

Present: Chair Brett Hunter, Vice Chair Jack Karcz, Members Jack Downing, Andy Kohlhofer, Roger Barham, and Tom O'Brien, Building Inspector Rick Foye, RPC Senior Planner Jenn Rowden, and Land Use Administrative Assistant Casey Wolfe

Also Present: Andy Galloway, John Galloway, Anders Ragnarsson, Mike Rislove, Gary Merrill, Dawson Merrill, Jonathan Merrill, and Patty Blair.

Mr. Hunter opened the meeting at 7:00 pm.

I. CONTINUED BUSINESS

The Public Hearing for Marty Ferwerda's proposed lot line adjustment and site plan amendment for Governor's Forest was unable to take place.

Ms. Wolfe announced that the Zoning Board is having a site walk on Saturday the 22nd at 9:00 am for two variances that are relevant to this Planning Board application. The Planning Board will wait to move forward with the lot line adjustment application and site plan application until the Zoning Board makes a decision on the variances. Mr. Karcz made a motion to continue the hearing to August 2nd at 7:00 pm at the library. Mr. Barham seconded the motion. The motion passed 6-0-0.

Public Hearing for Major Site Plan Application and the Conditional Use Application for a proposed 145 foot monopole-style personal wireless service facility located at Map 1 Lot 12 on Chester Road

The applicant has requested a continuance for this site plan application. Mr. Karcz made a motion to continue the hearing to August 2nd at 7:00 pm at the library. Mr. Barham seconded the motion. The motion passed 6-0-0.

II. OTHER BUSINESS

Reclamation Surety Discussion:

Gary Merrill, Fremont Park LLC

Mike Rislove and Anders Ragnarsson, Fremont Land LLC

John Galloway

Ms. Rowden reminded the Board that the Earth Removal Permits for the above listed gravel pits were extended to August 1, 2017. Mr. Barham stated that the Board's position is that Mr. Tatem's estimate is in compliance with the State RSA's. The Board decided to levy only 75% of what Mr. Tatem estimated to allow the gravel pit owners to acclimate to the costs. Mr. Gary Merrill stated that he did not know where Mr. Tatem was getting his numbers. He felt that the numbers are very excessive and that the \$30,000 that they already have in place with the town should be sufficient. He stated that he could do a five acre house lot for \$60,000. Mr. Barham stated that requiring reclamation surety is something the Town has not imposed before up until the previous year. Mr. Tatem does the estimates for a variety of projects for the Town and his

numbers are always perfectly in line. Mr. Barham stated that they were warned that the required surety would increase. Mr. Rislove argued that Mr. Tatem used his numbers in the wrong application. Mr. Andy Galloway reminded the Board that there is loam right on site. Mr. Barham stated that the loam would not necessarily be on site if the business goes bankrupt. Mr. Andy Galloway stated that an annual site walk could prove that the loam is still there. Mr. Karcz stated that a business can go bankrupt in six months and that an annual site would not necessarily be useful.

There was a discussion about insurance bonds. Mr. Barham stated that the Town does not accept insurance bonds as a form of surety because insurance companies are difficult to work with. Mr. John Merrill felt that it is industry standard to accept insurance bonds. Mr. Mike Rislove told the Board that he has done some of his own calculations and passed them out to the Board members. He explained that the numbers in these calculations are the numbers that he uses every day. Mr. Barham will have Mr. Tatem take a look at these numbers. There was also a discussion about whether the excavation regulations include stockpile areas as areas that need to be bonded. Mr. Andy Galloway explained that at his site a lot of the area is stockpile. Mr. Mike Rislove felt that exposed ledge shouldn't be included either. Mr. Karcz stated that this area still needs to be reclaimed. Mr. Gary Merrill felt that \$30,000 in reclamation escrow should be plenty. Mr. Barham made a motion to extend the excavation permits for Fremont Land, Fremont Park, and Mr. Galloway to September 1, 2017. Mr. Karcz seconded the motion. The motion passed 6-0-0.

RPC Circuit Rider Contract: Ms. Rowden explained that the contents of the contract are the same as they were last year, however, the price of the contract did increase. Without knowing the price, the Board decided to table this until the next meeting.

Governor's Forest Earth Removal Permit: Ms. Wolfe explained that Stantec is all set with this application and that the Planning Board can renew this earth removal permit. The reclamation escrow is in place with the Town. Mr. Kohlhofer stated that if the reclamation surety amount is reduced for the other sites, then it should be reduced for Mr. Ferwerda. Mr. Kohlhofer made a motion to renew the earth removal permit for Governor's Forest. Mr. Karcz seconded the motion. The motion passed 6-0-0.

ZBA Comments: Ms. Wolfe presented two cases that will be before the Zoning Board of Adjustment on July 25, 2017. One application is for a special exception to have an accessory dwelling unit on Senter Circle. The other application is for a variance to have a garage within a wetland setback on Scribner Road. The Board did not have any comments.

RPC Circuit Rider Contract Continued: Ms. Rowden found on her computer that the contract is for \$10,428. Mr. Kohlhofer made a motion to accept the contract. Mr. Karcz seconded the motion. The motion passed 6-0-0.

Seacoast Farms: Mr. Bob Kelly was originally scheduled to come to this meeting to discuss site plan compliance. Unfortunately, Mr. Kelly had to be out of town for business and could not make this night's meeting. Ms. Wolfe read an email she received from Mr. Kelly on July 18th: *"I have moved the berm piles as requested by Dan on the southern and western edges of the operating pad to be outside the delineated buffer zone. We are also in discussions with a*

contractor to take at least 5000 yards of the overs as fill material for a local construction project. I should know by the end of the week how this shakes out.” The Board members did not feel that this was enough progress. Ms. Rowden explained that the Planning Board has the ability to revoke his site plan. There is a process that the Board will have to follow if they choose to go down this route. She suggested that the Town puts together documentation about the site plan compliance issues. Ms. Rowden also explained that the Town can simultaneously order a cease and desist while revoking the site plan. Mr. Karcz felt that the Town should just do the cease and desist for now. There was some discussion about bonding the material on site. Ms. Rowden felt that the Board has been nice for long enough and that it is time to get this business in compliance with its site plan. Mr. Karcz looked at the letter dated July 5th from Stantec. In this letter, Mr. Tatem estimated that \$469,315 should be put in escrow with the Town for tailings removal and disposal. Mr. Kohlhofer made a motion to recommend to the Selectmen to place a cease and desist order on Seacoast Farms until \$469,315 is in place with the Town. Mr. Karcz seconded this motion. The motion passed 6-0-0.

Deblois Subdivision: Ms. Wolfe recently received a letter from Stantec regarding the conditionally approved subdivision on Leavitt Road at Map 6 Lot 22. She will notify the applicant of the additional comments from Stantec.

Budget Proposal: Mr. Barham stated that he will work on this budget proposal with Ms. Wolfe before the August 2nd meeting.

AED Training: Ms. Wolfe announced that there is an automated external defibrillator (AED) training on the evening of August 8, 2017 at the Fremont library.

Minutes: Mr. Karcz made a motion to approve the minutes of June 21, 2017. Mr. Barham seconded the motion. The motion passed 6-0-0. Mr. Karcz made a motion to approve the minutes of July 5, 2017. Mr. Barham seconded the motion. The motion passed 6-0-0.

Zoning: Mr. Kohlhofer commented that there are certain areas in town that are not zoned to allow churches. Mr. Kohlhofer wanted to make sure that the Town is in compliance with Federal law. He also commented that the Town does not allow fire ranges anywhere in Town. He felt that the Board should look into this. Ms. Rowden started a discussion about taking Spaulding and Frost out of the Village District. This would need to go before the voters.

III. ADJOURNMENT

Mr. Karcz made a motion to adjourn the meeting at 8:16 pm. Mr. Downing seconded the motion. The motion passed 6-0-0.

Respectfully Submitted,

Casey Wolfe
Land Use Administrative Assistant