

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

Also Present: Cynthia Feeley, Edward Feeley, Gordon Muench, Felicia Augevich, Mary O'Brien, Leanne Miner, William Knee, Gary Cloutier, Marghi Bean, Robert Bean, Marc Bernier, Scott Barthelemy, Dan Tatem, and Peter Morelli

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

I. MINUTES

Mr. Kohlhofer made a motion to approve the minutes of February 21, 2018. Mr. Downing seconded the motion. The motion passed 6-0-0.

II. CONTINUED BUSINESS

Public Hearing for a subdivision review submitted by Kasher Corporation who seeks to subdivide Map 2 Lot 148-1 (16.44 acres) into three lots of multifamily housing on Copp Drive.

Mr. Lavelle recused himself from the Board as a voting member to present the application as the surveyor for the project. Mr. Powers also recused himself as an abutter to the project.

Mr. Lavelle, the surveyor for the project, summarized that the lot is a 16.44 acre parcel that the applicant is proposing to subdivide into three lots. He described the size of each proposed lot. Each lot is sized large enough for multifamily housing. He summarized that this application is only for a subdivision and that he will need to come back before the Board for a site plan review to have multifamily structures. Two test pits have been done on each lot and each lot will be serviced by its own septic system and well. Ms. Rowden stated that she has reviewed the proposal and that she thinks the application is compliant with all of the subdivision regulations and therefore complete. No review by Stantec is required for this application. Mr. Barham made a motion to accept jurisdiction of the application. Mr. Kohlhofer seconded the motion. The motion passed 4-0-0. Ms. Rowden stated that there are some optional pieces of information that the Board can request like a drainage report or traffic report. If the Board waits to address these items until the site plan applications come in, the Board will not be able to look at these items as a collective development. Mr. Karcz did not think it was necessary to ask for these things at this point. Mr. Barham said that if the lots are going to be used for multifamily housing, then there will need to be a site plan review with these requirements anyway. Ms. Rowden said that if these additional items are done at this point, they can be looked at as a development as a whole rather than by a lot-by-lot basis.

Mr. Kohlhofer made a motion to open the hearing to the public. Mr. Barham seconded the motion. The motion passed 4-0-0. Ms. O'Brien asked if the applicant knew the size of the proposed wells and septic systems. Mr. Lavelle stated that he put in well radiuses because there is no off-site water is available. For the septic tanks, he put in a 4,000 square foot receiving area,

which is a State requirement for a subdivision. They did two test pits on each lot so he knows that a very large septic system could fit there. He stated that the soils on this side of Copp Drive are terrific. The lots will have four-plexes, however, some of them might only have three-plexes. Mr. Powers stated that he thinks it would be beneficial for the Board to look at the plans as a collective development. Ms. Rowden stated that lot coverage still applied either way, whether the lots are looked at separately or as a whole. Ms. Rowden stated that it is possible to look at the development as a whole right now, however, they would have to take into account several “unknown” factors. Mr. Kohlhofer said that it would be hard to speculate because they do not know exactly what is going to go in there. Mr. Feeley expressed some concerns about density if the lots are used for multifamily housing. He felt it would be an impact to the environment, local traffic, sound, and emergency services. He stated that this kind of an impact would be a concern to nearly everyone in the neighborhood. Mr. Knee, Vice Chair of the Conservation Commission, asked if Mr. Lavelle was aware that the wetlands on site are prime wetlands and that there is a 100-foot structural setback from them. He informed Mr. Lavelle that he would need to go through the Wetlands Bureau to develop within the setback. Mr. Knee also requested an on-site visit before the Board acts on the application.

Mr. Barham stated that Gristmill Road will eventually be a “through” road to Copp Drive, so it might not make sense to do a traffic analysis at this time. He also stated that just because Copp Drive is a single-family community at the moment does not mean that multi-family housing is not compliant with zoning. Ms. O’Brien stated that in 2005 the taxpayers paid a lot of money to conserve land (Glen Oakes) that is not even as close to Spruce Swamp as this proposed development, however, this proposal is “okay.” Ms. Miner, Chair of the Conservation Commission, stated that the wetland buffer that is in place will protect Spruce Swamp. There is no cost associated with this kind of preservation. Ms. O’Brien stated that she just thought it was ironic that the same road that has preserved open space at the end also has a proposal for multifamily housing. Mr. Barham went back to his point that doing a traffic study at this time would not be accurate because once Gristmill Road opens the traffic flow will change. Ms. Rowden was not sure how much traffic from Gristmill would change the calculations. She felt that this development could almost double the traffic, however, this is still a fairly low volume. The impact is not large enough to have more wear and tear on the road. She was not sure if a traffic study would say much. Mr. Lavelle stated that he and his client tried to be honest about what they plan to propose from the beginning. The drainage and traffic studies will be a part of the project later on during the site plan process when they know exactly what they are proposing.

There was some discussion about how the Board will make sure they get the information that they want later on. Mr. Tatem stated that there could be a note on the plans that each future site plan requires XYZ. He also stated that it is okay to look at each lot individually because each lot needs to stand on its own in terms of drainage. The applicant could choose to address the drainage all at once if the lots need to share a drainage pond, but that is not necessary. Ms. Rowden agreed that a note on the plans could say that anything proposed beyond a duplex on this site would need to go through the site plan process. Ms. Miner encouraged the Board to do a drainage study for all three lots together. Mr. Barham stated that this could be a problem if the lots are sold and developed separately. Mr. Powers asked if each lot will stand on its own in terms of a traffic analysis. Ms. Rowden stated that she was unsure if a traffic study would change how the sites would be designed. There was some discussion about requiring a traffic study. Mr.

Lavelle reminded the Board that these lots are at the beginning of the development, so the cars would not pass very many of the existing homes. Mr. Powers stated that the road is pretty windy, so there could be issues with site distances. Mr. Feeley felt like they were dumping a bunch of people into a small area and felt like the impact to the neighborhood would be major. He felt that the footprint of the neighborhood exists today for a reason, to protect the wetlands. Mr. Lavelle stated that the reason why these lots have not been developed sooner is not because of the wetlands, but because of ownership. The person who developed Copp Drive initially did not own these parcels. The Ladd family owned this land at that time and did not want to sell their land. Mr. Feeley stated that the rules are sliding. Mr. Kohlhofer explained that the rules do not slide. New developments have to be built according to the Town's current regulations. Mr. Feeley stated that the proposal is not in trend with what is conducive to the neighborhood and that the applicant is in it for the profit and not for the benefit of the neighborhood.

Ms. Rowden stated that it might be worth to do a site walk. Mr. Kohlhofer made a motion to close public comment. Mr. Barham seconded the motion. The motion passed 4-0-0. Mr. Barham made a motion to have a site walk on April 14th at 9:00 am. Mr. Kohlhofer seconded the motion. The motion passed 4-0-0. Mr. Barham made a motion to continue the hearing to April 18th. Mr. Kohlhofer seconded the motion. The motion passed 4-0-0.

Public Hearing for a subdivision review submitted by Kasher Corporation who seeks to consolidate the parcels at Map 2 Lots 144, 145, 146-2 & 147 (33.45 acres) and then subdivide the land into five lots for multifamily housing on Copp Drive.

Mr. Lavelle described the subdivision on the south side of Copp Drive. They are proposing to combine four different parcels and then subdivide them into five lots. The lots are sized accordingly for three-plexes and four-plexes. This side of the subdivision is not a part of the aquifer protection district. Ms. Rowden stated that one concern that she has is the average width of lot number one on the plans. There was a discussion about whether or not this complied with Article IX Section 902 of the zoning ordinance. Mr. Karcz felt that Mr. Lavelle would need to go to the Zoning Board to get a variance. Mr. Kohlhofer agreed. There was some more discussion about how to interpret this ordinance. Mr. Lavelle stated that the intention of the ordinance was for cul-de-sacs so that the frontage could be 100 feet as long as the lot gets wider in the back. Mr. Karcz and Mr. Kohlhofer did not think the lot met the ordinance. Mr. Lavelle said that he can play with the lots they just might look a little funnier. Ms. Rowden stated that the ordinance does not require the lots to have a specific shape, however, there are a lot of jogs in these proposed lots. She suggested that a possible condition of approval could be a certification when all of the monumentation is set. Mr. Barham stated that he was not comfortable with lot number one. Mr. Lavelle stated that he will look into revising this lot.

Ms. Rowden stated that she believes the application is complete. Mr. Barham made a motion to accept jurisdiction of the application. Mr. Kohlhofer seconded the motion. The motion passed 4-0-0. Mr. Kohlhofer made a motion to open public discussion. Mr. Downing seconded the motion. The motion passed 4-0-0. Mr. Knee commented that prime wetland number 46 is involved with this project. Mr. Lavelle stated that Red Brooke runs along the edge of this project. The setback from this brook is 100 feet. Mr. Kohlhofer made a motion to close public comment. Mr. Barham seconded the motion. The motion passed 4-0-0. Mr. Barham made a motion to schedule the site

walk for this project for April 14th at the same time as the site walk for the previous hearing. Mr. Kohlhofer seconded the motion. The motion passed 4-0-0. Mr. Barham made a motion to continue the application to April 18th. Mr. Kohlhofer seconded the motion. The motion passed 4-0-0.

III. NEW BUSINESS

Mr. Lavelle and Mr. Powers returned to the Board as voting members.

Public Hearing for a site plan review submitted by Scott and Brenda Barthelemy who seek to host the New Hampshire Renaissance Faire at their farm on Martin Road at Map 6 Lot 34 in May 2018

Scott Barthelemy introduced himself. He explained that he is the landowner on Martin Road and that he is looking to host the Renaissance Faire in May. Ms. Wolfe read the comment sheets. The Road agent wrote, *"Looks like a good location for the event. All I ask is that if the parking lots are all muddy to please clean-up Martin Road after the event."* The Building Inspector wrote, *"No issues other than health and electrical which we have discussed with applicant. Should we be discussing fees for these events?"* The Town Administrator wrote, *"Need to account for crowd control concerns and traffic that may impact neighborhood. Confirm contact with closest abutters and be sure they are all accommodated relative to noise, traffic, cars, etc. Proposal submitted appears thorough and well-planned. Approval should reference all matters as stated in the proposal and ensure compliance with Town Regulations and Ordinances as applicable."* The Conservation Commission, in an updated comment sheet, wrote, *"Prime wetlands are protected by a 100 foot jurisdictional upland buffer. This means that activities that impact this buffer may require a NHDES Wetland Bureau permit. To avoid both the time delay and expense to acquire a permit, the Conservation Commission is respectfully requesting that the NH Renaissance Faire mark the 100 foot Prime Wetland buffer with an adequate number of signs with appropriate wording. Furthermore, that the signs be in place three days prior to the event for inspection by a Conservation Commission representative and that any recommendation pertaining to the signage made by the representative be implemented prior to the Faire's opening."* The Police Chief left a voicemail to Ms. Wolfe, *"We would like to see one detail officer there during hours of operation. The detail rate is \$74 an hour with a cruiser. At least for traffic control and if there were any issues there. Ideally, I would like to see two, but a bare minimum of one officer."* Ms. Wolfe also received a letter from the Administrative Assistant of the Brentwood Planning Board, *"On March 1, 2018 Scott and Brenda Barthelemy came before the Brentwood Planning Board on behalf of the 2018 New Hampshire Renaissance Faire. As they explained, the faire will take place in May of this year on 80 Martin Road in Fremont, as this parcel's property extends into the Town of Brentwood. During their introduction and explanation of the faire activities and land use it will involve, they gave our Board complete assurance that this will take place in Fremont, and that no activity will be taking place on land that is in within Brentwood. By a unanimous vote of the Brentwood Planning Board, members confirmed that they have no concerns with the faire as proposed. If you have any further questions, please do not hesitate to contact my office."*

Ms. Rowden informed the Board that the applicant has applied for a waiver from all site plan requirements. Even though they have supplied a lot of the required information, the Board needs to decide if they want to grant the waiver from the rest of the requirements. If the Board chooses to grant that waiver, in the context of granting that waiver they are going to be discussing the merits of the application. If granted, the conditions on the waiver would actually normally be conditions on a site plan. While the applicant did submit a lot of information, it is not on a drawn plan. Normally this would require a drawn site plan, so it is at the Board's discretion on whether or not they want to grant this waiver. Ms. Rowden also explained that the Board can choose how long this approval is valid for if the Board wants the applicant to come back to the Board in future years. Mr. Barthelemy explained that he has a meeting every year with the Board of Selectmen before and after the grass drags. Ms. Rowden stated that the grass drags are different because it is a grandfathered use. Mr. Barham suggested doing the waiver from the full review just for this year and then doing a full review for future years. Ms. Rowden said that there is still the wetlands that have not been fully addressed in this submittal and there has not been any approval from the Town of Epping at this point in time. The lot crosses over into both Brentwood and Epping and under State law the applicant would need approvals from the towns. Mr. Barthelemy stated that the Town of Epping does a simple special events permit.

Ms. Rowden stated that she has drafted up some potential conditions of approval for this waiver request. Mr. Kohlhofer made a motion to open up the discussion to the public. Mr. Barham seconded the motion. The motion passed 6-0-0. Ms. Rowden read through her list of suggested conditions of approval:

1. The applicant is to provide documentation of approval of the activity on the lot from the towns of Epping and Brentwood.
2. No overnight camping of attendees of the event is allowed.
3. No permanent structures are to be constructed on the site of the event.
4. The event hours are to be limited to 9:00 AM until 6:00 PM
5. The event is limited to two consecutive Saturday and Sundays for a total of four event days. The set up and break down of the event must occur within X days prior and X days after the event.
6. The event is to occur as proposed in the documentation submitted to the Fremont Planning Board on February 22, 2018.
7. The applicant is to meet with the Fire Chief and Police Chief annually prior to the set-up of the event to arrange for all traffic control and safety requirements.
8. The applicant is to meet with the Building Inspector annually prior to the set-up of the event to arrange for all required inspections.
9. The prime wetlands area, including the 100 foot buffer, as defined by Fremont Zoning Ordinance 1201.7 within the proposed activity area is to be delineated by a wetlands scientist. The prime wetland area is to be fenced off using temporary fencing with the exception of the two access ways across the wetland area. The temporary fencing is to be in place at least 24 hours prior to the event and is to be set up and taken down within seven days of the end of the event activity.
10. All fees incurred by the Planning Board have been paid by the Applicant.

Mr. Barthelemy stated that there is some permeant fencing up already to keep the animals out. Ms. Rowden stated that if there is already fencing in place then perhaps some signage will do. There was some discussion about how the buffer would be identified from year to year. Ms. Rowden stated that the delineation would have to be done every year or they would need to put in stakes. Mr. Barham asked if the Fremont Police had any concerns about the faire. Lieutenant Morelli of Fremont Police had several concerns. He felt that while 2,000 people a day can be addressed with proper parking people, he would like at least one police officer helping with traffic control. Additionally, he would also like at least one officer on the grounds of the faire. He felt that one officer on the grounds could mitigate some possible problems that could arise during the event. Mr. Bernier stated that they have two EMTs and two Registered Nurses on staff. They also have their own security. Lieutenant Morelli also stated that cell phones may be useless with so many people in a concentrated area. Having someone with a radio is something they should think about. He also stated that the Fremont Fire Department is a voluntary fire department and the ambulance service comes out of Raymond. If an emergency does happen, they might have to wait eight to fifteen minutes for an ambulance to get on scene. Mr. Bean stated that in the past they had retired police officers patrol the grounds. Mr. Kohlhofer made a motion to open the hearing to the public for discussion. Mr. Lavelle seconded the motion. The motion passed 6-0-0. Ms. Bean, as the landowner of the previous location, stated that the event has hardly any impact to the land. After the event packs up and leaves, little to no trash is left behind. Mr. Kohlhofer made a motion to close the hearing for public discussion. Mr. Downing seconded the motion. The motion passed 6-0-0.

Mr. Lavelle stated that he liked all of the conditions that Ms. Rowden suggested. There was some discussion about hiring a wetland scientist. Mr. Knee stated that time is limited for a delineation at this point. Ms. Rowden stated that this is not a particularly large wetland area, and they don't need a formal delineation. What they need is someone to mark the wetland that has already been delineated back in 2008. Mr. Tatem commented that a delineation expires after five years. Mr. Knee would like the wetland delineated on the ground. Mr. Barham suggested requiring a delineation before the end of the year. There was some discussion about getting the delineation done before the event in May. Mr. Lavelle and Mr. Tatem both said that the delineation on the ground could be done in one afternoon for \$400 or \$500. There was some discussion about who to hire for the delineation. Mr. Barham stated that he is happy with Ms. Rowden's suggested conditions. Ms. Rowden explained that if the faire expands (in terms of days, permanent structures, or area), the applicant would need to come back to the Planning Board. Ms. Rowden further explained the conditions that required an annual meeting with the Police Chief, the Fire Chief, and the Building Inspector. Ms. Rowden stated that the Notice of Decision could be recorded at the registry to include the waiver request. She explained that if there is no actual recorded site plan, the Board loses their ability to revoke the site plan. Mr. Lavelle made a motion to grant the waiver with the conditions as read by Ms. Rowden. Mr. Powers seconded the motion. The motion passed 6-0-0. After some discussion, Mr. Kohlhofer made a motion to amend the previous motion so that the conditions include, "The set up and break down of the event must occur within seven days prior and seven days after the event." Mr. Lavelle seconded the motion. The motion passed 6-0-0. Mr. Lavelle made a motion to approve the site plan with the waiver as granted and its conditions. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0. The applicant left at 8:49 pm.

The Board took a five minute recess.

IV. OTHER BUSINESS

Mr. Tatem to discuss a recent email from Mike Rislove dated February 26, 2018

Mr. Lavelle recused himself from the Board as a voting member for this discussion.

Ms. Rowden stated that Mr. Barham and Mr. Hunter asked her to put together a memo about whether or not the Planning Board can require access for inspections to a site. Under the site plan regulations, an applicant for a site plan has to enter into a site compliance monitoring agreement, conducted by the Town Engineer. The applicant, the owner, Mr. Tatem, and Mr. Meade had a pre-construction meeting where they discussed the construction schedule. Additionally, the applicant has placed money in escrow with the Town for construction review purposes. Before a certificate of occupancy can be issued, the Town Engineer has to sign off that all of the site work for the approved plan has been completed. If he is not able to inspect the site, he cannot actually write-off that the construction was done in compliance with the approved site plan. Mr. Karcz stated that Mr. Rislove's email from February 26th seemed to say that Mr. Rislove does not want Mr. Tatem to show up unannounced.

Mr. Tatem explained that at the pre-construction meeting it was discussed that Stantec would like to receive communication from the applicant about progress and inspections. Mr. Tatem stated that he had not heard from them in six weeks and decided to swing by to see what was happening on site. He also said that it is a good idea to check in on a random basis. Back in January, there were a couple very minor issues with the silt fence and stock pile stabilization and he said, "Take care of it in the next couple of days and give me a call." He never got a call back, so he went back six weeks later and those deficiencies were still there. That's when he wrote an email asking for the deficiencies to get addressed right away. It was after this email that he received a scathing email from the landowner that he was slithering onto the project. In January Mr. Rislove was on site when Mr. Tatem was there. The second time, no one was there except for one man doing concrete work by the warehouse. Under the agreement at the pre-construction meeting, Mr. Tatem should have already been on site to do a few inspections, however, they landowner has not called even once. While minor progress has been made at this point, they are supposed to be communicating with Stantec. Mr. Tatem also mentioned that Mr. Gregsak, the engineer who designed the project, refused to send him the testing reports for the building. Because of this, Mr. Meade had to send them to Mr. Tatem after Mr. Meade received them from Mr. Gregsak.

Mr. Karcz stated that the pattern, referring to a recent cease and desist, is not in Mr. Rislove's favor. Mr. Barham stated that the only thing the Planning Board can do right now is send a drafted letter to the landowner saying, "You need to voluntarily comply." If they do not cooperate after the letter, then the issue can go to the Board of Selectmen for a cease and desist. The drafted letter also says that if Mr. Tatem is not able to do his inspections, then they will not get their certificate of occupancy. Mr. Barham drafted this letter so that it is addressed to the applicant. Ms. Rowden felt that the letter should be addressed to the landowner with the applicant copied. After some discussion, Mr. Barham made the necessary amendments to the

letter. Ms. Wolfe will sign the letter before it is sent out. Mr. Kohlhofer made a motion to send the drafted letter to Mr. Rislove. Mr. Powers seconded the motion. The motion was not completed. Mr. Tatem asked if the drafted letter asks for a response from Mr. Rislove. Mr. Tatem does not want to go back onto the site until Mr. Rislove formally agrees that Stantec needs to go on site to do their inspections. There was a short discussion about an abutter's complaint about his swamp turning yellow due to the Altaeros project. Mr. Lavelle stated that swamps tend to turn yellow this time of year. Mr. Barham read his amendments to the letter to the Board. Mr. Kohlhofer made a motion to send the letter as amended to Mr. Rislove and to copy it to the applicant. Mr. Powers seconded the motion. The motion passed 5-0-0.

Discussion about a letter from Steve Basset dated March 13, 2018

Mr. Lavelle returned as a voting member.

A letter recently came in from Steve Basset about range ways that run through his property. Ms. Rowden stated that this issue is no longer a Planning Board issue. At this point, the Planning Board has done their final approval and the period to contest their decision has already expired. At this point, the issue is a civil matter. There was some further discussion about the subject. Mr. Lavelle read some information about range ways. Mr. Barham walked the Board through some research that he has done.

There was a brief discussion about the Town's dues to the Rockingham Planning Commission.

Mr. Lavelle made a motion to adjourn the meeting at 9:32 pm. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0.

Respectfully Submitted,

Casey Wolfe
Land Use Administrative Assistant