

**Board Members Present:** Chair Paul Powers, Vice Chair Andy Kohlhofer, Ex Officio Roger Barham, and Members Tim Lavelle and Jack Karcz, Mike Wason and Alternate Member/Administrative Assistant Leanne Miner present in the basement meeting room and by video conference using Microsoft Teams.

**Also Present:** Jennifer Rowden, Rockingham Planning Commission (RPC; via Microsoft Teams). Mr. Barry Gier of Jones and Beach representing Gary Densen of Haus Emily LLC; Mr. Gary Densen; Public/Abutters to Scribner Road proposed development Boe and Susan Wolfe, Cindy Crane; Barry Ferrara; Applicant, Travis Baum

## **I. WELCOME**

Mr. Powers opened the meeting at 7:01 PM and announced that in accordance with Emergency Order #12 Pursuant to State Executive Orders, the Planning Board is permitted to utilize emergency meeting provisions of RSA 91-A to conduct this meeting through electronic means while preserving, to the extent feasible, the public's right to observe and listen contemporaneously.

Ms. Miner noted that the meeting is being recorded and will be posted after the meeting on Vimeo. The following E-meeting procedures will be followed in accordance with the Governor's Emergency Order:

1. If anyone has problems with accessing the meeting they can call the Town Hall at 603 895-3200, extension 306 or email [landuse@fremont.nh.gov](mailto:landuse@fremont.nh.gov) for assistance during the meeting.
2. If for some reason the public is unable to access the meeting, the meeting will be adjourned.

## **II. MINUTES**

Minutes for November 18, 2020 were distributed to the Board. **Mr. Karcz motioned to accept the meeting minutes for November 18, 2020. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.**

## **III. CONTINUED BUSINESS**

**Map 001. Lot 082 - Scribner Road. Public Hearing Continued for Open Space Preservation Development.** Applicant Emily Haus, LLC has submitted a Subdivision Application to construct an 8-lot Open Space Preservation Development.

Mr. Karcz recused himself from the Board as an abutter.

Mr. Gier provided an update since the November 4 Public Hearing noting responses to comments made by the Town Engineer, Steven Keach and Town Departments including the Road Agent and Deputy Fire Chief.

The Board did not take jurisdiction at the last meeting as they need to revise the 4k area for Lot 8. At the last meeting the Board approved the 8<sup>th</sup> building lot and tentatively discussed waivers. The plans have been updated per the comments for the Town Engineer, Fire Chief and the Board and include revision around 4k area, cistern, and drainage around water system. Mr. Gier mentioned that the center line is now marked for any members that would like to do a site walk.

**Mr. Lavelle made a motion to accept the application for Map 1, Lot 82 for open space preservation development subdivision. Mr. Barham seconded the motion. The motion passed 5-0-0.**

Waivers were reviewed as follows:

**Waiver Request 1** – The Applicant is requesting a waiver to Subdivision Regulation: Section 6. B. 2 & 3 – Well Radius on Lot.

Mr. Gier stated that because of the reduced lot size, the open space subdivision with the property being long and narrow they are asking for a waiver. There was some discussion on if the subdivision is an Open Space owned in part by each homeowner then technically the well radius would still be on property partially owned by homeowner.

**Mr. Kohlhofer made a motion to open the meeting for public comment on Waiver Request 1. Mr. Lavelle seconded the motion. The motion passed 5-0-0.**

Mr. Karcz (as abutter) asked if there needs to be an easement with any shared driveways or well radius crossing, and Mr. Gier stated yes, and they are on the plans.

**Mr. Lavelle made a motion to close the meeting for public comment on Waiver Request 1. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.**

**Mr. Lavelle made a motion to grant Waiver Request 1. Mr. Barham seconded the motion. The motion passed 5-0-0.**

**Waiver Request 2** – The Applicant is requesting a waiver to Subdivision Regulation: Section 10.02.R - Cul-de-sac Road Length.

Mr. Gier state that this property long and the current maximum is 800', they are requesting the proposed length be 1042 linear feet including the circle. The comments from the Fire Department and Road Agent were favorable at the last meeting.

**Mr. Kohlhofer made a motion to open the meeting for public comment on Waiver Request 2. Mr. Lavelle seconded the motion. The motion passed 5-0-0.**

There was no public comment

**Mr. Lavelle made a motion to close the meeting for public comment on Waiver Request 2. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.**

**Mr. Lavelle made a motion to grant Waiver Request 2. Mr. Barham seconded the motion. The motion passed 5-0-0.**

**Waiver Request 3** – The Applicant is requesting a waiver to Subdivision Regulation: Section 3.L. – Requirement for site specific soil mapping.

Mr. Gier stated that this is a typical farm site with homogenous soil and the town does not use site specific soil mapping for lot development requirements. The Board agreed.

**Mr. Kohlhofer made a motion to open the meeting for public comment on Waiver Request 3. Mr. Lavelle seconded the motion. The motion passed 5-0-0.**

There was no public comment.

**Mr. Lavelle made a motion to close the meeting for public comment on Waiver Request 3. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.**

**Mr. Lavelle made a motion to grant Waiver Request 3. Mr. Barham seconded the motion. The motion passed 5-0-0.**

**Waiver Request 4** – The Applicant is requesting a waiver to Subdivision Regulation: Section 10.03.F3. – For minimum pipe cover.

Mr. Gier stated they are requesting waiver from minimum cover for storm drains be 36” from top pipe to finished grade, the proposed culvert at the entrance (PTO2) is located with approx. 2.54’ of cover in current design. The elevation restrictions are due to crossing on Scribner Rd and entrance elevation. This also would affect the grade of the road.

**Mr. Lavelle made a motion to open the meeting for public comment on Waiver Request 4. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.**

An on-line question was asked by Boe Wolfe, abutter at 159 South Road: “How much of Scribner Road will be repaired when the road is built?”. If any of the road is damaged where the roads meet it will be repaired to a better condition.

Barry Ferrara (abutter 239 South Road) asked if water dispersed from the road will be contained. Mr. Gier explained that they are not permitted to discharge more water that is currently being discharged and there are drainage features to deal with this during construction.

**Mr. Lavelle made a motion to close the meeting for public comment on Waiver Request 4. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.**

**Mr. Lavelle made a motion to grant Waiver Request 4. Mr. Barham seconded the motion. The motion passed 5-0-0.** Mr. Kohlhofer stated that this is being done for the grade of the road.

**Mr. Lavelle made a motion to open the public meeting for comments on the application for Map 1 Lot 82 for open space preservation development subdivision. Mr. Barham seconded the motion. The motion passed 5-0-0.**

Cindy Crane (abutter 203 Scribner Road) commented that as the Planning Board reviews proposed construction of residential homes on current farmland with the potential for more in the future, she hope the Board will keep the following recommendation in mind:

1. With the recent town survey done for the Master Plan most Fremont residents put a high value on the towns semi-rural character. With each subdivision built, it erodes the character of the town and in time turn Fremont into just another suburb of Boston.
2. Conversion of farmland or forest will increase the towns demand on its natural resources like ground water. Recent droughts have shown we need to keep in mind the long-term ramifications on our natural resources.
3. If we believe that the building of more houses will decrease the overall cost of property taxes, we will likely be wrong. New residents will also increase the demand on town services and the increase in taxes do not cover the increase in cost.

Ms. Crane stated that she has received a letter from a company looking to purchase her farm and is concerned that the town may be targeted for development and she would like to see more effort toward working with the town residents to inform them of their options.

The Board thanked Ms. Crane for her comments and there was discussion on what options the town would have to maintain rural character. Mr. Barham mentioned that the town is currently 70% developed and there is a limited amount of development that could be done. There was discussion regarding residents learning more about conserving their land or part of their land. Mr. Gier stated examples of Fremont being very restrictive for building compared to surrounding towns.

Ms. Wolfe asked if there are many large trees along Scribner near the entrance that are planned to be cut down. Mr. Gier stated that most trees near the entrance will need to be removed and this is on the plan.

Mr. Wolfe also stated that the conditions of Scribner Road is bad and that he is concerned about the damage done with heavy trucks and equipment causing more damage. Mr. Barham stated that if the road is really bad then the town will need to do restoration. Mr. Wolfe stated that the trees are over 100 years and what will be done if when they are removed this could cause a lot of damage to the road. The Board stated that the developer will need to have a bond and will need to repair any damage done to the road during construction.

It was noted that the Applicant will need to go before ZBA for a Special Exception and will then apply for State permits.

**Mr. Lavelle made a motion to close the meeting for public comment on the application. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.**

**Mr. Lavelle made a motion to schedule a site walk for Sunday, December 6, 2020 at 1:00 pm. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.**

**Mr. Lavelle made a motion to continue this hearing until December 16, 2020 at 7:00 pm. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.**

Mr. Gier left the meeting and Mr. Karcz rejoined the Board.

#### **IV. NEW BUSINESS –**

**Map 003, Lot 150-000 - 225 Main Street. Preliminary Consultation for Conditional Use Permit and Minor Site Plan application.** Applicant Travis Baum of Baum Plumbing and Heating seeks to use the property for professional office space with a garage and has proposed modifications to the site. This property is the location of the former Rowes Gas Station and store.

Mr. Baum explained that he would not be making any changes to the property, the small garage on site will be used for his storage and front building will be his offices. There was mention that he would be putting a connex box for additional storage. This box will be moved to job sites and off site often. He stated that he planned to repair/repave the existing driveway and not expand. Ms. Rowden mentioned research on the septic is adequate for residence and business. There was more discussion about what would be needed for his plan to move forward. Mr. Baum needs approval from the town to move forward with the purchase of the property.

**The Board agreed that this project meets requirements for minor site plan review. The Public Hearing is scheduled for December 16, 2020.**

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

**Mr. Kohlhofer motioned to open the Public Hearing for proposed amendments to the Town of Fremont New Hampshire Zoning Ordinances Article XV and Article XVII. Mr. Lavelle seconded the motion. The motion passed 6-0-0.**

There was no public comment.

**Mr. Kohlhofer made a motion to close the Public Hearing. Mr. Barham seconded the motion. The motion passed 6-0-0.**

**Mr. Barham made a motion to move Article XV to a Warrant Article as written. Mr. Lavelle seconded the motion. The motion passed 6-0-0.**

Article XV: Amend how impact fees will be assessed based on updated methodology approved by the Planning Board November 4, 2020 and update restrictions associated with occupant age to be consistent with the Elderly Open Space Zoning Ordinance:

- Add clarifying language for the application of School Impact Fees on new development including exception of accessory dwelling units and residential units that are lawfully restricted to occupancy by senior citizens age fifty-five (55) or over
- Include language for when fees shall be collected and how fees are structured.
- Remove waiver language for occupants aged sixty-two (62) and over in Section 1506 which will be clarified in new Section 1505.3.

**Mr. Barham made a motion to move Article XVII to a Warrant Article as written. Mr. Lavelle seconded the motion. The motion passed 6-0-0.**

Article XVII, Section 1702.13 - Expiration of Special Exception and Variance

As authorized by State of NH RSA 674.33.I-a, variances or special exceptions granted on or after August 19, 2013 shall be valid only if exercised within two (2) years of the date of final approval. The Board of Adjustment, at the Applicant's request, may grant a single, twelve (12) month extension. No variance or special exception shall expire within six (6) months of the resolution of a planning board application filed in reliance upon the variance or special exception. Variances before August 19, 2013 shall be null and void unless exercised by April 1, 2024.

**V. ADMINISTRATION**

Administration/Budget – No updates

Circuit Rider Business – Ms. Rowden mentioned the contract was signed for doing Storm Water Regulations and Land Use Master Plan, this should start at the beginning of January.

Incoming Correspondence

Project Updates

- Ms. Rowden updated the Board on the regional impact for the Town of Kingston's Regional meeting for the property on Route 125. It is a warehouse proposal. Kingston has not approved this yet, there was a regional impact meeting the major concerns were traffic, stormwater affect on the small river. She does not feel there will be much impact on Fremont. Ms. Miner question any impacts on natural resources. Mr. Rowden replied that there were a few conditional use permits on shoreland impacts and impacts to the aquifer and minimal impact on wetlands except along the little river.
- Map 001/Lot 012 Cell Tower –Project close out pending receipt of an As Built site plan which is being reviewed by the Town Engineer.
- Map 003/Lot 002 Governor's Forest – The emergency access road is in. Ms. Miner went to see the road and it looked good. The surface is crushed stone and there will be signs and chains placed.

**VI. ADJOURNMENT**

**Mr. Lavelle made a motion to adjourn the meeting at 8:22 PM. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0.**

Respectfully submitted,

  
Kathy Clement