

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

Also Present:

Via Teams: Jennifer Rowden, Rockingham Planning Commission (RPC), abutters Boe and Susan Wolfe, Bruce Mayberry of BCM Planning.

In Person: Leon Holmes Jr Road Agent and Abutter; Barry Gier Applicant Representative; owner Steven Bassett; abutters Murnane and Ferrara.

I. WELCOME and ROLL CALL

Mr. Powers opened the meeting at 7:04 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 recorded 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.

II. MINUTES

Mr. Karcz made a motion to approve the minutes of October 21, 2020 as written. Mr. Lavelle seconded the motion and the vote was unanimous 6-0.

III. NEW BUSINESS

Public Hearing – School Impact Fees. In this Public Hearing the board will consider adoption of an updated basis of assessment of public school and fee schedule in accordance with Article 15 Section 1514. The proposed school impact fees shall be imposed on all new development except for accessory dwelling units and residential units that are lawfully restricted to be occupied by senior citizens age 55 or over. The fees shall be collected by the town at or prior to issuance of certificate of occupancy at rates based on building structure, of which there are four. The Public Hearing was publicly noticed in the Union Leader in September 2020 and the report is publicly available on-line.

Bruce Mayberry, author of the updated methodology, was available remotely to answer questions.

Mr. Lavelle motioned to open the meeting up for public comment for Public School Impact Fee methodology. Mr. Karcz seconded the motion. The motion passed 6-0-0.

Mr. Kohlhofer gave a brief overview of the school impact fee. This is a fee on new development that is assessed to the builder. This money can be used to help mitigate the costs of the school expansion if needed. Recently the school was unaware that they could spend the money which was accumulating with the potential of being returned to the owners after six years. Mr. Mayberry stated that this is basically recouping money that can still be used for improvements until student enrollment is equal to full capacity.

There were no public comments.

Mr. Lavelle motioned to close the meeting for public comment for School Impact Fee methodology. Mr. Karcz seconded the motion. The motion passed 6-0-0.

Mr. Lavelle motioned to adopt the updated assessment numbers and methodology in regard to the school impact fees. Mr. Karcz seconded the motion and the motion passed 6-0-0.

IV. CONTINUED BUSINESS

2021 Zoning Amendment Proposal 1– On a related matter, the Board took up the 2021 Zoning Proposal 1 related to School Impact Fees. This included the addition of Section 1505.3 and deletion of Section 1506,A. Ms. Miner distributed draft language for the Board to review. Mr. Kohlhofer noted a formatting correction. No further comments on the drafted proposal.

Mr. Lavelle motion to move zoning proposal 1 to a public hearing on December 2, 2020. Mr. Karcz seconded, and the motion passed 6-0-0.

2021 Zoning Amendment Proposal 2 - Ms. Miner distributed language for a zoning amendment to Article 17 which would address “Zombie” variances and special exceptions that were approved, but had not been acted on over a number of years as zoning ordinances are updated. This zoning proposal would require that variances or special exceptions be acted upon within a certain time frame depending on approval date or they would expire. Ms. Rowden noted changes that should be made to dates related to the RSA

Mr. Kohlhofer motion to move Zoning Proposal 2 – Amendment Article 17, Section 1702 (Zoning Board of Adjustment) with new Section 1702.13 Expiration of Special Exception and Variance to a Public Hearing on December 2, 2020. Mr. Karcz seconded the motion and the motion passed 6-0-0.

III. NEW BUSINESS (Continued)

Public Hearing Map 001, Lot 082 (Scribner Road). Applicant Haus Emily LLC submitted a subdivision application to create an 8 lot Residential Open Space Preservation Development (OSPD).

Mr. Jack Karcz recused himself from the Board as an abutter.

Barry Gier from Jones & Beach representing the applicant spoke to the Board stating the proposed development would be on 22.46 acres in the flexible use residential district with 13.02 acres for open space with 9.4 acres being upland and all the wetlands will be in open space. He reviewed the plans and the waivers that they would be looking to have approved including:

1. Subdivision Regulations: Section 6. B. 2 &3 - Well Radius on Lot.
2. Subdivision Regulations: Section 10.02. R. cul de sac Road Length.
3. Subdivision Regulations: Section 3.L. Site Specific Soil Mapping

Mr. Gier noted that they did receive a comment letter from the Deputy Fire Chief with comments RE: -Fire Protection and distance from water source – He noted that they think they meet the requirement noting distance to a fire hydrant in the abutting property.

-Road Length – The applicant is requesting a waiver from this requirement.

-Driveway Standards – The applicant will confirm setbacks for Lot 6 and will review need for turnaround in Lot 6.

The Town Engineer Steve Keach submitted a report this afternoon. At a glance most comments that were technical in nature and the applicant sees no issues in being able to address them in time.

Mr. Gier noted that there was a lot of information that came in only recently that the Board will need time to review, but he requested feedback from the Board regarding the waivers.

Ms. Rowden reviewed the bonus lot request and noted that it meets the requirements. The Board will need to vote on this. Ms. Rowden reviewed these requested waivers, she stated that the high-density soil waiver makes sense most of the property would be left in open space and the road length with adequate drainage would make sense. Page 20 of the Subdivision Regulations has the well radius waiver requirements. The easements for well radius on some lots should be looked into by the Board. She also noted that the section on granting waivers is on page 45 of the subdivision regulations. Waivers may be given if they are in interest of public health, safety and welfare of the residents and do not conflict with the intent of the regulation or zoning orders.

Mr. Gier stated that the 100' well radius in Fremont is larger than DES recommends and the Town regulations requires the well radius to be within the boundaries of the property. The Yield Plan showed all well radius on each lot. Mr. Gier argued that the nature of an open space development makes it difficult to accomplish this and maintain open space. Should the Board not allow this waiver the design would change significantly.

Ms. Rowden and Town Engineer, Steve Keach (in his letter), also points out the Open Space requirement for trees (Section 9D of the Subdivision Regs). The Board will need to vote this requirement up or down. Mr. Barham noted that it is not a good practice to have trees along a road where utilities and drainage systems are located.

Department comments:

Road Agent: Leon Holmes Jr. first mentioned that he is an abutter and has no objection to the subdivision. Mr. Holmes has no objections to the access road/driveway length. His concerns are future traffic entering and using the Scribner Rd, sight distance in both directions, and stormwater drainage onto Scribner Rd. He stated that Scribner Road is only 18' wide with many trees obstructing sight distance and has a bridge. Mr. Holmes suggested to the Board that a Traffic Study be conducted and that a driveway permit will be required. There has been a lot of development in the area and there is more to come. Mr. Holmes stated that the existing concrete culvert should be evaluated in terms of size.

Ms. Rowden noted the requirement for a Traffic Study is up to the Board, but did not recommend a traffic study based on low volume residential use. Mr. Gier offered to provide a traffic memo for the project. A sight distance plan will be provided by the Applicant.

Mr. Holmes inquired about who is responsible for maintaining open space. Mr. Gier noted that there would be a homeowner's association that would be responsible for the open space. Mr. Holmes mentioned that the town would need easements for the culvert and Mr. Gier stated that would be done.

Bonus Lot Request: There was discussion about the bonus lot requirements and the Board agreed that the project meets the requirements for a bonus lot.

Mr. Kohlhofer made a motion that the Board is in agreement with the Bonus Lot allowance requirement has been met. Mr. Lavelle seconded the motion. Motion passed 5-0-0.

Department Comments Continued

Town Administrator: Ms. Carlson submitted comments for the Board of Selectmen. Their comments were the road name process/options to be presented to the BOS. They questioned with the many lines and angles it met zoning and when the Conditional Approval was given there were 7 lots and new plans show 8 lots. There were also questions regarding the open space and who would own it and maintain it and if the Town was going to own and maintain they would like to weigh in as this would be a taxpayer/long term obligation. They would like to review the Town Engineer report and RPC comments.

Ms. Miner stated that the road name process was discussed with the Town Historian and it will need to go before the BOS. The name before the Board is Violet Lane which was not on the list provided by the Town Historian. The road name is the preference of the applicant. Mr. Gier will research the name and present a letter to the BOS.

The Conservation Commission did the site walk and Ms. Miner presented their questions/comments. She will distribute the meeting minutes from the site walk to the Board. They inquired who performed the wetland delineation, it was Mark West of West Environmental. Also, if there would be gardens allowed or encouraged, they would like to see the exclusion of chemical fertilizers in the

easements and no pesticides. Mr. Gier noted that there would be a conservation easement held with owner. The Commission also asked to have signs posted indicating location of wetland buffers to create awareness for protection of the wetland buffer.

There was discussion about the well radius which would require a waiver and there was mention of placing language in the homeowner's guide regarding easements for well radius.

The Board will be doing a site walk to see the current condition of Scribner Rd. As winter is approaching it was suggested that the applicant take photos before the snow.

Fire Department: Deputy Fire Chief, Joe Nichols commented that the 4000 sq ft reserve areas for the septic location, first lot on the right does not meet the set back to open drainage that should be a minimum of 35' from the drainage, and due to the depth may require 75' if dug into the water table. The septic reserve area is required to meet all the setbacks to the leach field before tanks can be installed, the reserved area may need to be moved or changed to make this work. The new subdivision plans do not show a proposed cistern location as required. The road length does not meet town zoning, long driveways appear to be for NFPA compliance. If over 300' feet, the driveway must be 20' wide.

Public comments (it was noted that this was not the formal public comment period of the Public Hearing):

- Bob and Sue Wolfe noted that they are very concerned about traffic impact on Scribner Road.
- Kim and Barry Ferrara abutters stated there are stormwater issues on their property and they are worried about the water drainage on their property becoming an issue. Mr. Gier described anticipated water flow on site. The development stormwater will flow to the east toward Scribner Road
- Kevin Murnane, abutter 219 South Road, had questions regarding the stormwater.

Additional preliminary feedback from the Board included:

Site specific soil study - The Board agrees they do not need one.

Cul-de-sac road length 600' - None of the Board members had questions or a problem with the length of the road.

There was discussion regarding water for Fire Department. Most of the other new homes in the area are placing sprinklers in buildings. The hydrant and fire pond are located on the abutting property and it is unknown if the Town has access to these.

It was noted that the Open Space Development requires a 50' buffer around the property that will be left untouched. The Board will be scheduling a site walk once the application is accepted.

Mr. Lavelle motion to continue Public Hearing to December 2, 2020. Mr. Kohlhofer seconded, and the motion passed 5-0-0.

Boe and Sue Wolf left the meeting at 8:35 pm. Abutters in the room also left the meeting at 8:35 pm.

V. ADMINISTRATION

Administration/Budget – Ms. Miner met with the Budget Committee, Mr. Nygren and Mr. Yokela do not agree with the Boards Master Plan projects they think that volunteers should write the Master Plan. Ms. Miner reduced the proposed budget to the Budget Committee by \$6,500 and the Board will encumber the \$6500 in the 2020 budget. The Budget Committee approved the revised budget with no further discussion.

Mr. Barham motion to approve the expenditure within the limitations of the budget for up to \$6,500.00 if available within the time constraints. Mr. Lavelle seconded, and the motion passed 6-0-0.

Project Updates

- Map 005/Lot 035 – Galloway Site Plan Amendment – Monday Conservation Commission met with Galloway's Wetlands Consultant they will be meeting again November 19, 2020 at 6:30 pm in the upstairs meeting room to continue the review
- Map 001/Lot 012 Cell Tower – No Update
- Map 002/Lot 020 South Road – No Update

VI. ADJOURNMENT

Mr. Karcz made a motion to adjourn the meeting at 8:45 pm. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0.

Respectfully submitted,


Kathy Clement