned to approve the Conditional Use Permit for Map 3, Lot 037-001, Units 18-22 for Light Manufacturing. Mr. Karcz seconded the motion. The motion passed 6-0-0.

Ms. Miner asked for more time for the Town's Departments to review the minor site plan amendment application.

Mr. Lavelle made a motion to open the meeting up for public comment on the Minor Site Plan Amendment for Map 3 Lot 037-001. Mr. Karcz seconded the motion, and the vote was 6-0-0.

No public comment

Mr. Lavelle motioned to close the meeting up for public comment for the Minor Site Plan Amendment application for Map 3, Lot 037-001. Mr. Karcz seconded the motion. The motion passed 6-0-0.

Mr. Kohlhofer made a motion to continue this public hearing until October 21, 2020. Mr. Karcz seconded the motion, the vote was 6-0-0.

The applicants and abutters left the meeting at 7:55 pm.

Public Hearing Map 002, Lot 147 and Map 002, Lot 147-001 (Copp Drive). Applicant Nettie Thompson seeks a Lot Line Adjustment (LLA) so existing structures on both lots will meet required setbacks. Both lots are owned by Nettie Thompson.

Mr. Powers and Mr. Lavelle recused themselves as abutters and consultant, respectively.

Mr. Lavelle representing Nettie Thompson stated that a foundation was placed over the lot line and they need to adjust the lot lines so the existing foundation will meet the setbacks. This adjustment does not affect the driveway on lot 147-001 and both lots will have over 2 acres of upland soil. He presented new plans showing the adjustment.

Ms. Miner noted that the legal notice was posted in the Union Leader on 9/8/20 and on the Town's website.

Mr. Karcz motioned to accept the LLA application as complete. Mr. Barham seconded the motion. The motion passed 4-0-2 with Mr. Lavelle and Mr. Powers abstaining.

Mr. Karcz motioned to open the meeting up for public comment for the LLA for Map 2, Lot 147 and Map 2, Lot 147-1. Mr. Barham seconded the motion. The motion passed 4-0-2.

Mr. Powers stated that they were doing a great job.

Mr. Karcz motioned to close the meeting for public comment for the LLA for Map 2, Lot 147 and Map 2, Lot 147-1. Mr. Barham seconded the motion. The motion passed 4-0-2

Department Comments: The Building Inspector recommends having it inspected before foundations are place

Proposed Conditions:

1. A mylar for Sheet 1 will be recorded at the Rockingham County Registry of Deeds.
2. The final plans should be submitted to the Land Use Office for filing and recording
3. The final plans should be submitted within 3 days of the approval
4. All fees incurred by the Planning Board including but not limited to consulting, engineering and legal fees will be paid by the applicant.

Mr. Karcz motioned to approve the LLA with conditions for Map 2, Lot 147 and Map 2, Lot 147-1. Mr. Barham seconded the motion. The motion passed 4-0-2.

2021 Zoning Amendments

Ms. Miner distributed a copy of the Legal Notice for the School Impact Fee Public Hearing and explained the categories/names.

Ms. Miner presented the Board with suggested verbiage to amend Section 15 regarding Impact Fees. The consultant (BCM LLC) recommended providing explanation if we are going to allow a waiver for impact fees for new accessory dwelling units. The Board had a complex discussion and decided that they will not change Section 15 regarding Impact Fees as initially recommended. Current zoning permits requesting a waiver. At the end of the discussion the Board instead decided to strike Section 1506 (Waivers) Item A and agreed to change the zoning to match the wording in the legal notice to match the Impact Fee schedule verbiage by adding a new Section 1505.3. In section 1505.3 the age of 55 or over would be used instead of 62 and over. Ms. Miner will bring an updated sheet with the corrections.

Map 7, Lot 078 12 Riverside Drive Ms. Miner explained a recent review inquiry for additional driveway space. In the Driveway Regulations there appears to be a lack of direction as to what Board an applicant may make an appeal of a decision by the Road Agent. Since the Driveway Regulations are under the purview of the Planning Board this matter is being brought to the Planning Board. The Board was asked if they to address the matter via a Decision process or if not, then state/reach a concurrence on whether or not the Board feels that it has jurisdiction or if this should be a matter handled by the ZBA. This lot is non-conforming with a 27' driveway which is wider than allowed, if resident would like to appeal the road agent's denial they will need to go before the Zoning Board.

CONTINUED BUSINESS

No continued business

IV. ADMINISTRATION

Administration/Budget – 2021 Budget. Ms. Miner made a presentation to the Budget Committee last week September 30 which was not voted on.

Storm Water Permit MS4 – Currently Fremont receives a waiver but if the census puts us over we will not receive a waiver. If we are proactive and take the \$2,000 to begin getting ready for when we do not receive a waiver.

Circuit Rider Business – None

Incoming Correspondence – Complaints regarding Galloway trucking and Sunday site operations.

On the new application the Board did not restrict trucking as it cannot be restricted under the zoning, but Galloway does not have final approval and they may be violating the conditions of the approval.

Ms. Miner will schedule a time for members to go inspect the site. Currently the Planning Board is waiting for them to meet their conditions of approval, there can be a kickoff meeting with the Town Engineer to do compliance monitoring, there is also conditions on ground water testing. Incoming correspondence from Renee King; Randy Grasso email dated 9/23/20; Grasso Letters

Project Updates

- Map 005/Lot 035 – Galloway Site Plan Amendment – Potential Site Visit. Wetland Permit being submitted for the Gravel Pit operations.
- Map 001/Lot 012 Cell Tower – Construction reports from mid-August received Tuesday 10-6-20 with invoice. Site walk yesterday 10/6/20 to go over final punch list. At the meeting were Ms. Miner, Leon Holmes, Stantec – Dan Tatem, Heidrea – Chuck Wing; Jones and Beach – Brad Jones and Chris Albert. Mostly site touch up remains to be completed. The grass is growing. Road Agent Leon Holmes commented very pleased with paving work. Jones and Beach will provide a cost for Offsite Mitigation work and Board will be asked to recommend 2-year Maintenance Bond amount (10-20% of cost). There is a Letter of Credit on file for site reclamation which can be revisited based on Stantec's closeout letter and final inspection.
- Map 002/Lot 020 South Road – Construction is ongoing. Built a stone wall at the site entrance. Ms. Miner noted there is some sensitivity around ensuring such structures are not in the ROW.

V. ADJOURNMENT

Mr. Karcz made a motion to adjourn the meeting at 9:11 PM. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0.

Respectfully Submitted,

Kathy Clement