

Present: Vice Chair Jack Karcz, Members Jack Downing, Andy Kohlhofer, and Roger Barham, RPC Senior Planner Jenn Rowden, and Land Use Administrative Assistant Casey Wolfe

Also Present: Bill Gregsak, Mike Rislove, Anders Ragnarsson, and Tim Lavelle

Mr. Karcz opened the meeting at 7:01 pm.

I. MINUTES – After an amendment, Mr. Kohlhofer made a motion to approve the minutes of October 18, 2017. Mr. Downing seconded the motion. The motion passed 4-0-0. The minutes of November 1, 2017 and the nonpublic minutes of November 1, 2017 will be tabled until the next meeting.

II. NEW BUSINESS

Discussion about expired earth removal permits at Map 2 Lot 151-2 and Map 5 Lot 35

Mr. Barham explained that after the August 2nd Planning Board meeting, when the Board decided to stick with Stantec's bond estimates and asked for the reclamation surety before the Earth Removal permits can be renewed, there was a discussion about the different gravel pit owners in town sharing the reclamation bond responsibility. However, because of the pending court decision Galloway asked the decision to be continued. Unfortunately, the permits expired on September 1st before the Board had a chance to address this option. The Town was given the advice to simply renew the permits once the bond money was in place because it was no one's intention to allow the permits to expire. Ms. Wolfe stated that the checks were submitted the previous day for both businesses. Mr. Barham made a motion to reinstate the earth removal permits for both John Galloway and for Fremont Land LLC. Mr. Downing seconded the motion. The motion passed 4-0-0. Mr. Karcz signed both earth removal permits.

III. CIRCUIT RIDER BUSINESS

Ms. Rowden reminded the Board that about a month ago Warren Gerety, Chair of the Economic Development Committee, came to talk to the Board about a change to the elderly housing ordinance. Currently, there cannot be more than 10% of the housing stock dedicated to senior housing. The ordinance does not say where this data is supposed to come from. Ms. Rowden recommended adding in a source and also changing the percentage from 10% to 15%. Mr. Kohlhofer made a motion to move this zoning ordinance change to public hearing on December 6, 2017. Mr. Downing seconded the motion. The motion passed 4-0-0.

IV. NEW BUSINESS CONTINUED

Bill Gregsak to discuss NHDOT driveway permit for 662 Main Street [Map 2 Lot 151-2]

Mr. Gregsak stated that he is looking for a statement from the Board saying that the Board is okay with the amendment to the driveway plan. He stated that this is the last State permit that the project needs to move forward. Ms. Rowden stated that the Board may feel that this permit application is based on a plan that has already been approved. Mr. Gregsak stated that the DOT

is willing to write a conceptual approval letter if the Planning Board is okay with it. Ms. Rowden stated that the Board could require a compliance hearing that would require abutter notification, however, the Board may feel that the interim permit meets the Board's conditions of approval. Mr. Barham stated that he did not have a problem with it. Mr. Karcz stated that he did not either. There was a consensus from the Board for Ms. Wolfe to write to the DOT saying that the Board has no objections with the driveway permit as presented and that the Board felt that an interim approval meets their conditions of approval for the site.

Mr. Gregsak handed Ms. Wolfe a check made out to the Town of Fremont for \$1,400. He stated that he was a little surprised that his client was asked to pay for Stantec's rebuttal to their complaints about the engineering firm. He felt that a lot of time was wasted and that Stantec went behind their back to slow down the project. He wished that he knew about the meeting so that he could talk about his side of the story with Stantec. Ms. Rowden stated that there are some questions about pending drainage regulations that can be gone over during the construction review process. Mr. Gregsak stated that he was not willing to work with Stantec to amend the drainage report because he felt that he already conformed with AoT's regulations. Ms. Rowden stated that if there are any differences between Fremont regulations and AoT drainage requirements that need to be addressed, then Mr. Tatem should cite the Fremont regulation that he is referring to when he is making comments. Mr. Lavelle stated that it would be unfair for them to pay to have Stantec take another bite at the apple. He stated that in previous public hearings they went through each item in Stantec's comment letter. He reminded the Board that they already have a conditionally approved the plan. Mr. Barham felt that Mr. Gregsak and Mr. Tatem of Stantec were not communicating. Mr. Karcz stated that the Board simply does not agree with them and that they feel that the town's drainage regulations need to be addressed. Mr. Gregsak stated that he was not there to rebut Stantec's accusations. Mr. Gregsak stated that they are looking to start construction on the site right away. Ms. Rowden stated that a timeline should be discussed at the pre-construction meeting. Mr. Gregsak mentioned that they might come back for an amended site plan. Ms. Rowden stated that it could be a minor site plan if it is just some trailers, however, if it is some large buildings it will need to be a major site plan. Mr. Gregsak, Mr. Lavelle, Mr. Rislove, and Mr. Ragnarsson left at 7:45 pm.

V. CIRCUIT RIDER BUSINESS CONTINUED

Ms. Rowden informed the Board that they need to make changes to the site and subdivision regulations and the Zoning Ordinance to conform to the requirements of the National Flood Insurance Program. She suggested waiting until after the March Town Meeting to amend the regulations. The Zoning Ordinance change can be moved to a public hearing. Once this is approved in a public hearing, this is law until voters vote it down. Ms. Rowden explained that doing this ultimately protects the residents in this town. The NFIP tries to reduce risk. If the ordinance meets their standards, risk is decreased and then they can provide insurance to residents in this town. Mr. Kohlhofer felt that premiums should go up in higher risk areas. Ms. Rowden explained that the ordinance prevents construction in the flood plain. Mr. Kohlhofer did not think that this was the Town's responsibility. Mr. Barham made a motion to move the proposed changes to the Floodplain Development Ordinance to a public hearing on December 6, 2017. Mr. Downing seconded the motion. The motion passed 3-1-0.

Ms. Rowden went through the Ordinance with the proposed changes to the Aquifer Protection District Ordinance. She made several changes to the definitions section. She explained that any place with groundwater that has been mapped is a part of the aquifer protection district. The district itself will not be changed with these proposed changes. She explained that the Town should want storm water to sink into the ground rather than precipitation runoff dumping into surface water. The idea is also to keep storm water discharge away from wellheads. Ms. Rowden reminded the Board she is proposing that the Town adopts a program where businesses in the district participate in an inspection done by the Health Officer every three years. The inspection is not for reporting violations, just for guiding best management practices. The business owner gets a follow-up letter. The letter can be turned over to insurance companies to get reduction in their insurance premium. There are only about a dozen contaminate sources in the district. The Health Officer would only need to do a few of these inspections a year. The program is non-voluntary, so an education program is crucial. Mr. Kohlhofer stated that if the officer finds a code violation during the walk-through then it becomes an actual inspection. There were questions on how to fund these walk-throughs. Ms. Rowden stated that currently there is very little time for outreach to business owners. She suggested extended the contract so that work can happen over the winter and the program can get on the Warrant Article next year. Mr. Barham expressed that he felt more comfortable doing this because this ordinance change will need some outreach for sure.

VI. OTHER BUSINESS

There was some discussion about the Donigian Cell Tower application. Mr. Barham had heard through the grape vine that the application has been withdrawn.

Ms. Wolfe informed the Board about a variance request made by Kristen Spellman to have a shed in her 30-foot setback at 3 Beach Street (Map 7 Lot 72). The Board did not have any comments.

Ms. Wolfe was told by the Board members that the nonpublic minutes from the last meeting should have a secretary's note that they are not sealed.

Mr. Barham made a motion to adjourn the meeting at 9:14 pm. Mr. Downing seconded the motion. The motion passed 4-0-0.

Respectfully Submitted,

Casey Wolfe
Land Use Administrative Assistant