

**Board Members Present:** Chairman Paul Powers, Vice Chair Andy Kohlhofer, Ex Officio Roger Barham, Members Jack Karcz and Brett Hunter, and Alternate Member/Administrative Assistant Leanne Miner.

**Also Present:** Madeleine DiIunno of Rockingham County Planning Commission (RPC); Barry Gier of Jones and Beach, Inc. for PPM Fremont Holdings and Haus Emily LLC, Tom Nisbet of PPM Fremont Holdings, LLC (Mr. Nisbet was out of state and requested to attend via Teams).

**I. WELCOME**

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

**II. MINUTES**

**Mr. Karcz made a motion to approve meeting minutes for October 20, 2021. Mr. Barham seconded the motion. The motion passed 5-0.**

**III. NEW BUSINESS**

1. **Map 2, Lot 070 Main St Townhomes - Applicant Haus Emily, LLC. Map 2, Lot 070 Main St Townhomes** - Applicant Haus Emily, LLC. The Applicant has submitted a Site Plan Review Application to construct an Elderly Open Space Development consisting of 22-residential units on a private drive. The project proposes to utilize onsite septs and wells. Barry Gier addressed the Board on behalf of the Applicant requesting the hearing be continued so they can review some of their calculations that are critical to the application.

**Mr. Kohlhofer made a motion to continue the public hearing to November 17, 2021. Mr. Barham seconded the motion. The motion passed 5-0.**

2. **Lot Line Adjustment Map 3 Lot 037-003 and Map 3 Lot 037-002** - Both located on Spaulding Road in Fremont NH and both owned by PPM Fremont Holdings, LLC. Mr. Gier of Jones and Beach addressed the Board on behalf of the Applicant, PPM Fremont Holdings LLC summarizing the overall project application and history. Mr. Gier explained the Lot Line Adjustment (LLA) being requested. The project site, Lot 37-3, is where the proposed townhouses are planned, including the sober house use. Mr. Gier noted the Board did previously approve a Conditional Use Permit in June 2021 for us as Residential Boarding and Care Facilities consisting of a sober living facility or 'sober house'. The LLA will bring the lot area for 37-3 so that it is at least 3 acres which is required in the aquifer zone. Conditional Use Permit (CUP) Comments were received from RPC, Madeleine DiIunno and the Town Engineer stating there were no issues.

The applicant owns both lots and the lot line adjustments did not affect frontage. There was a brief discussion about conditions of approval including markers at the Right of Way. No public comment period is required for this minor lot line adjustment.

**Mr. Kohlhofer made a motion to accept jurisdiction of the Lot Line Adjustment Application for lots 37-2 and 37-3. Mr. Karcz seconded the motion. The motion passed 5-0.**

Ms. Miner stated the standard Conditions of Approval for LLA as follows:

1. Monumentation shall be certified or bonded prior to approval.
2. Recordable Mylar for Lot Line Adjustment Plan and four paper sets of the final plan shall be provided to the Land Use Office for signature and filing.
3. An electronic file of the final plans shall be provided to the Land Use Office for filing.
4. The Mylar and final plans shall be submitted within 30 days of this approval.
5. All fees incurred by the Planning Board, including but not limited to consulting, engineering and legal fees, have been paid by the applicant.
6. Markers shall be placed at lot line corners indicating the Right of Way limit.

**Mr. Karcz made a motion to approve the Lot Line Adjustment for lots 37-2 and 37-3 under the conditions as read. Mr. Kohlhofer seconded the motion. The motion passed 5-0.**

**3. Map 3 Lot 037-003 PPM Townhomes, Spaulding Road Conditional Use Permit (CUP) application for multi-family development in the Aquifer Protection District per Section 1203.8 F.**

Mr. Barry Gier addressed the Board on behalf of the Applicant, PPM Fremont Holdings LLC. He summarized how the application for this multifamily residential project meets the requirements under Fremont Zoning Ordinance Conditional Use Permit Requirements for the Aquifer Protection District are met. Similar details were included in the application's letter of submittal. Regarding susceptibility of the aquifer to potential pollutants, Mr. Gier noted the residential project will only include potential pollutants found in common households. Stormwater will also be collected in engineered stormwater systems, including Infiltration Basin and Swales, and treated prior to discharge.

Ms. DiIunno had no comments on the CUP. The Town Engineer, Steven Keach of Keach Nordstrom Associates, Inc, made note that should the Planning Board approve the CUP it should be noted in the final site plan. The Conservation Commission commented concerns about the occupancy and the infiltration into the aquifer. They asked the Board to make sure the septic design was done for the number of residents and staff. Mr. Gier explained that the septic plans were designed for the 4 3-bedroom townhome and 'closest next use' which is the sober house institution so the 24-bed institution and one employee. The septic design will be approved by NH DES to be compliant. The Town Building Inspector observes the test pitting which has been done for this site and the review the septic design to make sure the design states Fremont regulations. Mr. Powers inquired about amount of impervious surface. Mr. Gier stated they calculated 12.2% impervious surface. Needs to be under 15% or require stormwater controls which are being provided anyway. In response to Mr. Keach's question

regarding ownership, Mr. Gier noted that the Applicant is contemplating maintaining single ownership.

**Mr. Kohlhofer made a motion to accept jurisdiction of the Conditional use Permit Application for lot 37-3 multi-family residential project. Mr. Karcz seconded the motion. The motion passed 5-0.**

Mr. Powers asked if the Board had any further questions for the Applicant regarding the CUP Application. There was further discussion about parking which is planned to be more than required under the regulations to allow for 'sober house' use parking. There is also a future garage location that is contemplated though all homes have garages in addition to parking spaces. The garages (interior parking) are not included in the parking calculations.

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

No comments were made.

**Mr. Kohlhofer made a motion to close the hearing for public comment. Mr. Karcz seconded the motion. The motion passed 5-0.**

**Mr. Barham made a motion to grant the Conditional Use Permit for Map 3, Lot 037-003 for Multi-Family Residential Use in the Aquifer Protection District. Mr. Karcz seconded the motion. The motion passed 5-0.**

- 4. Map 3 Lot 037-003 PPM Townhomes, Spaulding Road -** Applicant PPM Fremont Holdings, LLC. The Applicant has submitted a Site Plan Review Application to construct four (4) Townhouse units with associated private drive and parking, onsite septic and well.

Mr. Gier provided an update on the project including the previously approved a CUP for the sober house use in June. The Applicant received comments from the RPC and Town Engineer that the applicant takes no issue with and will be able to address including response to the Town Engineer requesting information on traffic volume estimates. A landscape plan will be provided based on comments received and feedback from the Board. There was some discussion about lighting. The Applicant will follow up with the Town Engineer regarding lighting of the parking area. Mr. Powers noted the buildings height is higher than allowed under the Fremont Zoning Ordinance. Mr. Gier notes that the plan will be updated to properly reflect the Town's regulations. Ms. DiLonno inquired about meetings or events associated with the Sober House use and whether the allowed parking will be sufficient. Mr. Gier noted that the Sober House use will not include such meetings.

**Mr. Kohlhofer made a motion to accept jurisdiction of the Site Plan Review Application for lot 37-3 multi-family residential project. Mr. Karcz seconded the motion. The motion passed 5-0.**

The Board scheduled a site visit for Sunday November 7, 2021 at 2pm.

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

Mr. Powers explained to the public that the Board has already approved the use of this property for a Sober House and that this meeting is for the Site Plan which includes the Sober House use. There were questions and comments regarding previous Case denial by the Zoning Board of Adjustment, previous approvals by the Planning Board and the public noticing process of such meetings and cases. Mr. Karcz noted that the Applicant did a presentation for the Board at the June public hearing.

Mr. Timothy Billbrough, 66 Spaulding Road addressed the Board explaining that he and other residents were under the impression that the project was denied in February 2021 and were unaware of the subsequent approval for the Sober House use in June 2021. He presented a letter to the Board requesting they deny the use application on the use of the Sober House based on the threat it makes to the community. Mr. Powers explained that all members of the Board will receive copies of the letter and that it will be included in the file. Mr. Billbrough gave the Board an overview of his letter outlining his view of Sober Houses and their negative impacts on the neighborhood and community such as town services. He also noted Mr. Billbrough commented that he felt the notice for tonight's meeting did not include the Sober House use which he felt was misleading. Mr. Barham explained the Board is reviewing the application in terms of its construction for the use, not the use itself. Mr. Powers noted that the Town is also governed by the government regs and that the Town is held to the same standards in their review. Mr. Karcz noted that the experts presented information about the Sober House use in June and that information is available online.

There was further discussion about how meetings and public hearings are noticed including the Town Hall, town's website (Planning Board Page), and the Post Office. The Town follows the RSAs and Mr. Billbrough commented that he felt notice was inadequate.

Tim Fitzgerald, 121 Spaulding Road addressed the Board about the Sober House use. His concern was the location of the Sober House relative to 'AA' meetings, how the residents would be able to travel to those meetings. There was some discussion on this topic and the Board noted the experts were not present to wholly address these concerns.

Glenda Paquin, 32 Frost Lane – She explained that she was one of the original homeowners in the area and recalled earlier concerns about impact on the water table, zoning in the area, and inquired about other areas that may have been considered for the use. She was under the

impression that only business and residential homes were allowed in the area. Members of the Board explained that the Applicant/Property Owner chose the location and could not speak to their decision to build the Sober House at this location and that it wasn't a Town decision.

There was additional discussion about public notice and when the Planning Board meetings and how the Planning Board makes effort to keep the public informed.

**Mr. Karcz made a motion to close the hearing for public comment. Mr. Kohlhofer seconded the motion. The motion passed 5-0.**

**Mr. Kohlhofer made a motion to continue the public hearing to November 17<sup>th</sup>. Mr. Karcz seconded the motion. The motion passed 5-0.**

The Applicant left at 8:08PM.

#### **IV. CONTINUED BUSINESS –**

##### **1. Warrant Article Proposal 1: ARTICLE 11 – DWELLING UNITS, ACCESSORY DWELLING UNITS AND HOME OCCUPATION**

Section 1101 – Dwelling Unit Requirements

1101.6 All multiple unit dwellings shall conform to and shall not exceed the following limitations:

Number of Family Units	Number of Bedrooms/Family Unit
<del>7 - 8</del>	<del>One</del>
5 <del>-6</del> or more	Two
3 - 4	Three
2	Four

The Board discussed this change and the positive effects on Town growth and allowing for more housing. Ms. Miner will get feedback from Town Counsel in the interim.

**Mr. Kohlhofer made a motion to move the proposed amendment to Warrant Article 11, Section 1101.6 to public hearing on December 1. Mr. Karcz seconded the motion. The motion passed 5-0.**

#### **V. ADMINISTRATION, OTHER**

##### **1. Circuit Rider Business**

- a. Masterplan – The subcommittee will discuss the Recreation Chapter on Nov 10 5 to 730PM.
- b. Masterplan –Natural Resources Chapter – Jack Karcz with Tim Lavelle as a possible second. Cons Comm – Bill Knee and Cindy Crane. Daytimes excluding Wednesdays were proposed for workshops.

##### **2. Incoming Correspondence and Project Updates**

##### **3. CIP Committee – Andy/Leanne/Roger – Pick a Monday Evening**

4. Administration – 2021 At the end of October the remaining budget is approximately \$8000. Ms. Miner asked the Board to consider hiring a Town Engineer to help Buildings Department and Land Use develop an Inspection Program for Groundwater Management. Ms. Miner suggested contracting GeoInsight to support this work, noting other Town Engineers focus on road work or generally do not do this type of work. There was discussion about Town purchase policy and existing Town Engineer's contracting. Ms. Miner will double check on current Town Engineer contracting.
5. Other Department News

**VI. ADJOURNMENT**

**Mr. Karcz made a motion to adjourn the meeting at 8:22 PM. Mr. Kohlhofer seconded the motion. The motion passed 5-0.**

**Respectfully submitted,**

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

**Leanne Miner**