

Board Members Present: Chair Paul Powers, Vice Chair Andy Kohlhofer, Ex Officio Roger Barham, Members Jack Karcz and Tim Lavelle.

Also Present: Madeleine DiIunno, Rockingham Planning Commission; Administrative Assistant Leanne Miner

I. WELCOME

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

II. MINUTES

Mr. Karcz made a motion to approve the meeting minutes for November 16, 2022. Mr. Lavelle seconded the motion and the motion passed 5-0.

III. NEW BUSINESS –

- 1. 003-037-003 Request for Extension** – PPM Fremont Holdings requests an extension for a Conditional Use Permit previously approved on June 2, 2021 and for a Site Plan that was approved on December 1, 2021

Ms. Miner reported that the Conditional Use Permit does not have an expiration date so there is no need to take any action on that request. The remainder of the extension request is for the Lot Line Adjustment and Site Plan Review. The main outstanding item is recording of the mylars. The Engineer is currently working on installing boundary monuments and the mylars. The Applicant had made payment last year in anticipation of recording documents and is waiting to hear about funding of the project. The Board voiced no opposition to extending the deadline to complete conditional items.

Mr. Barham made a motion to extend the conditional approval for the amended Lot Line Adjustment and Site Plan approvals for another year to December 1, 2023. Mr. Kohlhofer seconded the motion and the motion passed 5-0.

- 2. 003-002 Request for Bond Release** – Owner Martin Ferwerda of Governor's Forest is requesting full road and infrastructure bond release for Sharon's Way (Phase 3 of Governor's Forest).

Ms. Miner distributed a final inspection report and letter from the Town Engineer, Keach Nordstrom Associates (KNA) dated December 6, 2022. Final top coat/paving has been completed and surrounding areas stabilized. KNA recommends full bond release in their letter. This is a private roadway so there is no maintenance bond required. The owner attested in writing (email) that all improvements were built as designed (in lieu of an as-built) in accordance with the regulations.

Mr. Lavelle made a motion to recommend that the Office of the Select Board release the bond in full amount for Sharon's Way (Phase 3 of Governors Forest). Mr. Karcz seconded the motion and the motion passed 5-0.

3. **002-020 Request for Bond Release** – Owner Representative Chris Cloutier of DECM Builders LLC is requesting a full restoration bond release for the elderly open space development off South Road.

Ms. Miner distributed a final inspection report and letter from the Town Engineer, Keach Nordstrom Associates (KNA) dated December 1, 2022 recommending full bond release in their letter. This is a private roadway so there is no maintenance bond required. Ms. Miner met with KNA, Developer Representative Chris Cloutier, and HOA President on site for the final inspection and reported that the site looks great and final outstanding items have been addressed.

Mr. Lavelle made a motion to recommend that the Office of the Select Board release the bond in full amount for Map 2, Lot 20, South Road Elderly Housing Development project. Mr. Kohlhofer seconded the motion and the motion passed 5-0.

4. **Zoning Ordinance Amendments for 2023** The proposed amendments were posted on the Planning Board's webpage and at the Town Hall in detail. The legal notice was posted on town's website 12/22/22.

Zoning Ordinance Amendment Proposal 1

Article 4: Add definitions for Motor Vehicle Repair Shop and Motor Vehicle Sales to clarify land uses in addition to and in lieu of the current category titled Motor Vehicle Showroom, respectively.

Article 7: Revise the Table of Uses to include newly defined uses including Motor Vehicle Repair Shop and Motor Vehicle Sales and to indicate in which districts they are allowed, under what conditions they are allowed, and in which districts they are prohibited.

Ms. Miner noted that during earlier meetings the Board had reviewed the proposed amendments with the understanding that Motor Vehicle Showroom is allowed in the Flexible Use Residential District (FUR) with a Conditional Use Permit (CU). After receiving comments from Town Counsel on the proposed amendments, Ms. Miner noted that the use for Motor Vehicle Showroom was actually prohibited (X) in the FUR. She noted that both uses were noticed as the Board approved them (i.e., with CU for both Motor Vehicle Sales and Repair in the FUR). The Board acknowledged the correction.

Ms. Miner distributed changes recommended by Town Counsel in a letter dated November 18, 2022 and comments from town resident Joshua Yokela via email December 1, 2022. Mr. Yokela suggested adding the word 'commercialized' and provided reasoning. Ms. Miner commented that some of the FUR roads such as South Road and North Road aren't a good fit on these roads given the other uses allowed in the FUR. These uses are more along the lines of light industrial uses and have environmental risk. Also if residents in these areas realized that these uses would now be allowed they might object. Mr. Powers pointed out that a *change* in uses was not their intention and given limited time for hearings before Town vote he was inclined to keep them as is and take up the topic of changing the zoning at a later date. The Board discussed this clarification in the amendments and decided to amend the language similarly. The Board decided to keep the zoning as currently defined (both prohibited in FUR)

and table any change in zoning. There was further discussion on the wording of the amendments to clarify commercial auto land uses versus the hobbyist that repairs their own cars or sale of personal vehicles. The following is the final text that the Board agreed to.

ZONING AMENDMENT PROPOSAL 1

Existing language

New language

~~Existing language to be removed~~

ARTICLE 4 - ADOPTION AND AMMENDMENTS

Section 403 – Definitions

MOTOR VEHICLE REPAIR SHOP: The use of any building, land area or other premise used principally for the servicing and repair of automobiles, recreational vehicles, or other similarly sized vehicles.

MOTOR VEHICLE SALES: The use of any building, land area or other premise used principally for the display, sale, rental, or lease of new or used automobiles (but may include light trucks or vans, trailers, or recreation vehicles), and including any vehicle preparations, warranty, or repair work conducted as an accessory use.

ARTICLE 7 – ZONING MAP AND DISTRICTS

Section 708 – Table of Uses

| | Zoning Districts | | | |
|---|-------------------------|-----------|------------|----------|
| | SH | MS | FUR | R |
| <u>Motor Vehicle Repair Shop</u> | <u>P</u> | <u>P</u> | <u>X</u> | <u>X</u> |
| <u>Motor Vehicle Showroom</u> <u>Motor Vehicle Sales</u> | P | P | X | X |

Mr. Lavelle motioned move Zoning Ordinance Amendment Proposal 1 (Articles 4 and 7) as revised to the Town Warrant for 2023. Mr. Karcz seconded the motion and the motion passed 5-0.

Zoning Ordinance Amendment Proposal 2

Article 12: Remove from the Aquifer Protection District the definition in Section 1203.4 for Animal Feedlot. Remove Animal Feedlot from Section 1203.8.D(9) – Prohibited uses in the Aquifer Protection District.

Ms. Miner noted that no comments were received on this proposal.

The proposed amendment was noticed as follows:

ZONING AMENDMENT PROPOSAL 2

Existing language

New language

~~Existing language to be removed~~

ARTICLE 12 WATER RESOURCE PROTECTION

Section 1203 - Aquifer Protection District

1203.4 Definitions: The following definitions shall apply only to this Aquifer Protection District and shall not be affected by the provisions of any other ordinance of the Town of Fremont.

~~**Animal Feedlot:** A commercial agricultural establishment consisting of confined feeding areas and related structures used for the raising of livestock. An animal feedlot shall be considered one on which more than five (5) animals are raised simultaneously.~~

1203.8 Use Regulations

D. Prohibited Uses: The following uses are prohibited in the Aquifer Protection District except where permitted to continue as a non-conforming use:

1. Disposal of solid waste including brush or stumps.
2. Storage and disposal of hazardous waste.
3. Disposal of liquid, septage or leachable wastes except that from one or two-family residential subsurface disposal systems, or as otherwise permitted as a conditional use.
4. Subsurface storage of petroleum and other refined petroleum products except for propane and natural gas.
5. The development or operation of gasoline stations.
6. Industrial uses which discharge contact type process waters on-site. Non-contact cooling water is permitted.
7. Outdoor unenclosed storage or use of road salt or other de-icing chemicals.
8. Dumping of snow containing de-icing chemicals brought from outside the district.
- ~~9. Animal feedlots. (see definitions – five (5) or more animals)~~
10. The development or operation of a junkyard
11. All on site handling, disposal, storage, processing, or recycling of hazardous or toxic materials.

Mr. Lavelle motioned to move Zoning Ordinance Amendment Proposal 2 (Article 12) as noticed to the Town Warrant for 2023. Mr. Karcz seconded the motion and the motion passed 5-0.

Zoning Ordinance Amendment Proposal 3

Article 13: Add text to Article 1301.1 – Elderly Open Space, pursuant to RSA 674:17, IV, to indicate how certain incentives under this ordinance may be applicable to development of workforce housing.

Edits to this proposal were recommended by Town Counsel in a letter dated November 18, 2022. Comments and edits to the proposal were also received from town resident Joshua Yokela via email December 1, 2022.

Mr. Kohlhofer inquired about changing Elderly Open Space to Age-Restricted. Town Counsel did respond to this inquiry noting that a Warrant Article would be required to change all references in the Zoning Ordinance for Elderly Open Space to Age-Restricted. Ms. Miner will file this change for next year.

The Board discussed both comments and thought Town Counsel's edits made sense. The Board agreed to amend the zoning proposal as shown in **BOLD underline** below

ZONING AMENDMENT PROPOSAL 3

Existing language

New language

~~Existing language to be removed~~

ARTICLE 13 – OPEN SPACE ORDINANCES

Section 1301 – Elderly Open Space

1301.1 Purpose: The standards in this section have been established for the purpose of encouraging the construction of elderly housing developments (or the conversion of existing structures into elderly housing facilities), which are designed and constructed to meet the unique needs of elderly citizens, while ensuring compliance with local planning standards, land use policies, good building design, and the requirements for the health, safety and general welfare of the inhabitants of Fremont. Such developments shall not include assisted living and/or extended care facilities.

This Ordinance has also been developed to incorporate open space development components for elderly housing projects. The Town of Fremont understands the importance of maintaining open space as a way of preserving rural character, protecting wildlife habitat, and preserving important natural resource areas. In an effort to achieve these goals, this ordinance encourages the placement of elderly housing units in relatively compact areas within the development site in order to leave large undeveloped areas free of negative development impacts.

The Town of Fremont recognizes that one aspect of elderly housing development is that the housing built will continue to be put to this use in perpetuity, consistent with

restrictive covenants and consistent with the provisions of state and federal law that permit housing units to be restricted by age.

This Ordinance is also developed to allow mixed-use development to occur within the project. The standards herein allow service and retail facilities to be developed in conjunction with the creation of elderly housing. These mixed uses are allowed and encouraged because of their inherent connection to the needs of elderly residents and because such uses expand the feeling of community within the elderly development. This Ordinance is adopted pursuant to the provisions of RSA 674:21 (Innovative Land Use Controls), and the Planning Board is hereby empowered and authorized to administer this Ordinance in conjunction with the Selectmen and building officials of the Town of Fremont.

Pursuant to RSA 674:17, IV, any **increased density, reduced lot size, expedited approval, or other** dimensional or procedural incentive under this elderly open space ordinance is deemed applicable to a development of workforce housing as defined in RSA 674:58, IV. Any proposed workforce housing development shall comply with the provisions of the Fremont zoning ordinance, site plan and subdivision regulations with respect to environmental protection, water supply, sanitary disposal, traffic safety and fire and life safety protection.

Mr. Lavelle motioned to move Zoning Ordinance Amendment Proposal 3 (Article 13), with changes as recommended by Town Counsel November 18, 2022, to the Town Warrant for 2023. Mr. Karcz seconded the motion and the motion passed 5-0.

005-009 Request for Preliminary Review – Shirkin Road - New England Outdoor Materials LLC, a wholesale bark mulch manufacturing and distribution company is seeking input on a commercial land use concept. Ms. Miner reported that the Applicant decided not to move forward because the upland areas were too limited for what they wanted to do.

Discussion followed regarding the commercial uses zoned for Shirkin Road in this area. The Board agreed that the zoning should be revisited in this area. Ms. DiIonno will take a look at previous zoning change information that might have been evaluated by former RPC Circuit Riders.

IV. ADMINISTRATION, OTHER

Circuit Rider Business

1. Ms. DiIonno announced that there are two warehousing projects in Raymond that have been ruled as “Regional Impact” projects. The Town will be receiving an abutter notice.

Incoming Correspondence and Project Updates

1. Liberty Lantern Estates – Construction has begun. The roads have been roughed in. They are planning to build model homes soon.
2. Scribner Road – Construction has started on this site. Work is ongoing on road and drainage systems.

3. Iron Horse Park – The Applicants are meeting with the Select Board tomorrow evening regarding road acceptance.

Administration –

1. Budget 2023 – No updates since last meeting.
2. Capital Improvement Program (CIP) – The CIP Committee is meeting just before the next Board meeting at 6PM
3. Master Plan Subcommittee on Transportation Chapter – The Board will review updates at the next Board meeting on January 18
4. Other Department News – None.

V. ADJOURNMENT

Mr. Karcz made a motion to adjourn the meeting at 7:50 PM. Mr. Lavelle seconded the motion. The motion passed 5-0.

Respectfully submitted,



**Leanne Miner
Land Use Administrative Assistant**