

Present: Chair Brett Hunter, Vice Chair Jack Karcz, Jack Downing, Roger Barham, Andy Kohlhofer, Tim Lavelle, Building Inspector Greg Arvanitis, Senior Planner Jenn Rowden, and Land Use Administrative Assistant Casey Wolfe

Also Present: Leanne Miner, Pat deBeer, Marc Woodman, and Gail Miller

Mr. Karcz opened at 6:04 pm.

## **I. NEW BUSINESS**

### **Aquifer Protection District Workshop & Proposed Zoning Changes**

Ms. Rowden introduced herself. She is a senior planner at the Rockingham Planning Commission and she also serves as the circuit rider planner for the Town. She explained that at this meeting she will go over the proposed changes to the aquifer protection ordinance and the way the changes will affect businesses in that district. She will also go over ways for both businesses and private well owners to protect the aquifer. Ms. Rowden began her presentation by showing how the Town of Fremont has a strong history of groundwater protection. The Town adopted its first aquifer protection ordinance in 1988. Since then, groundwater protection has been emphasized in the 1992, 1998, 2006, and 2012 Master Plan updates. She briefly went through the amendments that have been made to the aquifer protection ordinance since 1988. Ms. Rowden explained that this round of amendments currently proposed came about after the Town received a Drinking Water Source Protection Grant from the NH Department of Environmental Services in April 2017. Since then, Ms. Rowden has been working with the Planning Board to draft proposed amendments to the ordinance.

Ms. Rowden briefly summarized how rainwater becomes either groundwater or surface water. She explained how it's ideal for stormwater to infiltrate through the ground rather than going directly into surface water. She stated that there is a method called the Multi-Barrier Method that has existed for about 40 years to protect drinking water. This method involves protecting the source of the water, treating the water, maintaining the infrastructure, and monitoring the whole system. While 60% of the New Hampshire water supply is from groundwater, 100% of the water supply in Fremont is from groundwater. While NH RSA 485-C does offer State level protection of groundwater and administrative rules, the statute also states that groundwater is primarily a local resource, and cities and towns should have the first opportunity to institute programs for groundwater protection. Ms. Rowden stated that in the Rockingham Planning Commission's district, 20 out of the 27 towns have an aquifer or groundwater district. She went through the different ways that municipalities can protect its groundwater.

Ms. Rowden showed a map of the Fremont aquifer protection district. She showed how most of the commercially zoned areas in town are also in the aquifer protection district. She explained that the basic premise for this proposal is to utilize the NHDES model groundwater protection ordinance, but to modify it for Fremont. The goal is to better protect the groundwater in Fremont while expanding the allowed uses to promote economic development. Ms. Rowden then went through each of the proposed ordinance changes specifically:

1. Add new definitions for clarity and to reflect changes.
2. Clarify that all standards only apply commercial/industrial sites
  - Few exceptions for multi-family: stormwater and Conditional Use Permit
  - On-site heating fuels is exempt from performance standards
3. Add Performance Standards for all new/expanded commercial and multi-family uses.
  - Stormwater management for impervious surface >15% or 2500 sq. feet.
  - Specifies how regulated/hazardous substances are stored
  - Requires minimizing impacts from land disturbance/ blasting on groundwater/wells
  - Requires Spill Prevention, Control and Countermeasures Plan
4. Increase lot coverage allowance to 15% impervious (previously 10%)
5. Allow automotive service and repair except gas stations and junk yards.
6. Allow drycleaners
7. Clarify agricultural activities permitted if done in accordance with BMPs.
8. Require a Conditional Use Permit for uses requiring regulated substances in excess of 55 gallons.
9. Allow for inspection of all uses to verify compliance with performance standards.
10. Give Code Enforcement Officer/ Select Board ability to enforce Groundwater BMPs under Adm Rule 401.
  - Note: Health Officer enabled to enforce BMPs under RSA 31:38 and RSA 147 already.

Mr. Gail Miller asked if the four-wheelers that go through the rail trail would fall under this ordinance. Ms. Rowden stated that mobile fuel tanks are not considered potential contamination sources. She noted that there are best management practices for servicing vehicles. Ms. Rowden showed a list of other towns in the area that perform inspections at potential contamination sources. Ms. deBeer expressed concerns about Fremont not having the resources to pull these inspections off. Ms. Rowden stated that because each business in the aquifer protection district would only be inspected once every three years, this inspection program is only about a day's work a year for the Code Enforcement Officer. She did admit that this program would require some of the Code Enforcement Officer's time, however, it would not be much. Ms. Rowden presented a list of potential contamination sources:

- Vehicle service and repair shops
- Metalworking shops
- Manufacturing facilities
- Underground/Aboveground Storage Tanks
- Waste and scrap processing and storage
- Commercial/industrial septic systems
- Laboratories and professional offices (medical, dental, vet)
- Agricultural chemicals
- Salt storage and use
- Snow dumps
- Stormwater ponds/ catch basins
- Cleaning Services
- Food processing plants

- Fueling/maintenance of earth moving equipment
- Concrete, asphalt and tar manufacturing
- Cemeteries
- Hazardous waste facilities

Ms. Rowden also showed a list of potential contamination sources specifically in Fremont, according to NHDES. She noted that this list certainly needs to be updated:

- Fremont Motor Sales (UST/ UIC)
- Spaulding & Frost Company (UST)
- Glens Auto Sales (UIC)
- Ellis School (UST)
- Village Market (UST)
- Action Autobody (Haz. Waste Generator/ Salvage Yard)
- EvenFlow Auto
- Best Machine
- Fremont Machine and Tool Inc
- Schreiber Collision & Restoration Center

Ms. Rowden explained what an inventory includes. She stated that the inventory is a confirmation that regulated or hazardous substances are not used at the site. The inspection would include a walk-through with the owner or operator. The Code Enforcement Officer would note any practices that are out of compliance with best management practices. After the inspection, the Code Enforcement Officer would follow-up with any recommendations and would seek voluntary compliance from the owner. If the business continues to be out of compliance with best management practices, the Town can issue a cease and desist order. Ms. Rowden showed a list of things businesses can do to ensure compliance:

- Keep regulated substances in proper containers, that are closed, sealed, and secured
- Label, Label, Label!
- Store regulated substances inside and/or on impervious surfaces.
- Cover regulated substances stored outside.
- Have secondary containment (i.e. if the container leaks, ensure it won't spill onto the ground)
- Use drip pans when using pumps, spigots or valves.
- Have a spill control equipment – and know how to use it.
- Keep regulated substances away from wells, surface water and storm drains.
- Disconnect all floor drains and work sinks.

Ms. Rodwen gave a brief overview of the ways private well owners can protect the groundwater. She explained that there are no well treatment requirements in New Hampshire and 20% of private wells contain unsafe levels of arsenic and 40% of private wells contain unsafe levels of radon. She recommended that homeowners get their wells tested every three to five years. She also recommended that homeowners minimize the use of fertilizers, pesticides, and hazardous household cleaners. She reminded homeowners to not flush their medicine and dispose of it

properly, to get their septic system pumped every two to three years, and to use drip pans when maintaining vehicles and power equipment.

Ms. Rowden went back to the proposed zoning ordinance changes. She explained that the meeting this evening is only a workshop and not a formal public hearing. She stated that she hopes the Board hosts one more workshop. The Board has to host a public hearing to move these proposed changes to the Warrant Article. Once on the Warrant Article, these changes would only need a simple majority at the Town Meeting in March to pass. There was some more discussion about the inspection process. DES does offer trainings for code enforcement officers. Ms. deBeer had concerns about a business contaminating the groundwater and it not being discovered for three years. Mr. Kohlhofer pointed out that many of these businesses are already in existence, and right now there is no one looking at them. Ms. Rowden stated that the idea is to allow uses that can be done in a low-risk manner, and in exchange, require all businesses (new or existing) to be inspected every three years.

Mr. Marc Woodman, owner of Best Machine on Beede Hill Road, stated that he operates his business to the letter of the law. He offered to have the Board members visit his business to see how he stores materials. He stated that he has three 55 gallon drums of oil. He stated that if one of them leaked, it would take over-night to empty out. The oil is thick, so it would stay in a puddle on the concrete floor. He stated that people who are so concerned about protecting the groundwater should not be putting pesticides or Roundup on their lawns. He understood why people are trying to protect the groundwater, but he felt residential uses are more threatening than commercial uses. Ms. Rowden stated that it is an option for the Board to change the proposal so that only new businesses have to get inspected. Ms. Miner felt that these inspections are a good idea, and that it would be a learning opportunity for businesses in the aquifer protection district. Ms. Rowden stated that it's possible for businesses to get a reduction on their insurance rates after participating in these inspections.

Ms. Rowden thanked everyone for coming and collected their emails so they can receive updates on the progress of this proposal. Ms. Rowden pointed out to the Board members a minor error in the proposed language. Ms. Rowden asked if the Board members wanted to schedule another workshop for the proposed changes to the aquifer protection ordinance. Letters were sent out to all the business owners in the district, but only one business owner showed up to this meeting. The Board members didn't feel it would be worthwhile to host another workshop, with such little attendance at the workshop this evening. After some discussion, **Mr. Barham made a motion to move the proposed changes to the aquifer protection ordinance to a public hearing scheduled for December 19, 2018. Mr. Downing seconded the motion. The motion passed 6-0-0.** This meeting will start at 6:30 pm.

## II. MINUTES

**Mr. Kohlhofer made a motion to table the approval of the November 7th and November 21st meeting minutes. Mr. Downing seconded the motion. The motion passed 6-0-0.**

## III. NEW BUSINESS CONTINUED

**Public Hearings for proposed changes to the following sections of the Zoning Ordinance:**

- **Article IX Section 908 (Existing Lots)**
- **Article XI Section 1101.7 (Reconstruction of Buildings)**
- **Article XI Section 1102 (Accessory Dwelling Units)**
- **Article XI Section 1103 (Home Occupation)**

**Mr. Kohlhofer made a motion to open the public hearing for the proposed changes to Article IX Section 908 (Existing Lots). Mr. Karcz seconded the motion. The motion passed 6-0-0.** The Board members did not feel this was a major change to the zoning, just a clarification. After some brief discussion, **Mr. Kohlhofer made a motion to close the public hearing. Mr. Lavelle seconded the motion. The motion passed 6-0-0. Mr. Kohlhofer made a motion to move the proposed changes to Article IX Section 908 to the Warrant Article. Mr. Lavelle seconded the motion. The motion passed 6-0-0.**

**Mr. Kohlhofer made a motion to open the public hearing for the proposed changes to Article XI Section 1101.7 (Reconstruction of Buildings). Mr. Karcz seconded the motion. The motion passed 6-0-0.** The proposal is to remove this whole section because it already exists elsewhere in the ordinance. **Mr. Kohlhofer made a motion to close the public hearing. Mr. Karcz seconded the motion. The motion passed 6-0-0. Mr. Kohlhofer made a motion to move the proposed changes to Article XI Section 1101.7 to the Warrant Article. Mr. Karcz seconded the motion. The motion passed 6-0-0.**

**Mr. Kohlhofer made a motion to open the public hearing for the proposed changes to Article XI Section 1102 (Accessory Dwelling Units). Mr. Karcz seconded the motion. The motion passed 6-0-0.** Ms. Wolfe read a written comment from Mr. Dennis Howland submitted via email on November 24<sup>th</sup>, *“I am speaking both as a resident as well as Secretary of the Tuck Woods Homeowners Association. I am not in favor of some of the proposed changes to the ADU regulations. I do not think we should INCREASE the allowable size for an ADU. I think 800 sq. ft. should be the upper limit, regardless of the size of the single family residence to which this is being attached. I also believe it should be limited to two bedrooms and one bath. I believe the intent of the State changes were to increase the availability of low income rental units. I do not think the intent was to turn every single family residence into a "DUPLEX". In our neighborhood of Tuck Woods, we could see ADU's of over 1800 sq ft. if these changes are approved. This is larger than most of the single family houses in Fremont. My neighbors have expressed dissatisfaction over the ADU regulation as it stands now, and I know they would not be happy "expanding" the size of potential units. We all bought into Tuck Woods as a neighborhood of low traffic, owner occupied, single family properties. We would not like to see it turned unto a neighborhood of duplexes. So, I encourage you to "throttle back" these proposed changes to keep the ADU regulations in keeping with the original intent.”*

Mr. Lavelle stated that homes with an accessory dwelling unit are not duplexes. Ms. Rowden explained that the State left it up to municipalities to decide the size limit of accessory dwelling units because they believed density should be a local decision. There was some discussion about covenants that some homeowners associations may have. **Mr. Kohlhofer made a motion to**

**close the public hearing. Mr. Karcz seconded the motion. The motion passed 6-0-0. Mr. Kohlhofer made a motion to move the proposed changes to Article XI Section 1102 to the Warrant Article. Mr. Lavelle seconded the motion. The motion passed 6-0-0.**

**Mr. Kohlhofer made a motion to open the public hearing for the proposed changes to Article XI Section 1103 (Home Occupation). Mr. Karcz seconded the motion. The motion passed 6-0-0.** There was some discussion about family daycare. There was also a discussion about commercial vehicles. There was a consensus to add the word “one” before “commercial vehicle.” **Mr. Kohlhofer made a motion to close the public hearing. Mr. Hunter seconded the motion. The motion passed 6-0-0. Mr. Lavelle made a motion to move the proposed changes to Article XI Section 1103 to the Warrant Article. Mr. Hunter seconded the motion. The motion passed 6-0-0.**

**Mr. Lavelle made a motion to adjourn at 8:11 pm. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0.**

Respectfully Submitted,

Casey Wolfe  
Land Use Administrative Assistant