

Board Members Present: Vice Chair Andy Kohlhofer, Roger Barham, Jack Karcz, Mike Wason and Alternate/Land Use Administrative Assistant Leanne Miner

Also present: Jennifer Rowden, Rockingham Planning Commission; Chris Albert of Jones and Beach (on behalf of Eco Site Inc), Leon Holmes Jr., Fremont Road Agent, Dan Tatem, Stantec (Town Engineer); Mr. and Mrs. Blanchette (residents 29 Nathaniel Brown Drive); Ashley Lasckewitz

Mr. Kohlhofer opened the meeting at 7:04 pm. The meeting was started with new business with Ashley Lasckewitz.

I. NEW BUSINESS

Map 003, Lot 037: Ashley Lasckewicz of Fremont Town Market LLC. Ms. Lasckewicz has come to the Board seeking consultation with regard to the Board's requirements to move her commercial kitchen from 25 Spaulding Road Unit 16 to 25 Spaulding Road Unit 17R (rear)

Ms. Ashley Lasckewicz introduced herself as the owner of Fremont Town Market, a commercial kitchen located at the Spaulding Road property. She has been running her business for about a year at 25 Spaulding. She closed the restaurant portion and has since been only operating as a commercial kitchen. CC4kids took over her current unit and she needs to move out. She is interested in building her commercial kitchen in the smaller unit 17R next door. Ms. Rowden explained that typically when there is a Change in Use that there is preliminary site plan consultation and is typically followed by a Minor Site Plan Review. Ms. Rowden further explained that Ms. Lasckewicz has closed the retail/restaurant portion of the business and is now operating as a commercial kitchen, the commercial kitchen use is consistent with office retail service space which is the same as the approved use (in the 17R unit), therefore a Change in Tenant is required. No Site Plan Review required. The only commercial issue would be septic which Ms. Lasckewicz noted has been approved for her kitchen. The rest of the Board voiced their concurrence and noted that the Board does not require anything further from Ms. Lasckewicz.

Ms. Miner mentioned that other people have contacted the Fremont Land Use Office about other uses at this property. Ms. Rowden described the situation where there is one site and there is a change of use from one unit to another where the property has multiple approved uses is there a way to streamline the process. She suggested adding a secondary clause (to the Site Plan Review Regulations) clarifying changes at in use when similar structural uses are used from one approved use to another given certain criteria are met. Mr. Karcz noted that it seems that any approved use on the plan should be interchangeable. Ms. Rowden cautioned that not all units have the same septic. Mr. Kohlhofer made the point that in this case the business is using the same septic, same parking, no outward physical changes. Mr. Karcz inquired about changing the Site Plan Regulations. Ms. Rowden explained that adding language to clarify similar situations can be added to the Site Plan Regulations which will require a Public Hearing.

Ms. Lasckewicz will need to go to Building Inspection and the Fire Department to get approvals associated with the Commercial Kitchen including a Change in Tenant Permit.

Ms. Lasckewicz left at 7:10 PM.

II. CONTINUED BUSINESS

Map 1, Lot 012: Applicant Rob Sobota of Eco-Site LLC

Continued Public Hearing with the Board for an Amended Major Site Plan Review for revised drainage and grading design at the Donigian- Cell Tower site at 37 Nathaniel Brown Drive.

Mr. Kohlhofer opened the meeting up to Chris Albert of Jones and Beach (JNB; representative for Eco-Site LLC) to continue their business with the Board. JNB received comments back from Dan Tatem of Stantec dated September 4, but hasn't had a chance to address them yet. Mr. Albert wanted to understand where to take the project at this point to obtain approval. Mr. Tatem was present and offered to walk through his comments and noted that Leon Holmes Jr., the Town Road Agent, was also present to discuss his comments. Mr. Tatem's outstanding comments were as follows:

1. General Comments - The amended plan set should be incorporated into the previously approved plan set for a clear record. The original plan set included a lot of detail and approvals relevant to the amended site plans. The cover sheet provided by JNB should explain how the previous plans have been superseded or amended. There was discussion about maintaining previous engineer and professional service stamping.
2. Roadway grade changes require that the primary electrical conduit be removed and installed with new cover at a prescribed depth below grade of 36-inches when regraded at 12% and should be detailed in the new plan set. Gregg Arvanitis, Fremont Building Inspector, will need to inspect. Eversource owns the conduit and will certify the conduit depth. Stantec does not typically inspect electrical conduit. Test pits should also be added to the remaining length of the conduit to confirm correct location. Include this requirement in the plan notes. JNB noted that they will address this comment.
3. Sheet P-1. The existing catch basin was not placed at the correct elevation due to existing ledge rock. As is the elevation of the catch basin may cause during plowing operations. Mr. Holmes Jr. had comments on the elevation and type of catch basin at the base of the roadway. JNB noted that they will address these comment.
4. Gravel and Paving of Roadway - More notes should be added regarding compaction. Standard notes regarding town roadway requirements should be included.
5. D-1 Section Details. Changes are administrative in nature.
6. Catch Basin/Drainage - Mr. Holmes Jr. noted that the catch basin is within the 13-foot Town Right of Way so the Town will own this structure.

Mr. Albert and Mr. Tatem agreed to continue working together to address Town Engineer and Town Road Agent comments. JNB will plan to return to the next meeting to continue review.

Roadway – Mr. Holmes Jr. noted that in the past there was money posted for off-site improvements for catch basin and roadway paving. He discussed the history of drainage construction, specifically the culvert from basin to basin within the cul de sac and where the pavement was removed and replaced to construct the culvert. Since the project started the roadway has been significantly disturbed such that snow plowing will be problematic. He presented a cost estimate of \$32,500 from Fremont's hot top contractor to go around the circle and put it back to pre-existing condition. JNB noted that the road is in the water table which is wrong. The owner had previously provided \$20,000 in cash escrow that was to go toward the expense of repairing the road (offsite mitigation). The

\$32,500 cost estimate is for replacing the road with 3-inches of pavement, previously existing condition. Ms. Rowden stated that the offsite mitigation was put in place that did not specify what had to be fixed, it was easier to put money in place for use when the road was upgraded. Leon argued that the roadway has been significantly damaged. JNB argues that the entire road has not been damaged. The money was put in place since they expected impacts to Nathaniel Brown Drive. Ms. Rowden noted that additional funding for repairs beyond Nathaniel Brown Drive would need to be clearly justified. JNB will want to review the estimate on behalf of his client.

Mr. Barham stated that there are a number of outstanding items for JNB and Stantec will need to discuss. He asked JNB and Stantec if they would continue their review including cost estimates and condition of the roadway and return. Both JNB and Stantec agreed. Mr. Barham suggested continuing the meeting for another 2 weeks. There was some discussion about Town road standards and Town Engineer role. Since this is an amended site plan there is the opportunity to review the current escrow amount. Mr. Holmes Jr. noted that the road will need to be paved before the end of October. Ms. Rowden suggested that the Board could ask for additional escrow for offsite mitigation at the next meeting in the form of a condition of approval.

Mr. Barham made a motion to open the meeting for public comments. Mr. Karcz seconded the motion. The motion passed 4-0-0. No public was present for comment. Mr. Barham made a motion to open the meeting for public comments. Mr. Karcz seconded the motion. The motion passed 4-0-0.

Mr. Barham made a motion to continue the Public Hearing for the amended site plan for the cell tower site to September 18th. Ms. Miner requested documents for the Boards review in advance of the next meeting. Mr. Karcz seconded the motion. The motion passed 4-0-0.

Mr. Albert, Mr. Tatem, and Mr. Holmes Jr. left at 7:40 PM.

2019 Earth Removal Permits Ms. Miner distributed the excavation permit reports from Keach Nordstrom Associates for Board review. She explained that she wanted the Board to review the reports prior to distributing to the applicants. If there are any issues with the applicants then the Board can proceed from there. Ms. Rowden suggested that if the Board is ok with approving the permits the condition for approval would be to change the escrow as needed or the Board can continue their review and extend the permit expiration date. Ms. Miner also provided a summary of escrow changes in an email distributed to the board. Ms. Miner reviewed the high level points of the reports and escrow for the 4 applications as follows:

Ferwerda – Excavation is substantially complete and operations are limited to reclamation, several stockpiles of marketable materials on site. Site conditions were observed to be consistent with the permit application. Erosion control issues noted during previous inspections have since been addressed. Mr. Kohlhofer inquired as to Mr. Karcz was satisfied that erosion controls are ok and Mr. Karcz concurred. Mr. Kohlhofer noted the report suggested that erosion controls be vigorously maintained and asked whether or not additional monitoring be required. Ms. Miner noted that it'll be the owner's responsibility to maintain the erosion controls. Mr. Karcz explained that in the past stockpiles had been close to the erosion controls and there had been some issues. Since then a berm had been added and there is some silt fencing below that. The materials were

relatively coarse. If materials were to erode beyond the silt fence then the matter would become a code issue or be addressed by the Board of Selectmen. Ms. Miner suggested that the Board review the report and estimate for reclamation surety and Ms. Miner will follow up on the escrow balance which is comprised of both excavation permit and site plan review dollars. Ms. Miner asked if the Board would approve the surety estimate of \$47,520 (reclamation surety) + \$650 (2019 inspection) + \$1,000 (ongoing engineer review per town regs).

There was discussion about process report distribution and approvals. It was decided that a cover letter would be provided to each applicant with a summary of process, dates, and surety requested. The permits would be extended again so that applicants would be given time to review and respond.

Mr. Barham noted that he was comfortable with Ferwerda's surety estimate.

Galloway - The Board continued their review with Galloway's report. Ms. Miner explained that that there is fill on site for reclamation. The site needed 4 feet of fill to bring up to the correct grade. She also noted that from the presence of vegetation on the fill that there did not seem to have been any activity in the excavation pit area. Mr. Barham inquired as to what comprised the \$60,000 surety estimate. The Board was satisfied that the estimate for Galloway had not changed since the previous year.

Fremont Land LLC - The Board continued their review with Fremont Land LLC. Ms. Miner explained that the applicant and Town Engineer mainly discussed acreage and reviewed the cost estimate. Since the site is very flat there is no cost for grading as with site leveling and the overall cost for turf establishment is estimated to be \$12,000 per acre for a total of \$24,000. The Board was satisfied with the surety estimate.

Merrill - The Board continued their review with Merrill's report.

The Board discussed a motion to extend the permits so that applicants will have a chance to respond. **Mr. Karcz made a motion to extend all excavation permits to October 2nd. Mr. Wason seconded the motion. The motion passed 4-0-0.**

Mr. Lavelle arrived at 7:40 pm.

III. MINUTES

Mr. Kohlhofer asked if there were any comments on the meeting minutes from August 7. Ms. Miner noted some minor changes in spelling of attendees and the addition of the Blanchett's. **Mr. Karcz made a motion to approve meeting minutes for August 7, 2019. Mr. Lavelle seconded the motion. The motion passed 5-0-0.**

Mr. Kohlhofer asked if there were any comments on the meeting minutes from August 21. **Mr. Lavelle made a motion to approve meeting minutes for August 7, 2019. Mr. Karcz seconded the motion. The motion passed 5-0-0.**

IV. INCOMING CORRESPONDENCE and ANNOUNCEMENTS

1. Mr. Kohlhofer noted that several Zoning Articles that no longer exist, but are referenced in our current Site Plan Review Regulations that need to be revised or removed. For example the signs ordinance references Article 19 which is now Article 16. Ms. Rowden noted that there is a version of the updated ordinance on line that details which articles were changed. She noted that the Site Plan Review Regulations can be updated by the Board to reflect updated zoning regulations.
2. Mr. Kohlhofer informed the Board that he is hearing rumors regarding signage for Spaulding and Frost, specifically that the Board is not allowing the owners to put a sign up. Mr. Kohlhofer said that is not true and that there is a designated place on site for the sign. Mr. Barham noted that there is an easement for the sign, but they just haven't put one up yet. Mr. Kohlhofer explained that the town regulations allow them to put a sign up for the owners. The consensus of the board was that an easement allowed the owner of the property to put up a sign.
3. Mr. Kohlhofer provided a draft letter to the School Board regarding or Board's investigation into eliminating impact fees. Ms. Miner had also drafted a letter to the School Superintendent and will incorporate Mr. Kohlhofer's letter with hers and address the School Board with the letter. Ms. Miner noted that she has been exchanging phone messages with Bruce Mayberry to get a scope and cost regarding school impact fees.
4. 2020 Budgets – Ms. Miner distributed the latest copy of the Board's 2020 budget. The budget is now with the Board of Selectmen for review. Mr. Barham noted that the Board of Selectmen recommended the budget as proposed to the Budget Committee.
5. There was a discussion regarding the discontinuance of recording certain plans at the Rockingham County Registry of Deeds (RCRD) such as drainage details and landscaping. They RCRD is still recording site plans, but it needs to show the entire parcel. There is still some interpretation of recording, but if plan sheets aren't recorded then the Board cannot revoke them. Sometimes it will take multiple sheets to get the entire property on one site plan. For the Cell Tower project for example, it will be noted in the Notice of Decision that final approved project plans will be kept on file with the Town. There was also discussion about the Town's maintenance of digital site plans. Mr. Barham mentioned that the Board should be cognizant that additional survey detail may be required for recording purposes even though the applicant may have a waiver for not surveying wetlands (as an example). Site plans will require a site boundary survey no matter what waivers or details the Board grants. There was discussion about new flat file storage potential.

V. CIRCUIT RIDER BUSINESS

Ms. Rowden will be sharing a presentation at the September 18th Board meeting to discuss the legal background, process, format, and other recommendations and discussion topics.

Cost estimate for Master Plan Buildout Analysis - The RPC office has been getting requests for buildout analyses. The RPC may do multiple analyses and provide a reduced cost if they can manage these tasks together for approximately \$1500 each. Ms. Rowden recommended waiting for input from the public before getting a cost estimate.

Ms. Miner asked that the Board be prepared to discuss how we plan to use the Master Plan moving forward (i.e., addressing building density).

VI. UPDATES

Ragnar Original Innovations – Site plans have been signed and are anticipated to be recorded soon. Also a construction kick-off meeting is scheduled for this Friday, September 6, 0900 at the site. Ms. Rowden reminded the Board that someone should draft construction meeting minutes for attendees to review and sign (approve). Ms. Miner also noted and distributed correspondence from the new Town Engineer did review the site plans and previous correspondence to provide documentation that the applicant has met all outstanding comments and that all conditions for approval have been met.

State Department of Economic Development – The State had reached out to the Land Use office regarding interest from a gun manufacturer. Ms. Miner responded to the state regarding the Town's restriction on outdoor firing ranges. Regardless the manufacturer is still interested. Ms. Miner will continue to follow up with the State

VII. ADJOURNMENT

Mr. Lavelle made a motion to adjourn the meeting at 8:32 PM. Mr. Karcz seconded the motion. The motion passed 5-0-0.

Respectfully Submitted,



Leanne Miner, Land Use Administrative Assistant