

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

**Also present:** Jennifer Rowden, Rockingham Planning Commission (RPC); Matthew Thomas, Carsten Springer, Peter Springer, Nancy Murray, Colton Gove, Chris Clotier (Applicant DECM Builders), Scott Cole (Beals Associates – DECM Representative), Dennis Howland.

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

## **I. MINUTES**

Meeting minutes were distributed for 2019 December 4 (Regular Planning Board Meeting) and December 9 (Subcommittee Minutes).

**Mr. Karcz made a motion to approve meeting minutes from December 4, 2019. Mr. Lavelle seconded the motion. The motion passed 4-0-0.**

Mr. Kohlhofer appointed Ms. Miner to take the place of member Wason for voting this evening.

## **II. CONTINUED BUSINESS**

**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.**

Mr. Scott Cole provided an update on behalf of the Applicant, DECM Builders, and Carsten Springer (Lot Line Adjustment). One lot line needed to be adjusted which has been done. At this point Mr. Cole feels the application of the LLA is complete.

Site Plan Updates –Design revisions have been made as recommended by the Town Engineer (Keach-Nordstrom Associates, Inc; KNA). A full water line system and sewer design has also been added. The overall layout remains the same. The project has gone through two rounds of revisions and the Applicant has provided draft Condo Docs and architectural examples to the Planning Board. An additional waiver has also been submitted regarding pipe cover over some drainage.

**Mr. Lavelle made a motion to take jurisdiction of the Lot Line Adjustment (LLA; between Map 2 Lot 20 and Map 1 Lot 62). Mr. Karcz seconded the motion. The motion passed 5-0-0.**

**Mr. Lavelle made a motion to open the public hearing for the Lot Line Adjustment (LLA; between Map 2 Lot 20 and Map 1 Lot 62). Mr. Karcz seconded the motion. The motion passed 5-0-0.**

Public Comments – Mr. Carsten Springer noted that he provided permission for the Lot Line Adjustment in writing for the files. He also noted that the lot line changes were indeed minor and satisfactory to him.

**Mr. Lavelle made a motion to close the public hearing for the Lot Line Adjustment (LLA; between Map 2 Lot 20 and Map 1 Lot 62). Mr. Karcz seconded the motion. The motion passed 5-0-0.**

Ms. Rowden commented that there needs to be a signature block on recorded sheets. Ms. Miner clarified that the 3 sheets will be recorded. The Board discussed conditions of approval.

**Mr. Lavelle made a motion that the LLA between Map 2 Lot 20 and Map 1 Lot 62 be approved with the conditions that the signature blocks be added, that monumentation be certified or bonded, that mylars be recorded, and that all fees be paid. Mr. Karcz seconded the motion. The motion passed 5-0-0.**

#### **Site Plan Review Map 2 Lot 020 South Road DECM Builders**

The Board discussed whether the Site Plan Review application for the Elderly Open Space Development located on Map 2, Lot 020 is complete. Ms. Rowden noted that there are outstanding engineering items that need to be resolved before approval, but that the application is largely complete. The Board discussed the process of moving forward with waivers and public hearing.

**Mr. Lavelle made a motion to accept jurisdiction of the Site Plan Review Application for the Elderly Open Space Development submitted by DECM Builders LLC located at Map 2, Lot 020. Mr. Karcz seconded the motion. The motion passed 5-0-0.**

**Mr. Lavelle made a motion to open the hearing to the public for comment on the Site Plan Review Application for the Elderly Open Space Development submitted by DECM Builders LLC located at Map 2, Lot 020. Mr. Karcz seconded the motion. The motion passed 5-0-0.**

Mr. Lavelle inquired about responses from the Fire Chief and does the applicant have a local driveway permit. Mr. Cole said that the driveway permit was reviewed by the Road Agent who reserved the right to do a permit at a later time. Ms. Miner noted that she does not have anything in writing from the Road Agent. The Board noted they would like to see Road Agent approval or comments in writing.

Ms. Miner asked about the cistern that was required by the Fire Chief during the preliminary review process. Mr. Cole noted that the houses will be sprinklered. Ms. Miner asked for documented approval by Chief Butler.

Ms. Rowden suggested a site walk. Members have seen the site so the subject was dropped. Mr. Cole will mark the center of the driveway in case anyone wants to go by the site. Mr. Kohlhofer moved the focus of the meeting to the KNA comment letter dated December 18, 2019. Discussion of KNA comments are summarized below:

The Applicant submitted 4 waiver requests as follows with comments from the Planning Board: Waiver Request 1 – Waiver from Site Plan Review Regulations Section 1.13.T.6 which requires a Traffic Impact Analysis. KNA pointed out in their review letter that Section 1.13T of the Site Plan

Review Regulations may be required. Therefore, it is up to the Board whether or not a Traffic Analysis is required. Given the modest size and composition of the development Board members agreed that the analysis was not necessary so a waiver should not be required.

**Mr. Lavelle made a motion that the Board does not require a Traffic Analysis for this application. Mr. Barham seconded the motion. The motion passed 5-0-0.**

Waiver Request 2 – Waiver from Site Plan Review Regulations Section 1.13 which requires wetland and soils delineation for the entire parcel to be show on the plans. KNA note no opposition to this waiver request in their letter. There was discussion about whether or not this waiver was required given updates to the Site Plan where the back portion of the parcel was sold. Mr. Cole noted there are minor gaps outside the development area in the delineation of soil types so the waiver request stands. The plan does not show limits of soil and wetland delineation. Mr. Cole will have this line added to the final plans.

**Mr. Lavelle made a motion to open the meeting to the public for comments on the waiver request to Section 1.13.G. Mr. Karcz seconded the motion. The motion passed 5-0-0.**

No comments from the public.

**Mr. Lavelle made a motion to close the meeting to the public for comments on the waiver request to Section 1.13.G. Mr. Karcz seconded the motion. The motion passed 5-0-0.**

**Mr. Lavelle made a motion to approve the waiver request to Section 1.13.G. Mr. Barham seconded the motion. The motion passed 5-0-0.**

Waiver Request 3 - Waiver from Subdivision Regulations Section 10.02.E.3 which requires a street with one point of access shall have a cul-de-sac with a minimum radius of 100' from its center. The KNA comment letter noted no opposition to this request provided the Fire Department supported this request.

**Mr. Lavelle made a motion to open the meeting to the public for comments on the waiver request to Section 10.02.E.3 of the Subdivision Regulations. Mr. Karcz seconded the motion. The motion passed 5-0-0.**

No comments from the public.

Ms. Miner noted that comments were received via email on November 7, 2019 from Fire Chief Butler regarding the hammer head as follows “I have reviewed the plans with Joe Nichols from Beals Assoc. for the project on South Rd. in Fremont. I am all set with the hammerhead design as planned it gives us ample room.”

**Mr. Lavelle made a motion to close the meeting to the public for comments on the waiver request to Section 10.02.E.3 of the Subdivision Regulations. Mr. Karcz seconded the motion. The motion passed 5-0-0.**

**Mr. Lavelle made a motion to approve the waiver request to Section 10.02.E.3 of the Subdivision Regulations. Mr. Karcz seconded the motion. The motion passed 5-0-0.**

Waiver Request 4 – Waiver from requirements of Subdivision Regulations Section 10.03.F.3 which requires a minimum cover of 3 feet above storm drain pipes.

Mr. Lavelle commented that he is not prepared to accept the 4th waiver with 2-feet of cover over the culvert. KNA noted in their review letter that they do not recommend accepting the waiver. Mr. Cole explained that the required cover in Fremont is 3 feet. There are a couple of points along the road which is proposed to be private where they have planned 2.5 feet of cover. Mr. Cole noted that other municipalities accept 2.5 feet. KNA noted that 3 feet is needed for frost protection. Mr. Cole noted 2 feet is acceptable with today's standards. There is also underdrain added under the road.

Mr. Kohlhofer noted that the expectation is that all roads meet town standards in the event they are accepted as public roadways in the future. Ms. Rowden noted the regulations are written with that intent, however an applicant can always petition a road be accepted in the future regardless of construction, but that the Board has the option to deny such request.

Mr. Springer inquired about whether or not putting the drain pipe deeper would still allow proper gravity drainage as the design intended. Mr. Cole noted that the roadway would need to be elevated to solve the design which would affect aesthetics. Beals has not discussed this design matter in detail with KNA at this time. The Board asked Beals to contact KNA to discuss fill over culvert waiver and bioretention. Regarding the bioretention pond, Mr. Cole noted that their design met NHDES standards, but that he would have this discussion with KNA.

Mr. Lavelle left the meeting at 7:31.

**Mr. Karcz motioned to table the waiver request (to Subdivision Regulations Section 10.03.F.3) until the Board hears back from the Town Engineer. Mr. Barham seconded the motion. The motion passed 4-0-0.**

Mr. Cole continued by review comments from the KNA review letter dated December 2018 as follows:

KNA General Comment 1: This is a standard requirement. Ms. Rowden noted that one of the architectural drawings showed 3 bedrooms. The Applicant noted that the third bedroom would actually be a closet or study and that all units will meet the maximum 2-bedroom requirement.

KNA General Comment 2: Fremont Highway Permit requirement was previously discussed.

KNA General Comment 3: The Board and Applicant agreed to look at a draft Development Agreement. Ms. Miner to coordinate with KNA to prepare a draft agreement for the Applicant and Board to consider.

KNA General Comment 4: The LLA requirement was discussed earlier in the meeting.

KNA Zoning Matters Comments 1a, b, and c regarding architectural building style, community facilities, and landscaping. The Board was supplied with 3 architectural examples. Ms. Rowden noted that the architectural renderings meet the town's regulations. The Applicant noted that the layouts may change slightly (façade or entrance) but that the layout will be maintained and the square footage required by Town Regulations (< or = 1500 square feet) will be maintained. Mr. Cole noted that

during the Preliminary Site Plan Review the Board had requested that the remaining property be kept as open space using existing dirt roadways as paths. Ms. Miner asked that a note be added for the width of the path or limited enhancement to mitigate trip hazards noting that Town Forest trails are similarly maintained. Mr. Springer noted that the paths are well used by ATVs and are likely navigable. Ms. Rowden noted that community facilities per Section 1301.2.K of the Ordinance are only required for developments with > 20 dwelling units. Ms. Miner inquired about sidewalks, landscaping or vegetation. None of the Board members voiced interest in sidewalks or formal landscaping. Mr. Cole noted that the builder will keep select trees from the existing canopy and landscape in the gaps. Mr. Cole also noted the Boards requirement to maintain natural vegetation within the wetland buffer between the units and the recreational trail is to remain naturally vegetated and that this is noted on the Site Plan. There was discussion in general about landscaping requirements and Home Owner Association or in Condominium Documents. KNA Zoning Matters Comment 2: KNA recommended the Condominium documents be reviewed by Town Counsel. Ms. Miner to coordinate review of these documents.

#### KNA Comments under Planning Design Matters:

Comments 1 and 2 are engineering edits which Beals will make as requested.

Comment 3: KNA recommended metes and bounds defined on the plans. Mr. Cole noted that that will be done upon approval and will be provided. Ms. Miner asked about common area or formal sign for the development. There will just be the private road sign post.

Comment 4: The Applicant received recommendation from the Town Historian, Matthew Thomas, to use Webster Lane. Ms. Miner noted that the Road name will require additional approval from the Fire Department or Emergency Services and will look into getting some documentation for the files.

Comment 5: KNA recommended a detail site grading plan including site grading around the perimeter of individual dwelling units and recommended finish floor elevations for both garage and first floor construction. Mr. Cole pointed out that the septic system will be individually pumped (not gravity) and that he felt the grading as shown will allow some limited flexibility for construction and will meet septic system design intent. The Board concurred with the grading as opposed to providing detailed finish floor elevations.

Comment 6: KNA recommended additional detail be provided for the community water supply system. Mr. Cole noted that the next round of revisions will include details on their water system construction.

Comment 7 and 8: KNA recommended additional information related to architecture and landscape design. This was discussed earlier in the meeting.

Comment 9: KNA recommended the Fire Department comment on the current proposal.

Comment 10 AASHTO Policy – Mr. Cole noted that they will update the Plan and meet with the Road Agent to document line of sight approval.

Comment 11a and c: The Board deferred on this and asked Beals to meet with KNA on these comments.

Comment 11b and d and 12: Mr. Cole noted that the requested edits will be made as recommended by KNA.

Comment 12: This comment has already been addressed in the current design.

In closing Mr. Cole will follow up with KNA regarding outstanding engineering comments including the outstanding waiver. The Board has provided their concurrence with the architectural and landscape design as presented, and the condominium documents will be required by Town Counsel.

**Mr. Karcz motioned to open the site plan review for the Elderly Open Space Development by DECM Builders Map 2, Lot 020 to the public. Mr. Barham seconded the motion. The motion passed 4-0-0.**

Mr. Thomas inquired about the noise from the Recreational Trail and whether or not it will impact the development. There were various comments about experience with noise from the trail and ATVs in general. Noise will really be an issue for the developers and the natural vegetation will remain to mitigate the noise issue. There was also discussion about emergency response on the Recreational Trail. There were no additional public comments on the Site Plan.

**Mr. Karcz motioned to close the site plan review for the Elderly Open Space Development by DECM Builders Map 2, Lot 020 to the public. Mr. Barham seconded the motion. The motion passed 4-0-0.**

There was discussion about coordinating engineering review and response over the holidays. The next meeting is January 8. The Applicant opted to attempt completion of work and requisite reviews in time for the January 8 meeting and request a continuance if necessary.

**Mr. Karcz motioned to continue the Public Hearing for the site plan review of the Elderly Open Space Development by DECM Builders Map 2, Lot 020 to January 8, 2020. Mr. Barham seconded the motion. The motion passed 4-0-0.**

8:03PM. All public attendees left except for Mr. Howland.

### **III. NEW BUSINESS**

**Public Hearing for proposed amendments to the Town of Fremont New Hampshire Zoning Ordinance as legally noticed in the Union Leader on December 8, 2019 and publicly posted on December 10, 2019. The Public Hearing is for proposed amendments to the Town of Fremont New Hampshire Zoning Ordinance including the following Articles:**

1. Article VII (Zoning Map and Districts), Sections 701, 702, 704, 707 and Article VIII (Conditional Use Permit), Section 805
2. Article IX (Lot Requirements), Section 903 and XII (Water Resource Protection), Section 1203
3. Article IX (Lot Requirements), Section 901
4. Article V (Non-Conforming Uses and Structures), Section 501
5. Article XVI (Signs), Section 1600

Detailed copies of the proposed changes to the zoning ordinance were made available to the public and each Board member for consideration at this Public Hearing. A PDF version was also posted on the Town's website. Each of the five zoning proposals will be opened individually for public comment and subsequent review for approval by the Planning Board. Town Counsel provided comments on the proposed zoning ordinance changes. Ms. Rowden noted that she reviewed Town Counsel's comments and concurred with them as provided.

**Zoning Proposal 1** - Ms. Rowden summarized this proposal which was posted as follows:

Articles VII and VIII: Amend district names and add approval language for Conditional Use Permits for clarification purposes including:

- Revise district names to reflect 2019 Zoning Ordinance updates (Article 7, Sections 701 and 702).
- Add clarifying language and list all conditions for approving Conditional Use Permits in the Flexible Use Residential District (Article 7, Section 704) and Residential District (Article 7, Section 707)
- Remove and revise conditional approval language from Article 8 to reflect amendments in Article 7.

Mr. Barham had a comment from Ms. Murray who was unable to stay for the rest of the meeting. Her comment was to add dust, fumes, and vibrations to impacts that have to be mitigated under Section 7 requirements for Conditional Use Permits (Item M). The Board discussed the intent of this proposed zoning change which was limited to adding clarifying language, not modifying the ordinance. The Board felt this was a good comment and a change that may be considered with the full Board at a later date perhaps with other clarifying mitigating requirements for light/heavy industry and light/heavy manufacturing. It was also noted that these items may be addressed during the Site Plan Review process under Town Regulations.

**Mr. Karcz motioned to open the Public Hearing for Zoning Proposal 1. Mr. Barham seconded the motion. The motion passed 4-0-0.**

The public had no comments.

The Board reviewed comments on this proposed ordinance change that were received by Town Counsel as follows: Zoning Proposal 1 adds new requirements to the conditional use permit requirements in Section 704.3 and 707.2. and amends Section 805. Sections 704.3 and 707.2 specify all the conditions that a landowner must meet to obtain the permit. One of the conditions added in the proposal is to mitigate the listed impacts. However, the beginning of Sections 704.3 and 707.0 state “the following conditions as listed below are met or impacts mitigated to the satisfaction of the Planning Board prior to granting of a Conditional Use Permit” (emphasis added). The phrase regarding mitigation is a duplicate of the new condition M that was added. She therefore recommends deleting the phrase in the introductory portion of 704.3. The same is recommended in Sections 707.2 and 805.

Mr. Yokela arrived 8:14PM.

The Board modified the presentation of proposed zoning changes by deleting sections where there are no changes proposed. Ms. Rowden and the Board felt these edits were appropriate and not significant where any additional hearing would be required.

**Mr. Karcz motioned to close the Public Hearing for Zoning Proposal 1. Mr. Barham seconded the motion. The motion passed 4-0-0.**

**Mr. Karcz made a motion to move Zoning Proposal 1 to the Warrant Article as revised by Town Attorney. Mr. Barham seconded the motion. The motion passed 4-0-0.**

**Zoning Proposal 2** – Ms. Rowden summarized Zoning Proposal 2 which was posted as follows:

Articles IX and XII: Amend language for lot size requirements for clarification purposes including:

- Add clarifying language relative to lot creation dates and the addition of a table detailing number of dwelling units allowed by minimum lot size in Article 9, Section 903.
- Add clarifying language relative to lots located within the Aquifer Protection District including the addition of a table detailing number of dwelling units allowed by minimum lot size in Article 12, Section 1203.8.

The Board reviewed comments by the Town Attorney who suggested a revision to Section 903C to reflect what the law requires and presumably what the Board intended. The recommended changes were to Section 903 C to clarify that grandfathered lots would also be subject to the provisions of Article 5.

**Mr. Karcz motioned to open the Public Hearing for Zoning Proposal 2. Mr. Barham seconded the motion. The motion passed 4-0-0.**

Mr. Howland asked for clarification of 903D. Ms. Rowden noted that one change was to change “dwelling” to “structure”. The intent of the proposed zoning change was to clarify the section by breaking further in to sentences apart for clarity. For example if you wanted a multi-family dwelling it would need to be contained within one structure. This is for ‘primary’ dwellings, not accessory dwellings.

**Mr. Karcz made a motion to close the public hearing for Zoning Proposal 2. Mr. Barham seconded the motion. The motion passed 5-0-0.**

Ms. Rowden summarized clarifications made by the table added to Sections 9 and 12.

**Mr. Karcz made a motion to move Zoning Proposal 2 to the Warrant Article as revised by Town Attorney. Mr. Barham seconded the motion. The motion passed 4-0-0.**

**Zoning Proposal 3** – Ms. Rowden summarized Zoning Proposal 3 which was posted as follows:

Article IX, Section 901: Replace the word extension with the word expansion to make ordinance language for expansion of existing structures in Article 9, Section 901 consistent with language in Article 5, Section 503 for expansion of non-conforming structures.

**Mr. Karcz motioned to open the Public Hearing for Zoning Proposal 3. Mr. Barham seconded the motion. The motion passed 4-0-0.**

No public comments. No further discussion or comments from the Board.

**Mr. Karcz motioned to close the Public Hearing for Zoning Proposal 3. Mr. Barham seconded the motion. The motion passed 4-0-0.**

**Mr. Karcz made a motion to move Zoning Proposal 3 to the Warrant Article as posted. Mr. Barham seconded the motion. The motion passed 4-0-0.**

**Zoning Proposal 4** – Ms. Rowden summarized Zoning Proposal 4 which was posted as follows:

Article V, Section 501: Eliminate language that only allows the reconstruction of non-conforming structures that have been destroyed by casualty loss and remove requirement that reconstruction be completed within two (2) years.

**Mr. Karcz motioned to open the Public Hearing for Zoning Proposal 4. Mr. Barham seconded the motion. The motion passed 4-0-0.**

No public comments.

The Board discussed the origination of this proposal which came from a ZBA Variance Application. The proposed change would further clarify when structures can be reconstructed. No further discussion or comments from the Board.

**Mr. Karcz motioned to close the Public Hearing for Zoning Proposal 4. Mr. Barham seconded the motion. The motion passed 4-0-0.**

**Mr. Karcz made a motion to move Zoning Proposal 4 to the Warrant Article as posted. Mr. Barham seconded the motion. The motion passed 4-0-0.**

**Zoning Proposal 5** - Mr. Kohlhofer and Ms. Rowden summarized Zoning Proposal 5 that was posted as follows:

Article XVI: Amend district names, add prohibited signage, and clarify illumination requirements as follows:

- Revise district names to reflect 2019 Zoning Ordinance updates (Article 16, Section 1600.2).
- Prohibit Visual Story signage.
- Specify allowance of internally lit signs under illumination regulations.

**Mr. Karcz motioned to open the Public Hearing for Zoning Proposal 5. Mr. Barham seconded the motion. The motion passed 4-0-0.**

Ms. Miner noted that she had gotten questions from the public in passing. She explained that “Visual Story Signs” are those where there is a changing narrative or pictorial message that is distracting. There was also a question about the limitation of brightness of internally lit. She explained that the illumination intensity is strictly regulated under the Dark Sky regulations. There is also verbiage in Article 16 that states ‘intensely lighted signs’ are prohibited.

**Mr. Karcz motioned to close the Public Hearing for Zoning Proposal 5. Mr. Barham seconded the motion. The motion passed 4-0-0.**

**Mr. Karcz made a motion to move Zoning Proposal 5 to the Warrant Article as posted. Mr. Barham seconded the motion. The motion passed 4-0-0.**

**IV. ADMINISTRATION**

1. **Circuit Rider Business** – The Master Plan Subcommittee met December 9 to review an updated version of the 2020 Master Plan Public Survey. The survey is planned to go live mid-January and will be out for 3 weeks. There will be printed copies and plenty of advertising

(Town Website, Library computer, flyers, posters, FCTV, other department and Board announcements). Members will also be encouraged to spread the word with flyers, etc. The Board discussed some of the specific survey questions and demographic questions, the process, and presentation of the survey while live and after. Ms. Rowden will provide an updated survey for the Board to review January 8. The Subcommittee tentatively scheduled another meeting Monday January 6 at 1PM.

**2. Incoming Correspondence** - No incoming correspondence.

**3. Project Updates**

- a. Map 001/Lot 012 Cell Tower On-Site Compliance Monitoring – Still in the planning stages for site work.
- b. Spaulding Road Extension Subdivision, Road Acceptance and Bond Release Request – There was a site inspection of the Roadway. Stantec provided a letter with recommendation that the road be accepted and limited funds be retained for crack patching.

**4. Administration/Budget**

- a. No updates.

Ms. Miner requested Board review of the Subcommittee Meeting Minutes of December 9.

**Mr. Karcz made a motion to approve meeting minutes from December 9, 2019. Mr. Kohlhofer seconded the motion. The motion passed 4-0-0.**

**VI. ADJOURNMENT**

**Mr. Karcz made a motion to adjourn the meeting at 9:00 PM. Mr. Barham seconded the motion. The motion passed 4-0-0.**

Respectfully Submitted,



Leanne Miner, Land Use Administrative Assistant