

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

Also present: Madeleine Dilonno of Rockingham County Planning Commission (RPC); Barry Gier of Jones and Beach for PPM Fremont Holdings and Haus Emily LLC, Tom Nisbet of PPM Fremont Holdings, LLC; Gary Densen of Haus Emily LLC

I. WELCOME

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

II. MINUTES

Mr. Karcz made a motion to approve meeting minutes for January 5, 2021. Mr. Kohlhofer seconded the motion. The motion passed 4-0-1, Mr. Lavelle abstained.

III. CONTINUED BUSINESS

Map 2 Lot 70 Main Street Townhomes continued from December 15, 2021; applicant Haus Emily LLC has submitted a Site Plan review to construct an elderly open space development consisting of 13 residential units on a private drive utilizing onsite septic and wells.

Mr. Gier addressed the Board with an update on the project since the last meeting as follows: At the last meeting they reviewed the updated landscaping and lighting plans and discussed the revisions made by the town engineer. They have submitted their by-laws declaration to the town for review by the town's attorney. Mr. Gier has spoken with Mr. Keach and they are finalizing the details on the updated stormwater design. Ms. Miner stated that the by-laws declaration of covenants and sample deeds have been reviewed and approved by legal counsel. The Board has copies for their review. Mr. Gier will apply for approval from the Select Board for the proposed name of the road which was on the list from Matthew Thomas the Town Historian. An update on the number of Elderly Units available for potential housing in town has been added to the files of which there are more than enough to accommodate the proposed project. Ms. Miner addressed the planning design item Mr. Keach recommended for the on-site water system, which will be a conditional of approval prior to construction.

Ms. Miner read the approval with conditions for the Boards consideration as follows: The elderly open space development would consist of (12) 2-bedroom units and (1) 1-bedroom unit with a proposed private roadway on Main Street in Fremont, New Hampshire at Map 2 Lot 70 with following conditions:

1. The Condominium Site Plan Sheet A1 and Overall Site Plan Sheet C2 Mylars shall be recorded at the Rockingham Registry of Deeds and a digital copy of the Mylar provided for the Town Land Use file.
2. Four paper copies of the final plan set shall be signed for Town Land Use files.
3. All conditions of approval be noted on approved plans and recordable Mylar.
4. Detailed plans and specifications for the on-site water supply system shall be provided for Town Engineer approval prior to construction.
5. All licensed professionals whose names appear on the approved plans and Mylar shall have original stamps and signatures.

6. All required state permits are received, and permit numbers noted on the approved plans and recorded Mylar.
7. Conditional Use Permit approvals and dates be on the approved plans and recorded Mylar.
8. Condominium Covenants and its exhibits shall be recorded at the Rockingham Registry of Deeds.
9. A Site Plan Development Agreement is executed according to Site Plan Regulations Section 1.23.
10. Submittal of a performance guarantee, in an amount and form acceptable to the Town, pursuant to the requirements of Sections 1.24 and 1.26 of the Site Plan Review Regulations respectively.
11. All conditions of approval are met within 365 days of this approval date. The Planning Board may grant an extension of its original approval with good cause.
12. Any significant change to the approved site plan required to meet state fire code, building code or state or federal permit must be reviewed by the Planning Board.
13. All fees incurred by the Planning Board, including but not limited to consulting, engineering and legal fees, have been paid by the applicant.
14. ZBA shall grant a Special Exception for impacts to the wetland buffer from portions of the stormwater treatment system and roadway.
15. All comments will be addressed to the satisfaction of the Town Engineer in the letter report dated December 15, 2021.

Mr. Kohlhofer made a motion to open the hearing for public comment on the Site Plan Review Application for construction for an Elderly Open Space Development. Mr. Lavelle seconded the motion. The motion passed 5-0.

There was not public comment.

Mr. Lavelle made a motion to close the hearing for public comment on the Site Plan Review Application. Mr. Karcz seconded the motion. The motion passed 5-0.

Mr. Karcz made a motion to accept the Site Plan for Map 2 Lot 70 Main Street for Liberty Lantern Estates with the conditions as read. Mr. Lavelle seconded the motion. The motion passed 5-0.

IV. NEW BUSINESS

1. **Map 3, Lot 037.001.001 Minor Site Plan Review** Applicant Unit One Firehouse, LLC has submitted a Minor Site Plan Review Application to change the land use of the subject property from commercial to residential.

Tom Nisbet representing Unit One Firehouse addressed the Board to request the change in use from commercial to residential. The firehouse is part of the Coopers Village Condominium and has shared septic and water with one of the large buildings in the development. Mr. Nisbet also reviewed the following items:

- a. Parking – Unit one has 4 dedicated parking spots across the street (Spaulding Rd) next to the smokestack. There is a sidewalk, crosswalk and lighting in place. These are shown on the condominium exhibit C, which is included with the packet, which is the Condo Declaration with easements showing septic and parking. Mr. Karcz inquired about how to

- keep cars from parking in front of the firehouse. Mr. Nisbet said he could install no parking signs.
- b. Septic system and well analysis was originally done by Jones and Beach. The original septic design contemplated apartments and restaurants. Given the current use of the development there is more than ample capacity available.
 - c. There is a community well monitored by the State. This information is included in exhibit C.
 - d. There will be no additional traffic generated.
 - e. There is an existing easement for signage for Coopers Corner. Mr. Nisbet said that he and Nick Jewett of Jewett Construction had discussed relocating sign placement to the other side of the roadway. Mr. Jewett representing the owners, Pine Bucket LLC, submitted a letter to the Planning Board stating this agreement as well.
 - f. There is nothing in Condo documents that prohibit residential use

Ms. Miner noted that the property is in aquifer protection district. This Residential use is exempt from the requirements of a Conditional Use Permit in the district.

Mr. Barham made a motion to accept jurisdiction of the Minor Site Plan Review Application for Map 03 Lot 037.001.001 as submitted. Mr. Karcz seconded the motion. The motion passed 5-0.

Mr. Lavelle made a motion to open the hearing for public comment on the Minor Site Plan Review Application for change of land use to residential. Mr. Karcz seconded the motion. The motion passed 5-0.

There was not public comment.

Mr. Lavelle made a motion to close the hearing for public comment on the Minor Site Plan Review Application. Mr. Karcz seconded the motion. The motion passed 5-0.

Mr. Lavelle made a motion to accept the change in use for Unit One Firehouse LLC 326 Main Street. Mr. Barham seconded the motion to approve the application as presented. The motion passed 5-0.

IV. NEW BUSINESS (CONTINUED)

- 2. Map 03, Lot 037.002 and 037.003 Lot Line Adjustment** – Lot Line Adjustment as amended by PPM Fremont Holdings, LLC, owner of Map 3 Lot 037.003 and Map 3 Lot 037.002, both in the Town of Fremont, New Hampshire to bring the lot line lengths into compliance with Fremont Zoning Ordinance.

Mr. Gier addressed the Board summarizing lot line adjustment. Applicant provided Lot Line Adjustment Plan Sheet A1 prepared by Jones & Beach Engineers Inc. and dated November 15, 2021 and revised November 30, 2021. The final proposed area for Map 3 Lot 037.003 is 5.065 and the final proposed area for Map 3 Lot 037.002 is 3.245 acres. The townhouse on Map 3, Lot 037.003 project will still be accomplished with lot line adjustment.

Mr. Lavelle made a motion to accept jurisdiction of the Lot Line Adjustment for Map 03 Lot 037.003 and 037.002 as submitted. Mr. Karcz seconded the motion. The motion passed 5-0.

No public hearing required. This amendment was done to address previously approved Lot Line Adjustment.

Mr. Lavelle made a motion to approve the lot line adjustment as amended for Map 3 Lot 037.003 and 037.002 condition on setting monument markers and other conditions that applied to the previous approval, and this updated plan reflected on the site plan for the Townhouses on the Mylar for the Site Plan approved for Map 3, 037-003. Mr. Karcz seconded the motion. The motion was approved 5-0.

IV. NEW BUSINESS (CONTINUED)

- 3 Map 3. Lot 62, Map 3, Lot 62-1, and Map 4, Lot 55 - Lot Line Adjustment Woodman Family Trust and Cheryl Woodman.** This Lot Line Adjustment will affect three (3) parcels identified as Map 3, Lots 62 and 62-1 and Map 4, Lot 55. All parcels are located in Fremont, NH. Parcels Map 3, Lots 62 and 62-1 are owned by the Woodman Family Revocable Trust of Fremont NH and the parcel located on Map 4, Lot 55 is owned by Cheryl Woodman of Fremont NH. The proposed plan adjustments create an access easement across lot 62 for the benefit of lot 62-1 and creates lots that will meet the current minimum lot size requirements of the Town of Fremont NH.

Mr. Lavelle recused himself as Consultant for the Applicant, the Woodman Family.

Mr. Lavelle addressed the Board describing the 3 lots (32 acres, 2.3 acres and 1 acre) with Lot 62.001 being approximately 1 acre, with the lot line adjustments this will create three lots (23.28, 6.84 and 5.9 acre lots). Lot 62.001 exists without frontage which will remain the same, but per the plan there will have an easement through Lot 62. The frontage for Map 4, lot 55 will remain the same. Mr. Lavelle provided sheets showing the lots before and after the adjustments. The Woodman's have applied for a driveway permit through the State as Beede Hill is a state road.

There was lengthy discussion regarding whether these would be creating buildable lots or not. Mr. Lavelle noted that this was the beginning of the project and that a number of variances would be required. Mr. Powers noted that the Planning Board cannot create lots. Mr. Lavelle noted that they are altering existing lots. There was a lengthy discussion about the history including which lots were conforming and non-conforming. The triangular piece is a "gore" or mistake. Map 4 Lot 55 was a conforming lot at the time, but not buildable. Mr. Lavelle noted that they are adding land area to 62-1 to make it less non-conforming. He noted that Map 4, Lot 55 would not be buildable with the additional land. If the applicant wanted to access from Poplin Ave. Mr. Powers noted that the lots though would become less non-conforming it still doesn't meet the zoning ordinance. Mr. Lavelle stated that they are proposing to alter existing lots which doesn't require subdivision. Mr. Lavelle requested input from Town Counsel. The Rockingham Planning Commission agreed with Mr. Lavelle that no new lots are being created, but noted that any building would require variances from the Zoning Board of Approval and Select Board approval for the driveway easement. Mr. Barham noted that there appears to be a reconfiguration of the lots which will require additional approvals to be buildable. Mr. Lavelle noted further that the Board has jurisdiction over this lot line adjustment because it is a subdivision pursuant to the RSA that requires Board approval because it results in a

change of ownership of land. The matter of Planning Board jurisdiction will be sent to Town Counsel regarding the process. Ms. Miner will follow up with Town Counsel to see whether or not a lot line adjustment between non-conforming lots falls under the purview of the Board.

The hearing doesn't need to be opened to the public for the Lot Line Adjustment, however there are a lot of people present. Ms. Miner noted that there were comments received from RPC and Town Administrator, and one of the Abutters Andrea Bickum. Ms. Miner also had comments. All items were distributed to the Board.

The Board discussed comments received from:

RPC – Ms. DiIunno RPC exists well should be shown on plan, any access would need ZBA approval, DOT permit needed and copy of easement for driveway provided to Planning Board. Mr. Lavelle agrees to these.

Town Administrator – Would like more detail on the driveway entrance and access between 62 and 62-1 for Road Agent and Fire Department. Mr. Lavelle noted the Road Agent does not have jurisdiction here, but he will provide a driveway design that meets the standards of the Fire Department would need to review the road configuration. Mr. Lavelle noted that he will follow up with the Road Agent.

Abutter Letter from Andrea Bickam regarding RSA 674: 2b in public notice is for design review. Ms. Miner consulted with Town Counsel regarding the notice who noted all required information and mailings was correct except for the second section of the notice which did not affect this notice and does not need to be resent.

The Board and Applicant agreed to get input from Town Counsel. Since the Board did not take jurisdiction they don't need to vote to continue the case. Mr. Lavelle will return in 2 weeks after Town Counsel has reviewed and provided input.

V. ADMINISTRATION, OTHER

1. Circuit Rider Business
 - a. Ms. DiIunno stated they are finalizing the Recreation Master Plan chapter within the next few weeks.
 - b. Starting the Natural Resources Chapter working on date. They agreed on the third Wednesday February 22, 2022 at 5:00 pm
2. Incoming Correspondence and Project Updates
 - a. Gristmill – Nothing since applicant appeared before the board in December.
 - b. Scribner – Amended application submitted. This should be the first March 2022 meeting.
 - c. South Road – 2 lot Subdivision and 4 lot Subdivision Apps and ZBA Special Exceptions. Ms. Miner has copies for the Board members.
 - d. South Road Age Restricted – No follow up with contractor but did review items RE: private to public roadway. In the convents it states that they could be applied to be a public road. This looks to be an error when applicant copied. Ms. Miner and Town Administrator are following up on this as it was not meant to become a public road. There will be more follow up on the drainage issues and bond.
3. CIP Committee – Andy/Leanne/Roger – Still need to pick a Monday evening once review/pull together existing documents.
4. Administration – The RSA requires verified mail and public notice is allowed on the Town's Website. All information is also available on the Town Website. ZBA notices will still need

signatures. Updated Subdivision Regs also on the Town Website though formatting is still being done.

5. Other Department News – Open Space Report Update drafted and being finalized. Age Friendly Committee moving forward in February. Stay tuned.

VI. ADJOURNMENT

Mr. Karcz made a motion to adjourn the meeting at 8:35 PM. Mr. Lavelle seconded the motion. The motion passed 5-0.

Respectfully submitted,


Kathy Clement