

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

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

Mr. Kohlhofer opened the meeting at 7:00 PM.

Mr. Yokela joined the meeting at 7:00PM and left at 7:18PM

I. MINUTES

Meeting minutes were distributed for November 20, 2019.

Mr. Karcz made a motion to approve meeting minutes from November 20, 2019. Mr. Lavelle seconded the motion. The motion passed 5-0-0.

II. CONTINUED BUSINESS

Zoning Ordinance Proposed Amendments

The Board continued discussion and review of proposed zoning ordinance amendments. Below are the proposed amendments as discussed during the meeting with Board comments in italics.

Proposed Amendments:

Existing language

New language, New language added from 11/20 Planning Board meeting

~~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 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 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:
 - 6. Architecture
 - 7. Transportation
 - 8. Scale of coverage
 - 9. Scale of building size
 - 10. 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:
 - 6. Noise
 - 7. Light
 - 8. Transportation
 - 9. Visual effects
 - 10. 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.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:~~
 - ~~11. Architecture~~
 - ~~12. Transportation~~
 - ~~13. Scale of coverage~~

~~14. Scale of building size~~

~~15. 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:~~

~~11. Noise~~

~~12. Light~~

~~13. Transportation~~

~~14. Visual effects~~

~~15. 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 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.

(See also Article 12, Section 1201.6.C. for additional lot sizing requirements.)

- 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.)

1203.8 Use Regulations

A. Minimum Lot Size:

- Minimum lot size within the Aquifer Protection District shall be three (3) acres (130,680 square feet). Lots containing up to four (4) units shall contain an additional eighteen thousand (18,000) square feet per unit. Lots containing five (5) or more units shall contain an additional thirty thousand (30,000) square feet per unit. ~~No lot shall have more than one (1) residential structure regardless of the number of dwelling units.~~

Number of Dwelling Units	Minimum Lot Size (square feet)
1	130,680
2	148,680
3	166,680
4	184,680
5	214,680
6	244,680
7	274,680
8 or more	304,680 sq. feet, plus 30,000 sq. feet for each additional dwelling unit.
(See also Article 12, Section 1201.6.C. for additional lot sizing requirements.)	

- No lot shall have more than one (1) occupied dwelling structure thereon regardless of the number of dwelling units.

The Board discussed additional clarification to the tables in Sections 903 and 1203.8 and decided to an additional column for acreage so the table would be consistent with use of both square footage and acreage that is in the text.

Section 901 – New and ~~Extension~~ Expansion of Existing Structures

Any new structure or ~~extension~~ expansion of existing structure intended for any use shall be set back from the street property line at least fifty (50) feet. In the case of multiple family dwelling structures, the setback shall be increased by an additional five (5) feet per family dwelling unit. ie: (50 plus (5 multiplied by the number of family units)). And that any such structure shall be set back from the side and rear lot lines by at least thirty (30) feet except in the case of multiple family dwelling structures, this set back shall be increased by an additional ten (10) feet per family dwelling unit, ie: (thirty (30) plus ten (10) multiplied by the number of family units). (See also Article 12, Section 1201.6.D)

The Board discussed clearing up of format in example language for Section 901. Ms. Rowden will revise and include in version for Public Hearing.

Section 501 – Reconstruction

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.

ARTICLE 16 – SIGNS

1600.2 – Definitions

- A. Sign: Any material conveying information which is attached to the exterior of a structure, a pole, or some object such as a rope or wire between structures, poles, or the ground shall be considered a sign and subject to the provisions of this ordinance. B. Commercial: Any lot in ~~Commercial Highway District, Corporate Commercial District, Main Street District, Shirkin Road Commercial District, Residential District,~~ Fremont Village District, and commercial operations in the Flexible Use Residential District with a Conditional Use Permit laid out as per Article 7, Section 704.2 of this Ordinance.

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. F. 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.](#)

Mr. Lavelle made a motion to move the 5 Zoning Ordinance proposals for 2020 to a Public Hearing on December 18, 2020. The Zoning Ordinance proposals are those that were reviewed this evening with additional changes to include 1. Expansion of the table in Sections 903 and 1203.8 to include acreage and 2. Clarifying edits to the setback calculation example in Section 901. Mr. Barham seconded the motion. The motion passed 5-0-0.

II. CONTINUED BUSINESS (Continued)

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

Map 2, Lot 020 - South Road Age-Restricted Development, Map 2 Lot 20, Applicant DECM Builders - Continuation of Public Hearing for Site Plan Review and Lot Line Adjustment 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 a letter from Beals Associates, PLLC, the engineering firm representing DECM Builders of Seabrook NH and Carsten Springer of Danville, NH requesting the Public Hearing be continued to the next Planning Board meeting which is December 18, 2019.

Mr. Lavelle made a motion to continue the review of the Site Plan and Lot Line Adjustment application to the next meeting on December 18, 2019. Mr. Karcz 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. Jenn will plan to put a draft online for the subcommittee review.

V. ADMINISTRATION

- 1. Circuit Rider Business** – No new business
- 2. Incoming Correspondence** - No incoming correspondence
- 3. Project Updates**
 - a. Map 001/Lot 012 Cell Tower Site – Cell Tower Offsite Paving Escrow Review
The Board reviewed a letter from the Town Engineer for this project, Stantec, dated November 13, 2019. The letter included a cost estimate for remaining work for offsite mitigation work (paving a portion of Nathaniel Brown Drive). Stantec recommended releasing \$6812 and retaining \$13,188 for remaining work to include roadway underdrain,

roadside swale construction and stabilization, preparation and placement of wearing course pavement.

Mr. Lavelle made a motion to approve the release of escrow as recommended by the Town Engineer. Mr. Karcz seconded the motion. The motion passed 6-0-0.

- b. Cell Tower On-Site Compliance Monitoring Review – Ms. Miner distributed the Town Engineer’s cost estimate for compliance monitoring seeking clarification on tasks for monitoring and expectations for part time vs. full time. She noted that the Applicant is planning to subcontract a new contractor and will have their consulting Construction Manager present for site work. Mr. Barham asked if the Town Engineer reviewed cost for new scope at part-time. Ms. Miner had asked the Town Engineer to revise their cost estimate and they stated that it should remain as is. Members Lavelle, Kohlhofer, and Wason noted that the cost seemed exorbitant and numbers of hours on the high side for monitoring. Mr. Barham suggested that a cost estimate be reviewed and discussed with the Chair, Town Engineer, and Staff if there are future disagreements. Other Board members noted that the schedule could expand, the Applicant selected the Town Engineer, and that there is some bad history with this Applicant (e.g., redesign for amendment, cease and desist order) which has resulted in a lengthy project schedule. The Board’s consensus was to keep the cost estimate as is and if the Applicant improves their performance and meets their schedule there will be a return of escrowed funds for compliance monitoring.
- c. Spaulding Road Extension Subdivision, Road Acceptance and Bond Release Request – Ms. Miner distributed a letter from Paul Cucinatti, Manager Beede Spaulding II, LLC requesting a release of a \$40,903.70 bond being held as surety for the Spaulding Road Extension. This letter is being provided for the Board’s information at this time. Ms. Miner will update the Board on any action required pending research into the matter and a site visit by the Town Engineer and Road Agent to inspect the roadway.

4. Administration/Budget

- a. 2020 Calendar – The 2020 meeting calendar was distributed for review by the Board. The only meetings varying from the 1st and 3rd Wednesday will be the January 8 and 22, 2020 meetings. The Board is fine with these dates which will be posted for public use.
- b. Board Membership – Ms. Miner noted that member terms for Mr. Karcz and Mr. Kohlhofer will be expiring in March 2020. If these members wish to continue then the Board will recommend the Selectmen approved continuance of their membership to March 2023.

VI. ADJOURNMENT

Mr. Karcz made a motion to adjourn the meeting at 8:52 PM. Mr. Barham seconded the motion. The motion passed 6-0-0.

Respectfully Submitted,

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

Leanne Miner, Land Use Administrative Assistant