

Board Members Present: Chair Paul Powers, Vice Chair Andy Kohlhofer, Jack Karcz, Jack Downing, Roger Barham, Tim Lavelle, alternate member Mike Wason, and Land Use Administrative Assistant Leanne Miner

Public attendees included Mr. Gregsak and Rislove.

Mr. Powers opened the meeting at 7:00 pm. He appointed Mr. Wason to vote on behalf of Mr. Hunter.

I. MINUTES

Mr. Karcz made a motion to approve the minutes of May 15, 2019. Mr. Kohlhofer seconded the motion. The motion passed 7-0-0.

Mr. Powers made a motion to approve the subcommittee minutes from April 25, May 14, and May 23, 2019. Mr. Wason seconded the motion. The motion passed 3-0-0.

II. NEW BUSINESS

Don Booth of New Hampshire Signs seeks clarification of signing ordinance Article 16. Mr. Booth is proposing the installation of an internally lit sign at 662 Main St, Fremont

Mr. Booth reviewed proposed signage with the Building Inspector whom had no objections to dimensions and location, but deferred to the Planning Board regarding internal lighting. Mr. Booth distributed photos of the proposed sign location, dimensions and a conceptual image of the sign internally lit and in place at 662 Main Street. Ms. Rowden of Rockingham Planning Commission was not in attendance, but did provide comment via email that Ms. Miner read into the record. Ms. Rowden stated via email that *While there is not a specific “no internally lit” requirement they would be violating, the rest of the regulation reflects “dark sky compliant” criteria which generally means that lighting needs to be downward cast, not visible above the horizontal plane (ie the top of the sign), and not having light spillage. A large internally lit sign will do this. A sign with a downward cast lighting from above would be perfectly fine.* There was discussion about internally lit versus intensely lit. Town ordinance (1600.5) does not define intensely lit, but does specify external lighting which shall be dark sky compliant (lighting downcast), but lighting proposed is internal. There was also mention of existing signs in town that are internally lit such as the Ellis School sign. Mr. Booth pointed out that the sign will have appropriate lighting that is not offensive or intense. Mr. Kohlhofer voiced his opinion that the internally lit sign presented to the board does meet the intent of the ordinance and is in compliance. The remaining members of the Planning Board were in agreement. Ms. Miner stated that the board’s consensus would be documented in the meeting minutes and that Mr. Booth should continue the permit process with the Building Inspector. Mr. Booth left at 7:12PM.

III. CONTINUED BUSINESS

Town Engineer Proposal Review and Selection Ms. Miner distributed a spreadsheet summary of firms that submitted proposals for the Town Engineer position supporting the Planning Board for services including subdivision and site plan review, construction observation, and earth removal

permit application reviews. Members were asked if they had a chance to review proposals. Mr. Lavelle stated that he researched the top 4 consulting firms as selected by the subcommittee. The subcommittee was asked to describe why the top 4 were selected. Ms. Miner explained that GeoInsight is multidisciplinary and works for NHDES, Keach is well known, and all top 4 work in more local/nearby townships of similar size. GeoInsight has also been brought in for matters of dispute and has significant experience with road design. Mr. Lavelle felt he would rank the top 3 as Keach-Nordstrom, DuBois and King, and GeoInsight. Mr. Kohlhofer expressed the desire to revisit town procedures for pre-construction meetings to avoid future disputes. There was further discussion about town procedure for compliance monitoring and construction meetings. Ms. Miner will incorporate the board's input and update the regulations for review. **Mr. Barham made a motion to offer GeoInsight, DuBois and King, and Keach-Nordstrom to sign a contract to act as Town Engineer, and Stantec to sign a new contract. Mr. Kohlhofer seconded the motion. The motion passed 7-0-0.**

2019 Earth Removal Permits Mr. Barham asked the subcommittee if there was one of the 3 firms that they would recommend. There was discussion about surety experience and qualifications. Mr. Lavelle recommended Keach-Nordstrom. **Mr. Kohlhofer made a motion that Keach Nordstrom be assigned as the 2019 Earth Removal Permit reviewer. Mr. Lavelle seconded. The motion passed 7-0-0.**

Ms. Miner reported that all applications had referred to plans on record with the town, however there were no recent site plans in the excavation permit files. The most recent maps are on file from 2016 and were prepared by Stantec using Google Earth as an approximation. Ms. Miner recommended that the applicants be requested to submit a new plan for Town Engineer review and estimation of surety. Plans do not need to be engineered site plans, but should have a scale and clearly indicate excavation operation areas including all areas of active disturbance, stockpiles, haul roads, etc. There was discussion about the process and applicant history. The board agreed that applicants need to provide updated plans to facility review and estimation of surety. **Mr. Lavelle made a motion to extend permits to end of day Thursday September 5. Mr. Karcz seconded the motion. The motion passed 7-0-0.**

Ms. Miner will send a formal letter to applicants extending the permit, requesting an updated map, and letting the applicants know that the board has assigned a new Town Engineer, Keach Nordstrom, to review permits and surety.

IV. OTHER BUSINESS

School Impact Fees

Mr. Powers recused himself as he had recently paid Impact Fees and felt there would be some bias against the fees. The board reviewed data provided from Mr. Greg Fraize and correspondence from Heidi Carlson. Data provided by Mr. Fraize show that the school population has actually decreased. There is currently \$76,000 that the town is holding for impact fees. The cost to conduct analyses to reinstate school impact fees (should the board propose to discontinue fees) has been approximately \$15,000 in the past. It is the understanding of the board that this money cannot be spent on school capital improvements unless there is an increase. Currently unspent monies go to the current owner of

the property. It was noted that some towns allow spending on town capital improvements as well. If school fees were reduced to \$0, then monies would still be returned according to current process if unused. In her correspondence, Ms. Carlson recommended that the board review the regulations, specifically Section 1514 to understand what fees may be used for under Town Ordinance. Ms. Miner took the action item to pull Town Ordinance for Board review and further discussion. Questions to be answered include procedures for changing ordinance (fees, applicability, procedure, reinstatement). As the board continues their review there will be coordination with Board of Selectmen and Town Attorney's.

Ragnar Original Innovations (ROI) request for new Town Engineer. Ms. Miner asked the board if they were prepared to assign a new engineer to the ROI project so that they may move forward. The board would like to establish contracts with new engineering firms, develop a process and then the board will review the proposed modification of Town Engineer for the ROI project.

Planning Board Procedures. Ms. Miner distributed final copies of the May 15, 2019 amended Planning Board Procedures.

V. CIRCUIT RIDER BUSINESS

2019 Alternative 2-Tier Contract for Circuit Rider Services

Ms. Miner distributed the Rockingham County Commission's Alternative 2-Tier Contract for Circuit Rider Services for the Project Period of July 1, 2019 through June 30, 2020 and the current Planning Board budget \$10,902). Members reviewed the proposal and there was discussion about core services covered under this proposal. The total number of hours proposed are the same as the previous period. The proposed total is 158 hours at \$70/hour (a \$2/hour increase from last year) making a grand total of \$11,060. Ms. Miner noted that the previous contract was expended as of the end of May and asked the board if wanted to consider increasing the contract for items such as Master Plan updates. Mr. Barham noted that there is a line item for Professional Services in the amount of \$3000 that could cover such overages. There is also a line for matching grants should there be grant work that the RPC conducts for the board. In general, the board felt that the proposed cost for Circuit Rider services are appropriate and that the RPC continues to provide great value. While the members were in agreement to approve the contract in the amount of \$11,060, Mr. Barham asked if site plan review was included as a core service in the contract or if it is paid by applicant fees. As a follow up, Ms. Miner will email the existing contract for review prior to execution.

VI. UPDATES

Ms. Miner reported that the South Road Special Exception was granted by the ZBA at their May 28th meeting and that the applicant is starting construction with some tree clearing and plans to start development on parcel 1 with remaining parcels likely late summer.

Ms. Miner reported on the Galloway 05-035 Shirkin Road widening state dredge/fill application with the NH Department of Environmental Services (NHDES). The applicant's consultant has responded to the NHDES Request for More Information including response to Conservation Commission technical review. Next steps include NHDES completing their review and having a public hearing.

This is one of the last approvals required to meet the conditions for approval for the Site Plan Amendment. The applicant has made a number of revisions to the site plan which will necessitate submittal of updated plans to the Planning Board.

VII. INCOMING CORRESPONDENCE

Altaeros Invoice Dispute Mr. Eliopoulos is disputing the most recent Stantec invoice in the amount of \$127. Ms. Miner suggested that rather than continue timely disputes with regard to invoicing that the board entertain a final inspection by the Land Use Department along with the Building Inspector once the site has been stabilized. Mr. Barham stated that given additional work anticipated by applicant which will allow for ongoing work by the new Town Engineer that approving this action would be of low risk to the board. Mr. Barham asked that all Stantec invoices be paid before any site visit or closeout occur. Mr. Kohlhofer asked that Stantec be informed that the project is closed. Mr. Lavelle recused himself based on his professional relationship with Mr. Eliopoulos and commented that Mr. Eliopoulos' is justified in this dispute given this invoice is contradictory to recent discussion between the applicant and the board that there would be no further charges on the project with the exception of a final inspection, however, Mr. Lavelle stated that he concurs that payment of this invoice is better than Stantec's continued involvement on the project.

Epping Asphalt Plant – Epping Planning Board and Regional Impact

Ms. Miner distributed Rockingham Planning Commission response to applicant's consultant comments for the board's information. The board was also reminded of the upcoming Epping Planning Board meeting on June 13 to discuss the Epping Asphalt Plant proposal which is a project of regional impact.

Mr. Barham announced that there is a Public Hearing by the Board of Selectmen on June 27 to review proposed changes to the Town's Thru Trucking Ordinance as it relates to potential traffic issues associated with the proposed asphalt plan on Shirking Road in Epping. Mr. Barham offered to prepare a map in advance of the hearing showing various roadways of interest.

VII. INCOMING INVOICES

For informational purposes, Ms. Miner provided a summary of invoices submitted by the Town Engineer. Invoices included minor expenses for Ragnar Innovations Site Plan Review, Hall Farm (Black Rocks Village) for ongoing discussions related to pavement on this project, and a site walk and site redesign for roadways to the Donigan Cell Tower on Nathaniel Brown Drive.

VIII. ADJOURNMENT

Mr. Lavelle made a motion to adjourn the meeting at 8:33 pm. Mr. Karcz seconded the motion. The motion passed 7-0-0.

Respectfully Submitted,



Leanne Miner, Land Use Administrative Assistant