

**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:** Maddie Dilonno of Rockingham County Planning Commission (RPC); Barry Gier of Jones and Beach Engineering; Tom Nisbet, PPM Fremont Holdings; Gary Densen, Haus Emily LLC

## **I. WELCOME**

Mr. Powers opened the meeting at 7:03 PM.

## **II. MINUTES**

**Mr. Karcz made a motion to approve meeting minutes for November 3, 2021. Mr. Kohlhofer seconded the motion. The motion passed 4-0-1 (Tim Lavelle abstained).**

**Mr. Karcz made a motion to approve the site minutes for November 7, 2021. Mr. Kohlhofer seconded the motion. The motion passed 5-0.**

## **III. CONTINUED BUSINESS**

### **Map 3 Lot 037-003 PPM Townhomes Spaulding Rd. Continued from November 17, 2021–**

Applicant PPM Fremont Holdings LLC has submitted a Site Plan review to construct 4 townhouse units with associated private drive and parking, onsite septic and well. Barry Gier from Jones and Beach Engineering addressed the Board on behalf of the Applicant Tom Nisbet or PPM Fremont Holdings LLC stating that changes required by the Board and Town Engineer had been made since the last meeting. Mr. Barham stated that he would like C2 (site plan) of the plans recorded at the Registry of Deeds.

**Mr. Lavelle made a motion to open the meeting up for public comment for the Site Plan Review Application for Map 3 Lot 037-003. Mr. Karcz seconded the motion. The motion passed 5-0.**

Ms. Miner followed up with comments from the Conservation Commission comment regarding stormwater treatment in general. Ms. Miner followed up with the town engineer Steve Keach who stated there was some bio infiltration mix which provides stormwater retention and treatment via biological processes prior to infiltration into the underlining soil. Any state permitting that would be done through the NH Department of Environmental Services (NHDES) for Alteration of Terrain permitting is not required for this site.

Ms. Miner reviewed the site plan with the Town Fire Chief who has no issues with the Site Plan.

No public comments were received via email or post.

**Mr. Lavelle made a motion to close the meeting for public comment for the Site Plan Application for Map 3 Lot 037-003. Mr. Karcz seconded the motion. The motion passed 5-0.**

Ms. Miner read the conditions of approval as follows:

1. A Mylar of Site Plan Sheet C2 shall be recorded at the Rockingham Registry of Deeds.
2. All conditions of approval be noted on the approved plans and on the recordable Mylar sheet.

3. All licensed professionals whose names appear on the approved plans and Mylar sheet shall have original stamps and signatures.
4. All required state permits are received, and permit numbers noted on the approved plans and recorded Mylar sheet.
5. The height of the building on Architectural Sheet 13 shall meet Town of Fremont Building height requirements with a maximum of 35 feet.
6. Escrow has been posted with the Town for site compliance monitoring under SPR 1.19 prior to construction.
7. Reclamation surety of the site under SPR 1.21 has been established prior to construction.
8. 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.
9. 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.
10. All fees incurred by the Planning Board, including but not limited to consulting, engineering, have been paid by the applicant.

Mr. Powers noted that there might be an issue with what was approved by the Board on the lot line adjustment being less than 100'. There was some discussion on the matter with concurrence that RPC conduct a review and advise the Town on any further action to be taken.

**Mr. Kohlhofer made a motion to approve the Site Plan Application for Map 03 Lot 037-003 with conditions as read. Mr. Lavelle seconded the motion. The vote was 5-0.**

**Map 2 Lot 70 Main Street Townhomes continued from November 17, 2021;** Applicant Haus Emily LLC has submitted a Site Plan review to construct an elderly open space development consisting of 13 residential units. Mr. Gier representing the Applicant stated development would consist of 25 bedrooms in 13 standalone units located on a one-way loop road. There will be a total of 23.74 acres of open space. They received comments from the Town Engineer and RPC and asked for Board feedback on regulatory items as follows:

1. Article 1301.2J requiring pedestrian access throughout the development. Mr. Gier stated that no sidewalks are proposed since Main St does not have sidewalks and sidewalks are not typically maintained. For pedestrian access they proposed the 18 feet wide one-way private way throughout the development will be enough to accommodate vehicle and pedestrian access. They are also proposing access to the property using the existing trails network. There was discussion and it was decided that the proposal would meet the intent of the regulation.
2. Article 1301.2L regarding landscaping. Mr. Gier reviewed the landscaping plan (L1 sheet 12). There was discussion about extending the tree line where the road faces the abutting parcel. This will be explored during a site walk.
3. The project will require a Special Exception for the roadway and site drainage features for impact of 6,450 feet into the wetland buffer. Site grading is such that the wet pond drainage outlet discharges into the wetland. The Planning Board indicated their recommendation that the Zoning Board of Adjustment approve the Special Exception.

Regarding Open Space use, Mr. Gier stated that the open space would be used for passive recreation only and access to existing trails. He stated that no structures would be located in the open space.

Mr. Gier stated in response to the Conservation Commission comments regarding the stormwater drainage and treatment, explained that there is a closed collection system consisting of catch basin and

pipes. They are elevating the roadway and runoff will be collected on either side, the catch basin is a wet pond which will help filter out impurities. This Best Management Practice (BMP) is accepted by the (NHDES) Alteration of Terrain (AOT) group and each BMP is selected based on the site.

**Mr. Lavelle made a motion to accept jurisdiction of the Subdivision and Site Plan Application for Map 2 Lot 70 to construct an elderly open space development consisting of 13 stand-alone units. Mr. Karcz seconded the motion, and the vote was 5-0.**

The Board will be conducting a site walk on Saturday December 4<sup>th</sup> at 10:00 am.

**Mr. Lavelle made a motion to open the meeting up for public comment on the Site Plan for Map 2 Lot 70. Mr. Karcz seconded the motion, and the vote was 5-0.**

There was no public comment.

**Mr. Lavelle made a motion to close the meeting up for public comment for the Site Plan review for Map 2 Lot 70. Mr. Karcz seconded the motion, the vote was 5-0.**

Ms. Miner reached out to the town engineer Keach and Nordstrom for feedback on the Conservation Commissions comments regarding the stormwater runoff. Steve Keach replied that wet pond 1, the stormwater management pond with a permanent pool for treatment, under this arrangement treatment is primarily accomplished via sedimentation. This application will require DES AOT permit review which will require demonstration of compliance with the New Hampshire code of administration rules by the AOT bureau staff prior to permit issuance.

There was discussion about lighting either on Main St or down in the development. Lighting is proposed in the development signage and will be dark sky compliant.

**Mr. Lavelle made a motion to continue this public hearing until December 15, 2021. Mr. Karcz seconded the motion, and the vote was 5-0.**

#### **IV. NEW BUSINESS**

##### **Public Hearing for proposed Amendments to the Town of Fremont New Hampshire Zoning Ordinance.**

**Article 11 Section 1101.6** – Amend the limitations on the number of bedrooms/family units per multiple unit dwellings to allow 2 bedrooms/family units for 5 or more family units. This amendment would eliminate the restriction of 1 bedroom/family unit for 7-8 family unit dwellings and clarify the allowable bedrooms for more than 8 family unit dwellings.

**Mr. Barham made a motion to open the meeting up for public comment on the proposed amendment to Article 11 Section 1101.6. Mr. Karcz seconded the motion, and the vote was 5-0.**

Dennis Howland of 121 Tuck Drive spoke to the Board stating that he was not in favor of the amendment. His concern is with higher density housing on the aquifer and traffic. But his main concern is impact on drinking water.

There was comment from Board members regarding Fremont's relatively conservative nature of dwellings requirement and/or upland area requirement. The amendment also makes workforce housing more feasible and meets statutory housing requirements. School enrollment is declining as well and 1 bedroom units do nothing to for enrollment. Water use estimated for a 2 bedroom dwelling vs 1 bedroom is 75 gallons per day.

**Mr. Kohlhofer made a motion to close the meeting up for public comment on the proposed amendment to Article 11 Section 1101.6. Mr. Lavelle seconded the motion; the vote was 5-0.**

**Mr. Lavelle made a motion to move the amendment to Article 11 Section 1101.6 to the public ballot. Mr. Karcz seconded the motion, the vote was 5-0.**

**Article 9 Section 902** – Amend to removal of example language in Article 9 Section 902 Frontage, the example language is not applicable for a lot on which 2 family units are considered and the existing language is sufficiently clear.

**Mr. Kohlhofer made a motion to open the meeting up for public comment on the proposed amendment to Article 9 Section 902. Mr. Karcz seconded the motion, the vote was 5-0.**

There was not public comment.

**Mr. Barham made a motion to close the meeting up for public comment on the proposed amendment to Article 9 Section 902. Mr. Karcz seconded the motion, the vote was 5-0.**

**Mr. Kohlhofer made a motion to move the amendment to Article 9 Section 902 to the public ballot. Mr. Karcz seconded the motion, the vote was 5-0.**

## **V. ADMINISTRATION, OTHER**

1. Circuit Rider Business
  - a. Masterplan –Recreation Chapter - no update
  - b. Masterplan –Natural Resources Chapter – no update
2. Incoming Correspondence and Project Updates

Pamphlet from DES, Letter from the Northern New England Chapter of American Planning Association asking for Board to join their organization
3. Budget – Ms. Miner followed up with Geo Insight and had discussions but has no formal proposal for developing a ground water management program and conduct site inspections. This has been discussed and there are funds to move forward.

Fremont ground water protection program and inspections to assist Fremont Land Use and Buildings Department in setting up an inspections program which would include reviewing the zoning regulations, potential contamination sources, customize survey forms and template letters for

notifying the potential contamination sources, develop inspection forms, facilitate coordination of inspections, conduct up to 6 initial inspections, any follow up inspections or corrective action necessary will require a new or revised work authorization.

**Mr. Barham made a motion to authorize Ms. Miner to accept on behalf of the Board the formal proposal and incur up to \$5,000 to execute a ground water inspection program with Geo Insight. Mr. Lavelle seconded the motion; the vote was 5-0.**

4. There is no ZBA meeting in December 2021.

#### **VI. ADJOURNMENT**

**Mr. Karcz made a motion to adjourn the meeting at 8:52 PM. Mr. Kohlhofer seconded the motion. The motion passed 5-0.**

Respectfully submitted,

  
Kathy Clement