

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

Also Present: Madeleine DiIunno, Rockingham Planning Commission; Administrative Assistant Leanne Miner; Bill Gregsak of Gregsak Engineering representing Applicants Mike Rislove of Fremont Land LLC

I. WELCOME

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

II. MINUTES

Mr. Karcz made a motion to approve the meeting minutes for December 7 and 21, 2022. Mr. Kohlhofer seconded the motion and the motion passed 4-0

III. NEW BUSINESS –

- 1. 002-151-2 Subdivision Application** Applicant, Fremont Land LLC, is proposing to subdivide the subject parcel into two (2) parcels with legal frontage for both on Route 107, a state highway.

Mr. Gregsak provided an overview of the project to subdivide a 3-acre parcel off Map 02-151.002 with frontage on Rte 107. They are waiting for subdivision approval. For the NHDOT driveway permit, they applied for a permit for a single-family home. The new owner will need to file an update with the state to receive a permit for commercial development. He has reviewed Keach Nordstrom Associates LLC (KNA) comments which will be easily addressed. They are asking for waivers that are the same as the waivers requested in their previous application related to mapping Article 3D, E, and H.

The Board is in receipt of the following:

1. Application received December 1, 2022
2. Plan set (8 drawings) dated October 25, 2022. The digital plan set (received via email 12/14/22) is dated December 14, 2022. The Applicant provided a revised set this evening dated December 14, 2022.
3. Waiver Request to Article III Sections 3.D, 3.E, and 3.H
4. RPC Memo dated January 3, 2023.
5. Keach-Nordstrom Associates, Inc. (KNA) letter dated January 4, 2023

The Board is also in receipt of Town Department comment sheets or letters as follows:

6. Select Board dated December 29, 2022.
7. Fire Chief Richard Butler Comment Sheet received via email January 2, 2023.
8. Road Agent Leon Holmes Comment Sheet dated December 21, 2022. Stated that this is on a state road which requires a state permit.
9. Building Inspector/Code Enforcement Comment Sheet dated December 21, 2022. No comments were provided.
10. Axis GIS mapping showing NWI wetlands from Ms. Miner.

Mr. Barham addressed comments 2 and 3 from the Select Board regarding the roadway and access which were:

2. "It is noted this newest lot has frontage State Route 107. It's location at the southwestern tip of the land now occupies the best location for a future roadway connection (through-way) of the existing roadway, IF no plans exist to extend Iron Horse Drive in a northerly, through, direction. This use of frontage seems prohibitive in that it is the only viable frontage location on the parcel (on Route 107), without significant wetlands disturbance or other special permitting. The Town's concern for public safety and a through way remains. We have reviewed this further to find it is a significant distance to fully make that connection, and know that construction of a roadway before there are further development plans could be premature. The concern is that the loss of that one remaining section of "good/usable" frontage prohibits future through-way planning."
3. "Given the conditional nature of the roadway and it's potential through-way status, and temporary easements (and turn-around status), should the applicant revisit the end of the current Iron Horse Drive or consider other off-site improvements for the subdivision/project as a whole?"

The comments were not against the application but are meant to be an observation. Mr. Barham wanted to make clear, having recently discussed the existing road that extends onsite (Iron Horse Drive), that there no longer will be space for a return route to Rte 107. The Planning Board previously approved a waiver to allow the roadway to extend to a limit of 2100 feet. Having said that, Mr. Barham also recognized that to make the roadway return, the Applicant would need to install approximately 1800 linear feet of roadway at great cost to reconnect another 500 feet from the existing main entrance with no other purpose but to create a throughway. The Select Board understands why the Applicant is proposing this single-lot subdivision without a return, but they will now be limited in future development to the current 2100 feet of public roadway until such a time as they might either connect through the school parcel or another abutting parcel. Mr. Gregsak voiced his understanding and concurrence with this observation.

Public Notice was given as follows:

Union Leader published December 22, 2022

Town Hall 2 Locations December 20, 2022

Town Website – Home page December 20, 2022

Post Office and Abutter Mailings (1-day priority) December 20, 2022

Additional observations were made by the Board including:

The existing gravel pit still has quite a bit of ledge that is being excavated so that use continues. The gravel pit could be shown on Sheet 5 in addition to Sheet 2 to further show limitations on roadway development.

The Fire Chief commented that he wants to have a cistern in place prior to further development. It was noted that a fire cistern is required prior to building phase 2 of the Ragnar Innovations Site Plan which is tied to Map 2 Lot 151.002. Future development of newly subdivided parcels will

require individual Site Plan Review including review of fire controls. The proposed property is also located on Rte 107 so emergency access is from Rte 107

Ms. DiIunno inquired about buildable area on the proposed lot. Mr. Gregsak noted recognized that they total buildable area on the proposed lot is limited with wetland buffer. The new owner will require a Site Plan for driveway permitting. Gregsak noted that language on zoning is incomplete and they will update buildable areas. He will also show wetland buffers as they relate to the reserved septic area.

Ms. DiIunno noted that the application is complete and inquired about her comments in the memo. She inquired about any comments from Fire Dept or Road Agent regarding line of sight of which there were none. She noted that previous waivers should be noted on the final plans.

Ms. Miner provided plan comments earlier via email which will be addressed. The Reference notes are incomplete. Wetland areas should be noted as Prime where applicable.

Mr. Karcz made a motion to accept jurisdiction of Subdivision Application for Map 2, Lot 151-2. Mr. Kohlhofer seconded the motion and the motion passed 4-0.

Mr. Powers read waiver requests from the Applicant. Clarifications were made that these are *partial* waiver requests are for the parent lot only Map 2, Lot 151-2 and only for wetlands and topography. The letter request included details from the previous application that needed minor correction. The waivers requested are for the parent lot with a total area of 101.9 acres.

a. Article III Section 3.D: Area, in acres and square feet, of the entire site of proposed subdivision. Acre, square feet, and percentage of total area for the following segments of information; total area, area left in natural state, area of wetlands, recreation area and area used.

The Applicant requests a partial waiver from Article III Section 3.D, for wetlands and topography, for the parent parcel (Map 2, Lot 151-2) having a total area of 101.9 acres. They provided topography and wetlands for 77 acres of the area of that which includes existing roadway and the proposed lot.

Mr. Kohlhofer made a motion to grant the waiver requested. Mr. Barham seconded the motion. The vote was 4-0.

b. Article III - Section 3.E: Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%).

The Applicant requests a partial waiver from Article III Section 3E for the parent parcel (Map 2, Lot 151-2). The existing parcel is 101.9 acres and they have provided topography and wetlands for 77 acres of the area of that which includes existing roadway and the proposed lot.

Mr. Kohlhofer made a motion to grant the waiver. Barham seconded the motion. The vote was 4-0.

c. Article III - Section 3.H: Natural features such as streams, marshes, lakes, ponds, rock outcrops, wooded areas, significant trees, ledge, and other significant environmental features, including wetland soils as defined under current Fremont Wetlands Ordinance, wetlands shall be identified by a NH certified soil scientist or NH certified wetland scientist.

The Applicant has requested a partial waiver from Article III Section 3 H, for wetlands, for the parent parcel (Map 2, Lot 15102). The existing parcel is 101.9 acres and they have provided topography and wetlands for 77 acres of the area of that which includes the existing roadway and the proposed lot.

Mr. Kohlhofer made a motion to grant the waiver. Mr. Karcz seconded the motion. The vote was 4-0.

Each waiver granted by the Planning Board should be noted on the final plan.

Mr. Kohlhofer motioned to open the hearing for public comment on the Subdivision Application at Map 2 Lot 151-2. Mr. Karcz seconded the motion and the motion passed 4-0.

There were no public comments.

Mr. Barham motioned to close the hearing for public comment on the Subdivision Application at Map 2 Lot 151-2. Mr. Kohlhofer seconded the motion and the motion passed 4-0.

Mr. Powers commented that the plan set should not be titled Commercial Use. The Applicant agreed and will eliminate the word "Commercial". On Sheet 3 the lots could be shown as approved depending on progress related to public roadway acceptance.

Ms. Miner reviewed the proposed conditions of approval as follows:

1. Plan Sheets 1, 2, 5, and 6 Mylars shall be recorded at the Rockingham Registry of Deeds and a digital copy of the Mylar provided for the Town Land Use file.
2. All licensed professionals whose names appear on the approved plans and Mylar shall have original stamps and signatures.
3. All required state permits are received, and permit numbers noted on the approved plans and recorded Mylar.
4. All waivers granted and conditions of approval be noted on approved plans and recordable Mylar.
6. All monuments shall be installed, shown on approved plans and recorded mylars, and certified.

With no additional comments the Board agreed to continue the haring.

Mr. Kohlhofer motioned to continue the public hearing to January 18, 2022 at 7PM. Mr. Kohlhofer seconded the motion and the motion passed 4-0.

Mr. Gregsak and the Applicants left the meeting at 7:58 PM.

- IV. CONTINUED BUSINESS** – Mr. Kohlhofer noted in our Site Plan Review Regulations language requires applications “shall” be provided to Rockingham Planning Commission (RPC). He was concerned that this would require us to contract with RPC. This was discussed and the Board agreed that should contracting change there were a number of ways to address this in the regulations such as updating the regulations or adding language regarding a designee.

V. ADMINISTRATION, OTHER

1. Circuit Rider Business

- a. The Board will review the Transportation Chapter of the Master Plan on January 18 during Work Session.
- b. Ms. Miner distributed

2. Budget 2023 – No updates.

3. Incoming Correspondence and Project Updates

Scribner Road – Ms. Miner is working with the new owner/developer on getting final legal documents in place. The owner is considering bonding remaining work on the roadway. Ms. Miner is coordinating with the Select Board on these matters as needed.

- a. Capital Improvement Program (CIP) –CIP Committee met tonight met at 6:00 pm in the basement meeting room.

4. Other Department News

ZBA just appointed a new member Kalup Veneman.

Mr. Kohlhofer made a motion to recommend Ms. Miner for alternate to the Planning Board to the Select Board. Mr. Karcz seconded the motion. The vote passed 4-0.

VI. ADJOURNMENT

Mr. Karcz made a motion to adjourn the meeting at 9:06 PM. Mr. Kohlhofer seconded the motion. The motion passed 5-0.

Respectfully submitted,



Leanne Miner
Land Use Administrative Assistant