

**Board Members Present:** Chairman Paul Powers, Vice Chair Andy Kohlhofer, Ex Officio Roger Barham, Members Jack Karcz, Timothy Lavelle and Alternate Member/Administrative Assistant Leanne Miner.

**Also Present:** Maddie Dilonno of Rockingham County Planning Commission (RPC); Joseph Nichols of Nichols Environmental on behalf of Joseph Falzone and WNRV, LLC; Scott Gove Reality; Alex Monastien Gove Reality; Jay Wright Builder

**I. WELCOME**

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

**II. MINUTES**

**Mr. Karcz made a motion to approve meeting minutes for January 19, 2022. Mr. Lavelle seconded the motion. The motion passed 5-0.**

**III. CONTINUED BUSINESS**

- 1. Map 3 Lot 62, Map 3 Lot 62-1, and Map 4 Lot 55 – Lot Line Adjustment Woodman Family Trust and Cheryl Woodman.** This lot line adjustment will affect three (3) parcels identified as Map 3 Lots 62 and 62-1 and Map 4 Lot 55. All parcels are located in Fremont, NH. Parcels Map 3 Lots 62 and 62-1 are owned by the Woodman Family Revocable Trust of Fremont, NH and the parcel located on Map 4 Lot 55 is owned by Cheryl Woodman of Fremont, NH. The proposed plan adjustments create an access easement across lot 62 for the benefit of lot 62-1 and reconfigures lots that will meet the current minimum lot size requirements of the Town of Fremont, NH.

Mr. Lavelle recused himself and addressed the Board representing Woodman Family Trust and Cheryl Woodman. He stated there are 3 existing lots and they would like to move land from lot 62 to lots 62-1 and Map 4 lot 55 and also create a driveway easement to lot 62-1. This is not creating a new lot. It is reconfiguring three existing lots. Updated plans were submitted. Since the last meeting the Town's Legal Counsel and Applicant's Counsel prepared letters regarding the project. Additional comments were also submitted by an abutter. Based on legal review by Town Counsel the updated plan set no longer includes notes relative to buildable area. Mr. Powers reviewed subdivision regulations Section 6, A-1 RE: regarding Planning Board jurisdiction of lot line adjustments, not creating buildable lots, and public hearing requirements. After discussion the Applicant agreed to remove indication future building such as the access easement for a driveway and any building setbacks. It was agreed that at this point in the process the plan should state that the resulting 2 lots will be unbuildable. Other Town Boards and processes are in place to consider if lots are buildable.

There was discussion about the legal history of the lot (see comments from Town Administrator). Though the Town has identified the lot and it is taxed, the lot was not created or approved through the Planning Board process.

**Mr. Kohlhofer made a motion to accept jurisdiction of the Minor Lot Line Adjustment Application for Map 3 Lot 62, Map 3 Lot 62-1, and Map 4 Lot 55 – as submitted by**

**Woodman Family Trust and Cheryl Woodman. Mr. Karcz seconded the motion. The motion passed 5-0.**

**Mr. Kohlhofer made a motion to open the public hearing for a Minor Lot Line Adjustment for Map 3 Lots 62 and 62-1 and Map 4 Lot 55. Mr. Karcz seconded the motion. The motion passed 5-0.**

Andrea Brikham, 36 Poplin Drive – had concerns about the driveway easement, 2 incorrect abutters on list, understands must go before ZBA to become buildable lots. She thanked the Board for considering her written comments.

Bill Knee, 93 Sandown Road – As a comment, Mr. Knee questioned how hardship would be considered by the ZBA. He also reminded the Board that they may require a hydrogeologic study if deemed necessary.

**Mr. Kohlhofer made a motion to close the public hearing for a Minor Lot Line Adjustment for Map 3 Lots 62 and 62-1 and Map 4 Lot 55. Mr. Karcz seconded the motion. The motion passed 5-0.**

Mr. Lavelle requested a continuance to revise the plans until February 16, 2022 at 7 pm.

**Mr. Barham made a motion to continue the public hearing to February 16, 2022 at 7 pm. Mr. Karcz seconded the motion. The motion passed 5-0.**

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

1. **Map 1 Lot 60 South Road 4-Lot Subdivision** – Applicant WNRV, LLC of Stratham, NH has submitted a Subdivision Application proposing to subdivide a 50-acre parcel on South Road into 4 lots.

Mr. Nichols, Nichols Environmental representing WNRV, LLC and Bruce & Wilfred West the owners. Mr. Nichols asked for a waiver from Subdivision Regulation 3.3 to not delineate wetlands and soils for the rear of the property. The plans show the buildable area up front. The lots are large and the back will not be used.

Ms. Miner asked if the Board would consider requiring an easement be placed on the back portion of the lots to prevent future building if granting a waiver. The Board has not done this previously though Ms. Miner had requested it previously.

Ms. DiIunno stated the application was complete and noted that she provided a memo with comments for the Boards consideration.

**Mr. Lavelle made a motion to accept jurisdiction for Map 1 Lot 60 South Road 4-Lot Subdivision. Mr. Kohlhofer seconded the motion. The motion passed 5-0.**

Mr. Nichols reviewed the letter from RPC, acknowledging comments regarding driveway permit requirements. Regarding road and drainage work specifications he noted that there

would not be any roads, only driveways which would follow the driveway regulations/specifications. He noted that the estimates and calculations with respect to school age children and road traveled by fire and rescue were noted on the plans.

**Mr. Lavelle made a motion to open the public hearing for Map 1 Lot 60 South Road 4-Lot Subdivision. Mr. Karcz seconded the motion. The motion was approved 5-0.**

Matthew Thomas, Town Historian, had comments on the loss of the farmland for the town and about the history of the property. He would like to see the houses look more Colonial, Georgian or Greek in style to honor the history of the area more. Jay Wright, Builder noted the homes would look much like the ones recently built across the street from the Fremont Animal Hospital. Mr. Thomas asked that the builder consider small additional touches such as the addition of a circular window.

Boe Wolfe, 159 South Road, had questions on the impact of the water and wells in the area and potential impact on the wildlife and roads in the area. Mr. Barham stated that Fremont has some of the most stringent regulations in the county to protect water resources such as a greater minimum lot size. Mr. Nichols stated that they have also dug test pits to evaluate suitability of soils for septic and noted that these will be frontage lots. Mr. Nichols also stated that this subdivision is 50 acres divided into 4 lots each going to the back which will not allow for further development. Mr. Kohlhofer stated that the town has never formally or scientifically assessed the town water capacity.

Gail O'Connell, 160 South Road, Gail had questions on what would be done with the existing house and barn and when they were planning to begin construction. The Applicant noted the barn would remain and they plan to build this spring.

Bill Knee, 96 Sandown Road, stated that the Board had the ability to require a hydrological study but stated that it didn't need to be done on this project. This was for information only.

**Mr. Lavelle made a motion to close the public hearing for Map 1 Lot 60 South Road Subdivision. Mr. Karcz seconded the motion. The motion was approved 5-0.**

**Mr. Lavelle made a motion to approve the waiver for Subdivision Regulation 3.3 to not delineate wetlands and soils for the rear of the property. Mr. Karcz seconded the motion.** It was noted that the plan needs to be revised per the Zoning Regulations Article 12, Section 1201.6C. to show upland required to meet minimum lot sizing. **The motion was approved 5-0.**

The following conditions of approval were reviewed by the Board

- a. The Subdivision Plan Mylar(s) shall be recorded at the Rockingham Registry of Deeds.
- b. Driveway permits shall be granted by Road Agent.
- c. Plan shall be revised to show upland area to meet minimum lot sizing requirements per Fremont Zoning Ordinance Article 12, Section 1201.6C.

- d. All conditions of approval be noted on approved plan and recordable Mylar.
- e. Monuments to be set prior to approval.
- f. The waiver granted from Subdivision Regulation 3.3 be added to the plan and recordable Mylar.
- g. All licensed professionals whose names appear on the approved plans and Mylar shall have original stamps and signatures.
- h. All required state permits are received, and permit numbers noted on the approved plans and recorded Mylar.
- i. Plans shall include a note indicating the tree line and stonewalls along South Road shall be preserved to extent possible to maintain historic rural character.
- j. Revise abutter notes as necessary.
- k. 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.
- l. All fees incurred by the Planning Board, including but not limited to consulting, engineering and legal fees, have been paid by the applicant.

**Mr. Lavelle made a motion to approve the 4-Lot Subdivision on Map 1 Lot 60 South Road with conditions. Mr. Karcz seconded the motion. The motion was approved 5-0.**

2. **Map 1 Lot 71 South Road 2 Lot Subdivision** – Applicant Joseph Falzone of Manchester, MA has submitted a Subdivision Application proposing to subdivide an 11-acre parcel on South Road into 2 lots. The subject parcel is located at 173 South Road.

Mr. Nichols representing Joseph Falzone of Manchester, MA provided an overview of the proposed subdivision. He stated that the driveways will require a special exception and that they have filed an application with the ZBA. The Rockingham County Conservation District has reviewed the buffer impacts for the ZBA Hearing and noted that the proposed driveway meetings the minimization standards for impact to the wetland buffer. Mr. Nichols reviewed and responded to the comments provided by the RPC in a memo dated January 26, 2022. He acknowledged that a driveway permit will be required and informed the Board that the Fire Department Chief Butler did approve the driveway configuration and turnout. Ms. Miner confirmed receipt of the Chief's formal approval via email.

There was discussion about drainage and the adequacy of access and buffers related to the cemetery. It was noted that the well radius is not shown on lot 71-1 (to be revised as 71-0). The well radius is not shown as this is an existing lot. The well is located close to the front of the property and the radius of influence extends over the roadway.

Comments regarding calculations for school age children and mileage to rescue services were dismissed as shown. Regarding State roadway standards, the driveway will be built to Town Driveway Standards and no roads or drainage will be constructed.

**Mr. Lavelle made a motion to accept jurisdiction of Map 1 Lot 71 South Road Subdivision. Mr. Karcz seconded the motion. The motion was approved 5-0.**

Mr. Powers stated that his concerns are the same as the project before this. Mr. Nichols stated that the proposed driveway will go where existing entrance to the fields is located to minimize disturbance along the frontage. The Board and Applicant expressed the expectation that the same conditions applied to the subdivision at Map 1, Lot 60 would apply here.

**Mr. Lavelle made a motion to open the public hearing for Map 1 Lot 71 South Road Subdivision. Mr. Karcz seconded the motion. The motion was approved 5-0.**

Mr. Knee, 93 Sandown Road, had a question regarding the flow of water and where it should be. He asked if water could be deflected away from the wetland buffer. Mr. Nichols explained how the driveway placement considered that.

Boe Wolfe, 159 South Road, had questions about stormwater runoff which was reviewed relative to the existing wetlands in the back of the existing parcel.

**Mr. Lavelle made a motion to close the public hearing for Map 1 Lot 71 South Road Subdivision. Mr. Karcz seconded the motion. The motion was approved 5-0.**

The following conditions of approval were reviewed by the Board

- a. A Special Exception is received from the Zoning Board of Adjustment for wetland impact related to the construction of the proposed driveway.
- b. The Subdivision Plan Mylar(s) shall be recorded at the Rockingham Registry of Deeds.
- c. Driveway permits shall be granted by Road Agent.
- d. Plan shall be revised to show upland area to meet minimum lot sizing requirements per Fremont Zoning Ordinance Article 12, Section 1201.6C.
- e. All conditions of approval be noted on approved plan and recordable Mylar.
- f. Monuments to be set prior to approval.
- g. All licensed professionals whose names appear on the approved plans and Mylar shall have original stamps and signatures.
- h. All required state permits are received, and permit numbers noted on the approved plans and recorded Mylar.
- i. Plans shall include a note indicating the tree line and stonewalls along South Road shall be preserved to extent possible to maintain historic rural character.
- j. Revise abutter notes as necessary.
- k. 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.
- l. All fees incurred by the Planning Board, including but not limited to consulting, engineering and legal fees, have been paid by the applicant.

**Mr. Lavelle made a motion to approve the Subdivision for Map 1 Lot 71 South Road Subdivision with conditions. Mr. Karcz seconded the motion. The motion was approved 5-0.**

3. **Eversource tree removal for power line maintenance** – North Road – Request for public hearing. The Board said that the Select Board approves this. North Road is a scenic road. Ms. Miner will follow up.
4. **Shirkin Road – Standard Dredge and Fill Application** – Bernadette Patterson has submitted a Standard Dredge and Fill Application for a portion of Shirkin Road. This is for approx. ½ mile. The Planning Board deferred to the Conservation Commission.
5. **Galloway Site Plan Amendment and Shirkin Road Widening** – Updated plans have been received. Ms. Miner will be collaborating with the Town Engineer, Steve Keach and Applicant Engineer, Dennis Quintal. There were some minor changes made after processing the State Alteration of Terrain permit.

**V. ADMINISTRATION, OTHER**

1. Circuit Rider Business
  - a. Ms. DiIonno updated the Board on master Plan progress.
  - b. Masterplan –Natural Resources Chapter – the Sub Committee will be meeting February 16, 2022
2. Incoming Correspondence and Project Updates
  - a. Gristmill – Nothing since applicant appeared before the Board in December.
  - b. Scribner – Amended application submitted. Partial Easement documents received. The Public Hearing for the Amended Site Plan is scheduled for March 2, 2022.
3. CIP Committee – Andy/Leanne/Roger – Still need to pick a Monday evening once review/pull together existing documents.
4. Administration – Membership – The Board discussed the timing for updating membership and Board positions.
5. Other Department News - None

**VI. ADJOURNMENT**

**Mr. Karcz made a motion to adjourn the meeting at 9:10 PM. Mr. Kohlhofer seconded the motion. The motion passed 5-0.**

Respectfully submitted,

  
Kathy Clement