

**Board Members Present:** Chair Paul Powers, Vice Chair Andy Kohlhofer, Ex Officio Roger Barham, Member Jack Karcz.

**Also Present:** Madeleine DiIunno, Rockingham Planning Commission; Administrative Assistant Leanne Miner; Bill Gregsak of Gregsak Engineering representing Applicants Mike Rislove and Anders Ragnarson of Fremont Land LLC

## **I. WELCOME**

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

## **II. MINUTES**

**Mr. Karcz made a motion to approve the meeting minutes for October 19, 2022 as amended. Mr. Kohlhofer seconded the motion and the motion passed 4-0**

## **III. CONTINUED BUSINESS –**

- 1. 002-151-2 and 002-151-004 Subdivision Application** Fremont Land LLC has modified their proposal for subdivision of Map 2, Lot 151-2 into 3 parcels with a new public right-of-way to include the existing private road (Phase 1). There are planning a second phase for the roadway (Phase 2) as part of their developing concept. Phase 1 proposes a temporary easement at the end of the existing roadway for a turn-around for emergency vehicles until Phase 2 of the roadway (Cul-De-Sac) is constructed. Once the roadway is complete, the easement turn-around will be rescinded.

The public hearing on this application was recessed from October 19, 2022 as the application was not complete.

The Board is in receipt of the following:

1. Subdivision Application and original plan set dated July 12, 2022, received on August 17, 2022 along with a letter dated August 17, 2022 requesting a series of waivers from the Subdivision Regulations.
2. Revised plan set (7 drawings) dated July 12, 2022 most recently updated 10/15/22 per Town Engineer comments from Steve Keach of KNA Associates Inc. dated 10/5/22 with a cover letter dated October 18, 2022.
3. Keach-Nordstrom Associates, Inc. (KNA) letter dated October 5, 2022
4. Rockingham Planning Commission (RPC) memorandum dated September 22, 2022
5. Keach-Nordstrom Associates, Inc. (KNA) letter dated October 31, 2022

The Board is also in receipt of a several supplemental items from the Applicant received this evening via email that were distributed at the meeting:

6. GeoInsight Hydrogeologic Letter Report dated December 5, 2018 and Follow Up Letter dated December 18, 2018.
7. Road Name Request Letter dated November 2, 2022
8. Roadway Acceptance Request Letter dated November 2, 2022 with attachments including KNA field inspection reports and design plans.

9. Waiver Request letter dated November 2, 2022 including criteria responses.

The Board is also in receipt of Town Department comment sheets or letters as follows:

10. Comment sheet from Fire Chief received October 4, 2022
11. Comment sheet and letter with materials from the Select Board received October 4, 2022.
12. Comment letter from the Deputy Fire Chief dated November 1, 2022.
13. Abutter Stephen Basset of Heritage Farm Trust received October 5, 2022.
14. Comment sheet from Police Department stating no comment received September 29, 2022.
15. Comment sheet from Code Enforcement/Building Inspector stating no comment received September 29, 2022.

Mr. Leon Holmes, Fremont Road Agent, called in to the Land Use Office today, leaving a message to inform the Board that he spoke with Mr. Rislove of Fremont Land LLC. Mr. Holmes acknowledged and approved of the turnaround easement location (left toward the gravel pit). He reiterated signage needs and noted shoulder work that was ongoing. Mr. Holmes recently visited the site and he was pleased with the work.

Mr. Gregsak provided updates on the application since October 19, 2022. He explained that the Applicants have modified the application to streamline application review of the 2 new lots which are under contract to be sold. He acknowledged receipt of various comments and asked to address some comments that have or will be addressed.

Regarding the road name – He has included a letter request to the Board dated 11/2/22 stating a proposed name of Iron Horse Drive. The Board's consensus was to recommend the Select Board approve the proposed name. They did not see the need for Town Historian review given the commercial nature of this project. Ms. Miner will pass the request on to the Town Administrator and Historian.

Regarding KNAs comment letter dated October 5, 2022, most of the comments were addressed in the revised plan set. Regarding KNA's comment letter dated October 31 2022, Mr. Gregsak noted the following in response to KNA's General Comments:

1. The applicant does not require a state driveway permit. There is some inconsistency in discussions with KNA regarding NHDOT requirements. They will follow up with KNA and NHDOT.
2. Requirement of a Development Agreement was acknowledged.

Mr. Gregsak acknowledged the Planning/Design Comments which will be addressed in the next plan revision. Regarding Planning Note 8, the Applicant has submitted a letter and package to the Board dated 11/2/22 of Road Design Plans and Construction Inspection Reports which have been submitted to the Town Engineer for review.

Regarding Waiver Requests: Mr. Gregsak referred to a revised letter including responses to standard waiver criteria. The Board discussed the proposal to make the current drive a public

right of way and the waiver request from the requirements of Article III -Section 10.02.Q to permit a dead-end or cul-de-sac street 2,100+ feet in length where a maximum of 1,500-feet is permitted.

Ms. DiIonno of the RPC informed the Board that if they were to grant the waiver that the Select Board would then need to accept the road. If denied, then the Applicant would need to seek relief from the Zoning Board of Adjustment for a lot without frontage on a Class V roadway.

Regarding the road length waiver, the Deputy Fire Chief Joseph Nichols noted the maximum limit in his comment letter. Mr. Barham is interested in the specific concerns regarding the 1500 feet maximum limit aside from the requirement stated in the Subdivision Regulations. He is interested in any variable limit with a commercial subdivision versus a residential subdivision. Mr. Kohlhofer noted that there are signs for residential or commercial lots for sale at this property. Mr. Gregsak will follow up with the Deputy Fire Chief before the next Board meeting.

Regarding the Wetland Mapping and associated waivers, Ms. Miner asked for clarification of where the waiver is being requested. Mr. Gregsak noted that since the application was reduced to affect only parcel 2-151-2 plus the 2 new lots, the waiver was for the prime wetland which was inaccessible. The outer limit of the prime wetland is shown on the map. The other area was atop an area having vertical ledge. Both areas are now shown on the plans.

Ms. DiIonno stated she believed the application to be complete noting that there are additional minor comments to be addressed and that the Applicant has direction from the Board to follow up with the Deputy Fire Chief.

**Mr. Kohlhofer made a motion to accept jurisdiction of the Subdivision Application for Map 2, Lot 151-2. Mr. Karcz seconded the motion and the motion passed 4-0.**

The Board took up the first series of waiver requests from Article III – Sections 3D, E, and H. They considered the applicants description of where and why the waiver is requested (access and sever elevation difference out of range of subdivided lots) and the letter responses to the criteria. The Board read and voted on the waiver requests as follows:

1. Article III - Section 3.D – Area, in acres and square feet, of the entire site of proposed subdivision. Acre, square feet and percentage of total area for the following segments of information; total area, area left in natural state, area of wetlands, recreation area and area used.

**Mr. Barham made a motion to grant the waiver to Article III – Section 3.D. Mr. Karcz seconded the motion and the motion passed 4-0.**

2. Article III - Section 3.E – Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%).

**Mr. Barham made a motion to grant the waiver to Article III – Section 3.E. Mr. Karcz seconded the motion and the motion passed 4-0.**

3. Article III - Section 3.H – Natural features such as streams, marshes, lakes, ponds, rock outcrops, wooded areas, significant trees, ledge, and other significant environmental features,

including wetland soils as defined under current Fremont Wetlands Ordinance, wetlands shall be identified by a NH certified soil scientist or NH certified wetland scientist.

**Mr. Barham made a motion to grant the waiver to Article III – Section 3.H. Mr. Karcz seconded the motion and the motion passed 4-0.**

The waiver request to Article III – Section 10.02 Q regarding road design was tabled until further information could be considered.

Regarding Hydrogeologic Study – Since the applicant changed their request from a 5 lot subdivision to a 3 lot subdivision, this is no longer a requirement, but still may be considered by the Board. A previous hydrogeo study completed for Ragnar Original Innovations was distributed. It was noted that there were 2 parts to the report. The first letter focused on staging fuel on site. The second was a follow up letter report after the proposal of onsite fueling was rescinded.

Mr. Kohlhofer inquired about public access to the landlocked parcels. He feels that those people should have a right of way to their properties. Mr. Powers noted that just because there is a public road proposed does not automatically constitute a right of way to the parcels. Ms. DiIonno noted that requiring access to these parcels is not the purview of the Board, but that does not exclude conversation on the matter. When addressed, the Applicant chose not to respond to this line of discussion.

**Mr. Barham made a motion to continue the meeting to November 16 at 7PM. Mr. Karcz seconded the motion and the motion passed 4-0.**

Mr. Gregsak and the Applicants left the meeting at 8PM.

## **2. CONTINUED BUSINESS – Zoning Ordinance Updates for 2023**

Ms. DiIonno distributed a one-page summary with suggestions to amend the Zoning Ordinance for the following which were discussed by the Board:

1. Defining and clarifying terms including Motor Vehicle Showrooms and Auto Repair. In which zoning districts are they permitted with or without Conditional Use Permit. In which districts might they be prohibited. The Board discussed state requirements for auto sales and where auto sales are currently located in town.
2. Refining the definition of Feedlot. Ms. Miner felt this could be misinterpreted in the future based on the number of five (5) animals used to define feedlot when many people have more than 5 chickens for example. The Board considered a dictionary definition and/or simply shortening the definition to exclude a limit of 5 animals. Ms. Miner and Ms. DiIonno will follow up on this item.
3. Adding a statement to Article 1301.1 – Elderly Open Space noting the applicability of workforce housing developments. Ms. DiIonno suggested the Board obtain legal review of the proposed language to which the Board agreed to do. Ms. DiIonno also suggested the Board consider if they want to change the allowance for Elderly Open Space in all districts.

The Board reviewed the calendar and will continue to discuss these items at the November 16 meeting.

**IV. NEW BUSINESS** - There was no new business.

**V. ADMINISTRATION, OTHER**

**1. Circuit Rider Business**

- a. Mr. Miner noted that the RPC invoice for September and October was ~\$1300 for 18 hours plus mileage.
- b. Ms. Miner noted that the Town received an invoice for RPC dues in the amount of \$4,810 based on \$1 per capita.
- c. The next subcommittee meeting for the Transportation Chapter of the Master Plan is November 16, prior to the next Planning Board meeting. All are welcome.
- d. Ms. Miner noted the Planning and Zoning budget is at just over 50% spend for the year at the end of October. She has some office items to purchase and will review and consider any incurred or expected charges for the remainder of the year.

**2. Incoming Correspondence and Project Updates**

- a. Liberty Lantern Estates – All permits received. Surety established, construction kickoff meeting complete, and development agreement executed.
- b. Scribner Road – The new owner is changing the name from Violette Estates to Heritage Farm Estates. The street name will remain the same.
- c. Governor's Forest – Final paving has been completed. The Board is expecting a final inspection report from the Senior Field Engineer and will consider bond release upon that request.
- d. CCMI Proposal Town Engineer – Ms. Miner presented a proposal from Civil Construction Management, Inc. (CCMI) to conduct construction compliance monitoring for the Liberty Lantern Estates project. The Board discussed 3 options for CCMI services:
  - (1) Compliance Monitoring for Liberty Lantern - This was a no go. The Board felt there is a conflict of interest on the Liberty Lantern project.
  - (2) Add CCMI to the list of qualified Town Engineers for professional review on Planning Board applications. This was a no go. Currently there are 4 consulting firms for applicants to select from including KNA, DuBois and King, GeoInsight, and Stantec. In this case the Board did not feel it was acceptable to add CCMI to the list as the process of selection was pretty robust including a subcommittee, formal RFP process, letters of recommendation and other requirements.
  - (3) Hire CCMI on an as need basis for other projects – This was considered a possibility. From time to time the Board has smaller scopes of work that are in the neighborhood of \$5000 or less such as the design and implementation of a groundwater BMP program. Ms. Miner said she would reach out to CCMI in the future to gauge their interest in the BMP program or other scopes of work separate from Town Engineer designation.

**3. Administration –**

- a. **Budget 2023** – Capital Improvement Program (CIP) – Numbers have been submitted. This will be the first time the summary has been updated in many years. Although it will not be of use in managing the budget this year, it is a good start to the process and Town Departments will be more prepared for it next year.
- b. **Other Department News – None**

**VI. ADJOURNMENT**

**Mr. Karcz made a motion to adjourn the meeting at 8:34PM. Mr. Barham seconded the motion. The motion passed 4-0.**

**Respectfully submitted,**

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

**Leanne Miner**  
**Land Use Administrative Assistant**