

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

Also present: Jennifer Rowden, Rockingham Planning Commission; Paul Soloski and Olga Lazarenko of Country Club for Kids II; Chris Albert of Jones and Beach (on behalf of Eco Site Inc); Mr. and Mrs. Blanchette (39 Nathaniel Brown Drive)

Mr. Powers opened the meeting at 7:00 pm. It was noted that since the previous meeting Ms. Miner announced that Jack Downing tendered his resignation from the Planning and Zoning Boards to her directly after the July 24 Planning Board meeting.

I. MINUTES

Ms. Miner noted some minor edits to the July 24 meeting minutes regarding meeting attendees and corrected a lot number. **Mr. Lavelle made a motion to approve the minutes as amended for July 24, 2019. Mr. Karcz seconded the motion. The motion passed 6-0-0.**

II. CONTINUED BUSINESS

2019 Earth Removal Permits Ms. Miner informed the Board that the Town Engineer has initiated their review and site visits are scheduled for August 12th. All pits will be visited on the same day starting at 10AM. After the site visits, the Town Engineer will provide estimate of surety and attend a meeting with the Board.

Regulation Updates Ms. Miner reported that she did not have any additional updates to the Town Regulations and inquired about public notice and procedure. The Board will need to accept the changes and then have a Public Hearing before approving the changes.

III. NEW BUSINESS

Map 3, Lot 37-1: Applicant Country Club for Kids II
Public Hearing with the Board for a Minor Site Plan Review for a proposed change in use to child day care center.

Mr. Powers read the Legal Notice into the record as follows: Applicant Country club for Kids II, LLC will come before the board for a Minor Site Plan Review. The applicant has submitted a Minor Site Plan Application for the use of Unit 16 of 25 Spaulding Road, Map 3 and Lot 37-1, as a Child Care Center. This building unit was originally approved in the 2005 Site Plan for Coopers Corners for use as a beauty salon and professional office. The most recent use of this unit is categorized as a restaurant. This site is located at Map 3 Lot 37-1.

Mr. Powers noted that there was some recent correspondence from the Applicant. Ms. Miner noted the letter was received today regarding potential leasing of a different unit. The Applicant noted that there is a potential that they could lease Unit 15 and wanted to mention it to the Board now so that they didn't have to go through the Board review process again if they leased Unit 15 instead. Ms. Rowden noted that though the change sounds simple, the process will still need to be followed again

for the different unit such as public notice, abutter notification. There was discussion about a proposed playground area in a bermed grass area associated with Unit 16. Currently they are only planning after school for older kids which doesn't require a playground, however they are asking for the playground now for future potential use. Ms. Rowden asked the Applicant to sketch the playground area on the site plan for the Town records. Ms. Rowden further explained that the Applicant noted parking needs and hours of operation which can be accommodated by the site. Conditional Use Permits are not required as the application is for Minor Site Plan Review for a Change in Use which includes all the same requirements as Conditional Use Permitting. In their letter to the Board, the Applicant also requested pre-approval of some backlit signage to replace the old Fremont Market sign in front of Unit 16. Ms. Rowden noted that the request appears to meet the Town's regulations and the current regulation and further noted that the Applicants request is not a material change compared to what was originally approved. Mr. Barham mentioned that the original site plan was approved under the older regulations where back lit signage was permitted. Under the current regulations back lit signs are also not precluded.

Mr. Lavelle made a motion to accept jurisdiction of the application. Mr. Karcz seconded the motion. The motion passed 6-0-0.

Mr. Powers asked if there were further comments from the Board of which there were none.

Mr. Lavelle made a motion open the hearing to public comment. Mr. Karcz seconded the motion. The motion passed 6-0-0.

Dennis Acton, 93 Risloves Way – State Representative for Fremont. Mr. Acton expressed his desire to attest to the professionalism of the Applicant and noted that his daughter attended their day care center for 4 years and it was a very well run organization. Mr. Acton further noted that it is becoming a crisis in the state regarding access to day care. Mr. Acton also noted that the Department of Health is cracking down on day care facilities noting that for every 10 facilities closed only 4 are reopening. The industry is centralizing into larger facilities to manage the state requirements, but this creates the burden of additional travel on the parents. As a result the need for additional local child care center capacity in the region is even greater. Mr. Acton also mentioned that without Camp Fremont they are having to travel relatively far for after school programs and that local facility would provide substantial relief to families that need daycare to make ends meet.

Mr. Lavelle made a motion to close the Public Hearing. Mr. Karcz seconded the motion. The motion passed 6-0-0.

Ms. Rowden reviewed Conditions of Approval for the Board to consider including delineation of the location of the playground on a site plan, all local permits (building, fire, safety) and state permits, and recording of the Notice of Decision. The Notice of Decision is not required, but makes the Boards approval official and the record easily accessible in the future.

Ms. Miner noted comments from the Fire Chief including the requirement that all life safety issues and licensing requirements are met.

Mr. Lavelle made a motion to approve the Application from the Country Club for Kids II, LLC on Map 3, Lot 37-1 to allow for a Child Care Center be approved with the following conditions: that the location of the playground be delineated on the site plan, that all state and local permits be acquired, recording of the Notice of Decision be recorded, and all fees be paid. Mr. Karcz seconded the motion. The motion passed 6-0-0.

The Applicant left at 7:17 PM

**Map 1, Lot 012: Applicant Rob Sobota of Eco-Site LLC
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 98 Nathaniel Brown Drive.**

Mr. Powers read the Legal Notice into the record as follows: Applicant Rob Sobota of Eco-Site LLC will come before the Board for an Amended Major Site Plan Review for a cell tower site located at Map1, Lot 12, 98 Nathaniel Brown Drive. The intent of the application is to amend the Engineer of Record for the site civil portion of the project, provide an as-built survey of the existing conditions, and revised drainage and grading design.

Mr. Chris Albert of Jones and Beach Engineers (JNB) introduced himself as the project manager noting that this project was previously approved almost two years back. Mr. Albert noted that there had been many issues and discrepancies with the engineer of record and with the site in general and that since JNB has taken over the project that they have been in contact with the Town Engineer, Stantec, to clear up discrepancies and provide additional information as requested. There is currently a cease and desist on record, but at this point the site has been largely built including a monopole (tower), pad, power and access road. Since JNB took on the project they have conducted site survey and reviewed the existing conditions.

Mr. Albert went on to explain that the access road grading is currently at 16-17% and they are currently trying to work the grade down to 10-12%. JNB negotiated with the Fire Chief to get the road to 12%.

Mr. Albert also noted that Stantec suggested amending the existing approved site plan set which contains information on previous approvals, waivers, etc. The main focus of this amendment is on the access road and drainage. Mr. Albert distributed a previously approved set of plans (Revision 10 dated 12/14/18 including T-1; C-1 through C15) and a new set of revised plan sheets (Revision 2 dated 08/07/19 including OV1, C1, P1, D1, and D1).

The Board was also in receipt of comments from Stantec, the reviewing Town Engineer, dated August 2, 2019 titled 1st Amended Site Plan Review and comments from the Fire Chief Richard Butler and Road Agent Leon Holmes.

Ms. Miner noted and clarified the approval from Chief Butler for 12% grade with pavement from the intersection of the access roadway to the top of grade at approximately 2+70. Mr. Albert then reviewed changes to the drainage design, addressing the comment from the Town Road Agent that there is no net increase of drainage from the site and that the elevation of the roadway drainage structure be lowered. The new drainage design consists of ponds and a swale down the access road

with minimal increase in drainage (1/2 cfs). Mr. Albert noted a new drainage swale and structure instead of a pipe will be designed at Pond 2.

Sheet D1 was presented including detail on the access gate and locked chain link fence around the pole area.

Design discussion included new drainage infrastructure (previously proposed as underground drainage) which will now be above ground in the form of storm ponds. There will also be test pitting completed to verify the location of underground electric. The Building Inspector will be notified to verify the depth to site power. Mr. Albert noted that the team is working to correct this matter and that there are already providers prepared to install service at the site.

Mr. Kohlhofer asked if all the Town Engineer comments from the August 2 Stantec letter had been addressed. Mr. Albert noted that most of Stantec's comments have been addressed, but that Stantec has yet to review the August 7, 2019 set of drawings distributed this evening. Mr. Albert asked the Board for Conditional Approval tonight also noting that JNB accepts and will be responding to Stantec's comments and that the owner wants to get on site and remove piping and continue work to complete the project.

Mr. Barham asked if the slope drainage was a change from the previous drawing given his understanding that the watersheds were combined. Mr. Albert clarified that there are 2 watersheds modeled and that he will continue coordination with Stantec.

Mr. Powers inquired as to whether the application is complete. Ms. Rowden noted that the process and application appear to be complete, but that she could not comment on the engineering review details. She also noted that the drainage analysis was completed using 2 drainage areas.

Ms. Miner inquired about the retaining wall that had been in the plan set of the application. Mr. Albert noted that going from 17% to 12% that the slope stability can be accomplished without getting into the swale area so the retaining wall was no longer needed.

Mr. Barham inquired about the power that had been installed. The contractor noted that they had installed the power over 3 feet deep. There was discussion about test pitting to confirm power depth. Mr. Albert noted that if power is not verified as at least 3 feet deep then the primary power line will be removed and replaced at the correct depth. Mr. Barham noted that it's up to Eversource and what they require in addition to the Town's requirements.

Mr. Barham made a general comment that he is pleased about the revised design, however given the age of the project and extensive comments from the Town Engineer that were very recently received on August 2 with JNB revisions dated August 7 that he would like to see the Town Engineer's documentation that revisions are substantially complete prior to the Board considering conditional approval.

Mr. Lavelle made a motion to accept the Donegian Site Plan 1st Amendment as a complete application, Mr. Barham seconded the motion. The motion passed 6-0-0.

Mr. Powers asked if this is a good time to open the hearing up for public comment.

Mr. Lavelle made a motion open the hearing to public comment on the Donegian Cell Tower Site Plan. Mr. Karcz seconded the motion. The motion passed 6-0-0.

Mr. Blanchette, 39 Nathaniel Brown Drive expressed relief about the gate and expressed their concern over trespassers on the site. They had called the police, but that hasn't resolved the trespasser issue and the gate would go a long way to resolve the matter. There was discussion about ponds and potential for more mosquitos that the abutters who already have mosquito issues with the wetlands that surround their property. Mr. Albert noted that the ponds are for storm water management and will not always be filled. Mr. Blanchette expressed concern over water that is currently flowing onto his property from the cul-de-sac area piping. Mr. Albert reviewed revised design where piping will be installed to minimize the amount of ponds and that the drainage in question is now rerouted to an abutting property further away from the Blanchettes who are located down gradient from the site. Mr. Blanchette expressed concern over construction materials previously stored in the cul-de-sac and Mr. Albert noted that the piping has been removed.

There was discussion about ownership of the gate/key and concerns of hunters frequently accessing the site. Ms. Rowden noted that this is really a discussion with the owner and recommended they check the easement language to see if there are any related conditions. In NH land may be access for hunting unless posted.

Mr. Powers asked if there were any further comments from the public and there were none.

Mr. Lavelle made a motion to close the Public Hearing. Mr. Karcz seconded the motion. The motion passed 6-0-0.

Mr. Kohlhofer made a motion to continue the Public Hearing until August 21 to address the Town Engineer comments. Mr. Karcz seconded the motion. The motion passed 6-0-0.

Mr. Powers noted to the public present that the hearing will not be re-noticed, but that they are welcome back to the August 21 continued hearing. The Applicant left at 7:50 PM

NH Signs came before the Board regarding a proposed internally lit sign at the Village Market located at 6 Danville Road at Map 2, Lot 44.

Mr. Booth of NH Signs came before the Board to present a proposed sign at the Village Market. Ms. Miner distributed photos and concepts for internally lit sign at Village Market prepared by NH Signs. The applicant was referred to the Planning Board by the Building Inspector given lack of clarity in sign regulations specific to internally lit signs. Mr. Booth expressed that the lighting changes would be to the top two panels including LED digits showing the price of gas. This would allow the owner to more safely update the pricing without using a ladder. There were questions about height.

Mr. Booth stated that the brightness of the new sign won't be an increase over what is there. The brightness of digits are adjusted automatically as the intensity of daylight changes. Mr. Powers

inquired about the sign being on a time clock. Mr. Booth did not know the answer to this. There are not conditions currently on signage that would imposed time limits.

Mr. Kohlhofer inquired about the height (ordinance says 10 feet high) and whether or not the Applicant would need to go to Zoning for the new sign. Ms. Rowden expressed that the sign is non-conforming and pre-existing condition (existing lighted sign) so this is not considered a significant change. Several members noted their concurrence including Mr. Karcz and Lavelle. As such on behalf of the Planning Board, Mr. Barham stated that Board has reached a consensus that the proposed sign as presented meets the Town's zoning ordinance considering that it is a pre-existing non-conforming condition. Mr. Booth should continue the permit process with the Building Inspector.

Mr. Booth left at 7:55 PM

IV. CIRCUIT RIDER BUSINESS

Master Plan

Ms. Rowden distributed a printout of an email dated July 29 where she had distributed the previous Buildout Analysis to the Board and summary of recommendations for project expenditures in 2019 and 2020 on the Master Plan.

Ms. Rowden noted that the Vision and Land Use chapters are older and recommended they be revised. She asked if the Board had the opportunity to review the existing Master Plan.

Mr. Kohlhofer commented that the regulations allows adding conditions regarding growth and that the Board endeavor to support growth that will match revenues. Ms. Rowden explained that the process of Master Planning lends itself to supporting Capital Improvement Plans and Impact Fees, etc.

There was discussion about zoning conservation and open space and that while regulations cannot restrict someone's ability to sell property development rights or conservation they may be used to designate Conservation Zones where we can allow/encourage conservation such that the town may develop in a way that's affordable.

There was discussion about the survey and limited amount of response in the past. Ms. Rowden noted that there are better survey tools that solicit more input on master planning. Ms. Rowden noted some changes that the Board could consider to increase tax revenue such as light industry, reduced lot size, and higher density. She suggested that the preservation of quality of life is the overall goal of land planning.

Mr. Karcz noted that other chapters should be updated by associated departments such as Community Facilities. Ms. Rowden noted that in some cases Boards will go to the Selectmen and ask them to require plan updates that the Board can then review.

Mr. Kohlhofer also mentioned the previous survey noted need for additional recreation facilities. Ms. Rowden suggested that this could be an action item that is documented in the Master Plan revision. There was discussion on getting more specifics from survey responders and during the work sessions

that would provide more workable feedback. Mr. Kohlhofer also noted the lack of community meeting space. Mr. Powers noted that some community events such as Fremont's 250th Anniversary have been successful.

Ms. Rowden distributed population estimates from Fremont and surrounding communities that show increase in total population per the US Census and estimated by the Office of Strategic Initiatives (OSI) of close to 800 people from 2000 to 2010 and an estimated 500 more between 2010 and 2017.

There was further discussion on how to track activity and actions planned on the Master Plan including planned annual reviews and department checklists.

Mr. Kohlhofer suggested targeting areas of town where setbacks could be reduced. Discussion continued about Open Space and Conservation Development that building density could be increased in a certain area, but not at the expense of open space and natural resources or impacts that may necessitate town sewer or water.

Members of the Board were in general agreement about updating the Vision chapter of the plan. At this time Ms. Miner distributed a draft of the Planning Board budget for 2020. She reviewed expenditures to date and remaining spend. Assuming the Board desired to accomplish the following items, the budget for Master Plan updates would be \$15-20K. If the RPC started some work this year including survey, public meeting, and drafting Vision chapter for the \$6K remaining. Ms. Rowden will provide a scope for the remaining \$6K and a schedule and cost estimate for continued Master Plan spending over the next 5-10 years.

Mr. Barham recommended that the Circuit Rider line item have a contingency added. Ms. Rowden recommended 3% contingency. The Board reviewed spend to date and remaining spend. Ms. Miner will continue discussion with Heidi Carlson and redistribute a revised budget based on Board input.

V. UPDATES

Conservation Commission Master Plan Updates - Ms. Miner reported that the Conservation Commission met on August 9th and has signed a contract with RPC to initiate updates to the Natural Resources Inventory. Maps will be updated over the next few months followed by meetings and review of new mapping. The Conservation Commission will be taking on an update to the Natural Resource Inventory Chapter in 2020. The Conservation Commission is also meeting with the Selectmen on August 12 to review spending of Land Use Change Tax funds for an agricultural easement on the Brett property located on Beede Hill Road.

Renaissance Faire 2020 – Ms. Miner reported that the folks from the Renaissance Faire are planning to move across Martin Road for the Faire in 2020 where it is drier. They have been advised that a new Site Plan Review will be required.

ROI – Ms. Miner reported that the Town Engineer review is underway and will include a review of the previously proposed bond, and estimate for Compliance Monitoring. The Applicant is planning to conduct Phase 1 this construction season. The only item outstanding is the NHDOT Driveway Permit.

Once received the Mylar's will need to be signed and recorded prior to the construction kick-off meeting.

Mullen Conservation – Ms. Miner reported that the Applicant dropped of Mylar's for the Boards final review and signature. The Applicant is planning to close on the property with Southeast Land Trust at the end of August.

VI. INCOMING CORRESPONDENCE and ANNOUNCEMENTS

The Board received request for input on Survey of Interest in Topics from RPC such as transportation, climate change, etc. Ms. Miner will distribute the survey for Board input.

Mr. Kohlhofer recommended that the Board send communication to the School Board that we are considering reducing or eliminating the School Impact Fees.

Mr. Kohlhofer proposed that the Board discuss use of the Shirkin Road commercial district and consider if it may worth rezoning to residential. Mr. Barham mentioned that in the past there was relatively unfavorable response. The Economic Development Committee also reviewed this in the past. Conversation continued regarding rezoning and the current status of existing and potential future commercial use in the Shirkin Road area and how this will change once Shirkin Road is completed. This is something that can be discussed with the town during the Master Planning process.

VII. ADJOURNMENT

Mr. Barham made a motion to adjourn the meeting at 8:45pm. Mr. Karcz seconded the motion. The motion passed 6-0-0.

Respectfully Submitted,



Leanne Miner, Land Use Administrative Assistant