

**Board Members Present:** Chair Paul Powers, Vice Chair Andy Kohlhofer, Roger Barham, Jack Karcz, Tim Lavelle, and Alternate/Land Use Administrative Assistant Leanne Miner

**Also present:** Jennifer Rowden, Rockingham Planning Commission (RPC); Joshua Yokela

**Public Attendees:**

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

Mr. Yokela joined the meeting at 7:02PM

Mr. Powers appointed Ms. Miner to vote in Mr. Wason's place this evening.

**I. MINUTES**

Meeting minutes were distributed for November 6, 2019.

**Mr. Karcz made a motion to approve meeting minutes from November 6, 2019. Mr. Kohlhofer seconded the motion. The motion passed 5-1(Lavelle Abstaining)-0.**

**II. CONTINUED BUSINESS**

**Zoning Ordinance Proposed Amendments**

The Board continued discussion on draft zoning ordinance amendments by reviewing proposed changes to Articles 7, 8, and 9 below. Ms. Rowden summarized the proposed changes in Articles 7, 8, and 9. Below are the proposed amendments as discussed during the meeting with Board comments in italics.

Proposed Amendments:

Existing language **New language** ~~Language to be removed~~

***Notes regarding the proposed changes. Notes will not appear within any ordinance proposal, but are included here for clarity.***

**Section 701 - Establishment of Districts**

The Town of Fremont is hereby divided into the following Zoning Districts: **Main Street District, Shirkin Road Commercial District, Residential District Commercial Highway, Corporate/Commercial** Flexible-Use Residential, and existing Districts which include the Fremont Village District, Wetlands and Watershed Protection District and the Aquifer Protection District.

**Section 702 – District Locations and Zoning Map**

The Flexible-Use Residential, **Main Street District, Shirkin Road Commercial District, Residential District Commercial Highway, Corporate/Commercial** and the Fremont Village District are shown on the Fremont New Hampshire Zoning District Map dated ~~December 13, 2006~~ **March 2019**, kept by the Town Clerk as the official Zoning Map. The areas of the

districts include tax map parcels as depicted on the Zoning Map. The Wetlands and Watershed Protection District and the Aquifer Protection District are overlay zoning districts. The lands included thereon are as defined in Article 12, Section 1201, Wetland and Watershed Protection District and in Article 12, Section 1203, the Aquifer Protection District.

### **Section 704 - Flexible Use Residential District**

**704.2** By Conditional Use Permit, the Planning Board may allow commercial operations on lots with frontage on specific roads identified on the Fremont, NH, Zoning District Map.

**704.3** Conditional Use Permit Requirements: Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit in the Flexible Use Residential District for commercial operations provided that the following conditions ~~are found to exist:~~ as listed below are met or impacts mitigated to the satisfaction of the Planning Board prior to the granting of a Conditional Use Permit.

- A. The total maximum square footage of all commercial structures on a single parcel is no greater than ten thousand (10,000) Square Feet.
- B. The entire commercial operation shall be located within 500 feet of the lot frontage within the Flexible Use Residential District. The Planning Board may on a case-by-case basis allow commercial operations to be located further than 500 feet from the lot frontage if the impacts of the use on abutting properties are demonstrated to be sufficiently minimized. Impacts include, but are not limited to, noise, odor, visual impacts, traffic, or safety.
- C. The commercial operation shall not result in a change in the essential characteristics of the area or abutting properties on account of the location or scale of buildings, other structures, parking areas, access ways, or the storage or operation of associated equipment or vehicles.
- D. The proposed use complies with all other applicable sections of the Zoning Ordinance.
- E. The permit is in the public interest.
- F. There will be no greater diminution of neighboring property values than would be created under any permitted use in the Flexible Use Residential District.
- G. That there are no existing violations of the Fremont zoning ordinance on the subject property.
- H. That the character of the area shall not be adversely affected in the context of:
  - 1. Architecture
  - 2. Transportation
  - 3. Scale of coverage
  - 4. Scale of building size
  - 5. Consistency of uses
- I. That granting the permit will not result in undue municipal expense
- J. That the proposed use will be developed in a manner compatible with the spirit and intent of the ordinance.
- K. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
- L. That the general welfare of the Town will be protected.

M. That the following impacts have been mitigated to the extent practical:

1. Noise
2. Light
3. Transportation
4. Visual effects
5. Odor

N. Landscaped or other appropriate buffers of sufficient opacity and materials shall be required if deemed reasonably necessary for the welfare of neighboring properties or the Town.

**704.4** Within the Flexible Use Residential District the Planning Board may grant a Conditional Use Permit for an Open Space Preservation Development, anywhere in the district, as per Article 13, Section 1302 of this Ordinance.

### **Section 705 - Main Street District**

**705.1** The intent of the Main Street District is to permit general commercial uses in areas on streets with high traffic volumes and to buffer abutting residential neighborhoods from disturbance and disruption. The maximum square footage of an individual commercial use in the Commercial Highway is twenty-five thousand (25,000) Square Feet.

**705.2** Certain commercial operations may only be allowed by a Conditional Use Permit issued from the Planning Board. See the Table of Uses for a list of the uses that require a Conditional Use Permit.

**705.3** Conditional Use Permit Requirements: Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit in the Main Street District for provided that the following conditions are found to exist:

- A. The permit is in the public interest.
- B. There will be no greater diminution of neighboring property values than would be created under any permitted use.
- C. That there are no existing violations of the Fremont zoning ordinance on the subject property.
- D. That the character of the area shall not be adversely affected in the context of:
  6. Architecture
  7. Transportation
  8. Scale of coverage
  9. Scale of building size
  10. Consistency of uses
- E. That granting the permit will not result in undue municipal expense
- F. That the proposed use will be developed in a manner compatible with the spirit and intent of the ordinance.
- G. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
- H. That the general welfare of the Town will be protected.
- I. That the following impacts have been mitigated to the extent practical:
  6. Noise

7. Light
  8. Transportation
  9. Visual effects
  10. Odor
- O. Landscaped or other appropriate buffers of sufficient opacity and materials shall be required if deemed reasonably necessary for the welfare of neighboring properties or the Town.

### **Section 706 - Shirkin Road Commercial District**

**706.1** The intent of the Shirkin Road Commercial District is to provide areas for corporate business parks, research and development, light-manufacturing, processing, assembly, wholesaling, and transportation-oriented activities and related services such as trucking and warehousing providing that such uses are determined not to be injurious or hazardous to the public health, safety, and/or welfare. Furthermore, the intent of the district is to reserve suitable land for the location of new industry and to enhance economic development and employment.

**706.2** Certain commercial and industrial operations may only be allowed by a Conditional Use Permit issued from the Planning Board. See the Table of Uses for a list of the uses that require a Conditional Use Permit.

**706.3** Conditional Use Permit Requirements: Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit in the Shirkin Road District for provided that the following conditions are found to exist:

- A. The permit is in the public interest.
- B. There will be no greater diminution of neighboring property values than would be created under any permitted use.
- C. That there are no existing violations of the Fremont zoning ordinance on the subject property.
- D. That the character of the area shall not be adversely affected in the context of:
  1. Architecture
  2. Transportation
  3. Scale of coverage
  4. Scale of building size
  5. Consistency of uses
- E. That granting the permit will not result in undue municipal expense
- F. That the proposed use will be developed in a manner compatible with the spirit and intent of the ordinance.
- G. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
- H. That the general welfare of the Town will be protected.
- I. That the following impacts have been mitigated to the extent practical:
  1. Noise
  2. Light
  3. Transportation
  4. Visual effects

## 5. Odor

- P. Landscaped or other appropriate buffers of sufficient opacity and materials shall be required if deemed reasonably necessary for the welfare of neighboring properties or the Town.

**Section 707 Residential District**

707.1 The intent of the Residential District is to provide areas for residential uses of single-family and duplexes that allow for sufficient area to provide necessary water needs and sewage disposal from on-site systems. Multi-family dwellings are also allowed with approved Conditional Use Permit, in areas where the neighborhood character of surrounding residential properties is maintained. This district includes areas where agriculture, agritourism and other open land uses are appropriate and natural conditions make the land unsuitable for intense development.

707.2 Conditional Use Permit Requirements: Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit in the Residential District ~~for multi-family dwellings~~ provided that the following conditions ~~are found to exist:~~ as listed below are met or impacts mitigated to the satisfaction of the Planning Board prior to the granting of a Conditional Use Permit.

- A. The proposal meets the additional setback and frontage requirements under Article 9 – Lot requirements.
- B. The multi-family dwellings shall not result in a change in the essential characteristics of the area or abutting properties.
- C. The proposed use complies with all other applicable sections of the Zoning Ordinance.
- D. The proposed use complies with all other applicable sections of the Zoning Ordinance.
- E. The permit is in the public interest.
- F. There will be no greater diminution of neighboring property values than would be created under any permitted use in the Residential District.
- G. That there are no existing violations of the Fremont zoning ordinance on the subject property.
- H. That the character of the area shall not be adversely affected in the context of:
  - 11. Architecture
  - 12. Transportation
  - 13. Scale of coverage
  - 14. Scale of building size
  - 15. Consistency of uses
- I. That granting the permit will not result in undue municipal expense
- J. That the proposed use will be developed in a manner compatible with the spirit and intent of the ordinance.
- K. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
- L. That the general welfare of the Town will be protected.
- M. That the following impacts have been mitigated to the extent practical:
  - 11. Noise

- 12. Light
- 13. Transportation
- 14. Visual effects
- 15. Odor

N. Landscaped or other appropriate buffers of sufficient opacity and materials shall be required if deemed reasonably necessary for the welfare of neighboring properties or the Town.

## ARTICLE 8 - CONDITIONAL USE PERMIT

Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit to allow for a conditional use in accordance with the restrictions and requirements of ~~Article 7 and 8 of this section.~~ A Conditional Use Permit may not establish a use specifically prohibited by this Ordinance.

### Section 805 – Standards for Approval

All ~~standards conditions~~ as listed in Article 7 ~~and below~~ must be met or impacts mitigated to the satisfaction of the Planning Board prior to the granting of a Conditional Use Permit.

- ~~I. The permit is in the public interest.~~
- ~~J. There will be no greater diminution of neighboring property values than would be created under any permitted use in the Flexible Use Residential District.~~
- ~~K. That there are no existing violations of the Fremont zoning ordinance on the subject property.~~
- ~~L. That the character of the area shall not be adversely affected in the context of:~~
  - ~~16. Architecture~~
  - ~~17. Transportation~~
  - ~~18. Scale of coverage~~
  - ~~19. Scale of building size~~
  - ~~20. Consistency of uses~~
- ~~N. That granting the permit will not result in undue municipal expense~~
- ~~O. That the proposed use will be developed in a manner compatible with the spirit and intent of the ordinance.~~
- ~~P. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.~~
- ~~Q. That the general welfare of the Town will be protected.~~
- ~~R. That the following impacts have been mitigated to the extent practical:~~
  - ~~16. Noise~~
  - ~~17. Light~~
  - ~~18. Transportation~~
  - ~~19. Visual effects~~
  - ~~20. Odor~~
- ~~O. Landscaped or other appropriate buffers of sufficient opacity and materials shall be required if deemed reasonably necessary for the welfare of neighboring properties or the Town.~~

*The Board agreed that amendments to Sections 7 and 8 will be proposed as one Warrant Article.*

## ARTICLE 9

### Section 903 – Lot Size

- A. All lots created after 1986 shall be a minimum of two (2) acres (87,120 square feet) in area, except for lots serving two (2) or more dwelling as outlined in Section 903.B below.
- B. Any new or legally existing lot serving two (2) or more dwellings shall be a minimum of two (2) acres (87,120 square feet) in area ~~No lot shall be less than two (2) acres in area except that lots on which multiple family dwellings are located and shall be increased by twelve thousand (12,000) square feet per family dwelling unit when less than five (5) units and by twenty thousand (20,000) square feet per dwelling family unit when five (5) or more family dwelling units., ie: two (2) Acres plus twelve thousand (12,000) multiplied by the number of family units or two (2) Acres plus twenty thousand (20,000) multiplied by the number of family units.~~

Number of Dwelling Units	Minimum Lot Size (square feet)
1	87,120
2	99,120
3	111,120
4	123,120
5	187,120
6	207,120
7	227,120
8 or more	247,120 sq. feet, plus 20,000 sq. feet for each additional dwelling unit.

- C. Lots with two (2) or more legal dwellings units that do not meet the lot requirements under Section 903.B may be allowed to continue under the requirements of Article 5.
- D. No lot shall have more than one (1) occupied ~~dwelling~~ structure thereon ~~regardless of the number of dwelling units.~~ (See also Article 12, Sections 1203.6 A and H.)

*The Board discussed the number of structures per lot. In general, the Board members felt that limiting the number of structures per lot would require more consideration. It was also noted that a subdivision could be proposed to get more structures in one area.*

*Mr. Lavelle proposed amending ARTICLE 12, Section 1203.8 to have a similar table proposed above for ARTICLE 9, Section 903 Lot Size and making language consistent with item 903D. The changes in Section 903 and 1203.8 would be proposed as one Warrant Article.*

*The Board continue discussing the remaining items proposed for discussion by Mr. Yokela outlined below.*

**1. Section 503 and Section 901** seems to have a similar or same use?

- a. Not sure of the difference in practice between an extension of an existing structure and an expansion of an existing structure
- b. Section 901 seems to conflict with 908 - which would be applied in non-conforming lots?

*The Board discussed 'expansion' language in Section 503 and 'extension' in Section 901 and how they relate to non-conforming in Section 503 vs conforming or legal structures in Section 901. The Board decided to clarify Section 901 by using 'expansion' instead of Extension in the Section Title and language. Section 901 title will read New and Expansion of Existing Structures and the text within will be modified text to read "Any new structure or expansion of existing legal structure..." Text should also add reference to Article 12, Section 1201.6C*

2. A lot and structure came before the planning board because of 902 and 903 in spite of Section 908. Board discussed and feels this is addressed above and no further action is proposed.

**3. 501** - reconstruction for any reason –

*The Board discussed modified language in Section 501. The following text will be deleted.*

Any non-conforming structure ~~which is completely or substantially destroyed by casualty loss~~ may be replaced with a similar structure which has the same building footprint dimensions and meets the setbacks of the previously existing structure. The structure may be rebuilt provided such construction is started within one (1) year ~~of the casualty loss and complete within two (2) years of the casualty loss~~. The provisions of the Town of Fremont Building Code, as amended, shall apply to any reconstruction.

**4. Increase square footage 1101.8**

*Discussion or Board feels this should remain as is.*

**5. Repealing 1101.2** was talked about last year Minimum square foot for a dwelling. *There is some work being done on the state level to clarify regulations around tiny homes with wheels. Board agreed not to take any action on this article.*

*The Board discussed proposed changes to ARTICLE 16 as summarized below.*

**ARTICLE 16**

*Ms. Rowden noted that district names in Section 1600.2 should be revised to be consistent with 2019 changes. The Board also discussed adding Prohibited Signs as outlined below*

**1600.4 – Prohibited Signs**

- A. Signs in the Right-of-Way: No signs shall be allowed in the Town or State Right-of-Way.
- B. Highly Reflective and Fluorescent Signs. Signs made wholly or partially of highly reflective materials and/or fluorescent or day-glow painted signs.
- C. It shall be unlawful to affix, attach, or display any advertisement upon any object of nature, utility pole, telephone booth, or highway sign.
- D. Animated, moving, flashing, intensely lighted signs and signs that emit audible sound, noise, or visible matter.



E. Visual Story Signs that convey a sequence of messages.

**1600.5 – Additional Sign Regulations**

- A. Setbacks. All signs must be set back at least ten (10) feet from all property lines. A sign must not impair a motorist's visibility of oncoming traffic.
- B. Illumination. All external light sources shall be dark sky compliant. **Internally lit signs are allowed.**
- C. Size and Quantity.
  - 1. Residential use. One (1) on-site, twelve (12) square foot sign (attached or freestanding) is permitted. The freestanding sign and supporting structure may not exceed six (6) feet in height.
  - 2. Commercial (single business). One (1) on-site, thirty (30) square foot sign (attached or freestanding) is permitted. The freestanding sign and supporting structure may not exceed ten (10) feet in height.
  - 3. Commercial (multiple businesses). One (1) twelve (12) square foot, attached sign per business and one (1) freestanding sign per lot are permitted. The freestanding sign and supporting structure may not exceed twenty-five (25) feet in height or one hundred fifty (150) square feet in total area (measured from the ground to the top of the sign).
  - 4. Mixed Use. One (1) on-site thirty (30) square foot sign (attached or freestanding) is permitted. The freestanding sign and supporting structure may not exceed ten (10) feet in height.

*The Board requested clean copies of the proposed changes before moving to Public Hearing.*

**Map 2, Lot 020 - Public Hearing for Age-Restricted Development on South Road. Applicant DECM Builders has submitted a Site Plan Review Application for a 12 unit age-restricted development with a proposed 800 foot private roadway on South Road at Map 2, Lot 20. The applicant has also submitted an application to adjust the lot line between Map 2 Lot 20 and Map 1 Lot 62 in Fremont NH. The lots are owned by DECM, LLC and Carsten E. H. Springer.**

Ms. Miner received letter of authorization from Mr. Springer for Beals Associates to represent him as owner of Map 1, Lot 062 in the matter of the Lot Line Adjustment and Site Plan review.

Ms. Miner provided an example conservation easement from the Scribner Estates project along with a MS Word file for convenience should the Applicant agree to put the easement on the back portion of the property.

Ms. Miner received a letter from Beals Associates, PLLC, the engineering firm representing DECM Builders of Seabrook NH, requesting the Public Hearing be continued to the next Planning Board meeting which is December 4, 2019.

**Mr. Karcz made a motion to continue the review of the Lot Line Adjustment application to the next meeting on December 4, 2019. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0.**

**Mr. Karcz made a motion to continue the review of the Site Plan Review application to the next meeting on December 4, 2019. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0.**

**III. NEW BUSINESS** No new business.

#### **IV. SUBCOMMITTEE REPORTS**

**Master Plan Subcommittee Report** – Subcommittee set a date of December 9 @ 1pm to meet and review draft Survey. Subcommittee also potentially available December 9<sup>th</sup> through 12<sup>th</sup>. Jenn will plan to put a draft online for the subcommittee review.

#### **V. ADMINISTRATION**

1. **Circuit Rider Business** – Contract signed and payment incurred.
2. **Budget** – As of today spend (including Master Plan Updates initial payment for RPC and Bruce Mayberry School Impact Fee Review) \$34,240. Budget remaining \$3762.
3. **Incoming Correspondence** -
  - a. Email from Mr. Ragnarsson and Mr. Rislove of Ragnar Original Innovation and Fremont Land LLC thanking the Board for allowing changes on their project and greatly appreciate the cooperation of the Town and Board in processing their recent Plan Amendment. This Email was cc'd to Gene Cordes, Selectman.
4. **Project Updates**
  - a. **Map 005/Lot 035 Shirkin Road Widening** - NHDES Wetlands Bureau permit approval to impact Fremont Prime Wetland #14 for the widening of Shirkin Road to 30-feet along 700 linear feet of the roadway for safe, two-way vehicular passage. Compensatory mitigation for prime wetland impacts involves a one-time payment of \$34,315 into the Aquatic Resource Mitigation Fund. Various conditions include completion of Alteration of Terrain Permit, feedback from the US Army Corps of Engineers if approval under the Programmatic General Permit SPGP is required, preconstruction meetings and various notifications, and certain stabilization procedures for wetland disturbance. A copy of the permit is on file in the Land Use Office.
  - b. **Map 001/Lot 012 Cell Tower Site** – Donigian Property/Easement – Offsite paving work was completed last week by New England Paving to the great satisfaction of our Road Agent. Remaining work includes some roadway drainage, stabilization and placement of the wearing course pavement in the spring. Onsite work is still under a Cease and Desist Order. The Applicant has tentatively proposed a start date of December 12 pending subcontractor selection and acceptable escrow balance for Compliance Monitoring.
  - c. **Map 006/Lots 030 and 031** – Driveway permit was denied due to encroachment on wetlands. Applicant has been asked to contact the Land Use Office for Site Plan Review and ZBA application for Special Exception.

#### **VI. ADJOURNMENT**

**Mr. Barham made a motion to adjourn the meeting at 830 PM. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0.**

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Leanne", written in dark ink.

Leanne Miner, Land Use Administrative Assistant