

Board Members Present: Chair Paul Powers, Vice Chair Andy Kohlhofer, Roger Barham, Jack Karcz, and Alternate/Land Use Administrative Assistant Leanne Miner; Tim Lavelle (730PM)

Also present: Jennifer Rowden, Rockingham Planning Commission; Martin Ferwerda, Excavation Permit Applicant, Marghi Bean and Marc Bernier – Applicants representing Renaissance Faire

Mr. Powers opened the meeting at 7:01 pm.

I. MINUTES

Meeting minutes for September 4, 6, and 18 were distributed for Board review.

Mr. Kohlhofer made a motion to approve meeting minutes from September 4, 2019. Mr. Karcz seconded the motion. The motion passed 4-0-0.

Mr. Powers made a motion to approve meeting minutes from September 6, 2019. Mr. Kohlhofer seconded the motion. The motion passed 4-0-0.

Mr. Karcz made a motion to approve meeting minutes from September 18, 2019. Mr. Kohlhofer seconded the motion. The motion passed 4-0-0.

II. CONTINUED BUSINESS

2019 Earth Removal Permits Ms. Miner reported to the Board that 3 of the 4 permit applicants have responded as requested in their notification letter. Both Galloway Trucking and Fremont Land LLC have submitted check payment for additional escrow as requested and Mr. Merrill will be getting a refund. Mr. Ferwerda is present tonight to discuss an extension.

Regarding the 3 remaining permit renewals the Board was prepared to approve the renewals tonight.

Mr. Karcz made a motion to have Ms. Miner approve the excavation permit renewals on behalf of the Board with Ms. Carlson as a Witness. Mr. Kohlhofer seconded the motion. The motion passed 4-0-0.

Mr. Kohlhofer made a motion to renew excavation permits for Merrill, Galloway, and Fremont Land LLC to July 1, 2020. Mr. Karcz seconded the motion. The motion passed 4-0-0.

Ms. Miner distributed a copy of an email sent Monday to Mr. Ferwerda with options for updating his escrow account as requested or requesting an extension at the meeting tonight. Mr. Ferwerda presented himself and was asked to come before the Board regarding this matter.

Mr. Ferwerda addressed the Board expressing his objections for having been demanded to provide \$7,000 in two days or his permit would be revoked and that he would have to start all over again. Ms. Rowden clarified that if his permit were not approved that he would need to re-apply. He noted the extended timing for the excavation permit application process to take place noting the unfairness of the requested response time for his review of the Town Engineer report (email dated September 19,

letter with copy of email and report delivered via mail and received September 30, and email dated September 30). Mr. Ferwerda was out of town and did not receive the message until the Monday prior to tonight's meeting. He reminded the Board that his excess escrow was not refunded to him last year and that Ms. Carlson (Town Administrator) refused to provide him with an accounting of his escrow account. He continued to discuss his project history including dollar amounts for reclamation surety amounts which in his opinion were quite varied over the years and claimed that there was no change in excavation area from year to year. This year's escrow was estimated for 3.2 acres. Mr. Ferwerda calculated that the un-reclaimed non stockpile area is 1.1 acres and inquired if the Board is exempting stockpiled areas this year like they did last year. Mr. Barham explained that the rules were designed to cover up to 5 acres plus the processing area because ultimately the work area plus process area needs to be reclaimed. The working area may be 1.1, but the operating area needs to be included. Mr. Ferwerda asked if this was a change in the rules. Mr. Barham noted that this year the rules are being applied correctly. Mr. Ferwerda noted that this is different from the previous year.

Mr. Barham addressed the objection with the timeline by noting that last year Mr. Ferwerda and the other were not satisfied with reclamation surety calculations for the excavation permits. This was one of the reasons that prompted the Town to go through the process of hiring a new Town Engineer which extended the timeline for permit review.

There was discussion regarding timing and options for Mr. Ferwerda's permit renewal. It was agreed that the escrow accounting should be taken up as a separate matter. Ms. Miner has drafted a summary and has spent substantial effort. Mr. Powers asked to keep the discussion to the excavation permit and asked the applicant if he has question on the Town Engineer report.

Mr. Ferwerda commented that that he felt erosion controls are in place and not required. Land leveling rate seems fair, but there is disagreement in acreage. There was discussion about acreage and Mr. Ferwerda might consider getting his site surveyed. This would require the new Town Engineer to review the permit again at applicants cost. There was more discussion on scenarios on how to proceed such that there was agreement on acreage.

Mr. Barham recommended that the Board extend Mr. Ferwerda's excavation permit an additional 1 month to allow Mr. Ferwerda and his engineer to review the Town's report and to follow up with the Town Engineer if there is any disagreement.

Mr. Barham made a motion to extend Mr. Ferwerda's excavation permit to November 7, 2019. Mr. Karcz seconded the motion. The motion passed 4-0-0.

Mr. Ferwerda left at 730 PM.

Mr. Lavelle arrived at 730 PM.

Altaeros – Escrow Release (Mr. Lavelle recused himself from the discussion) – Ms. Miner inquired about whether or not the Board recalled if the escrow only included reclamation for vegetation restoration. There was already a release of a portion of the escrow. The Board recommended that Ms. Miner review the meeting minutes to get clarity and agreed that if the surety were for reclamation only that the escrow could be released.

Budgets – Ms. Miner reported that there were no updates.

School Impact Fee Consulting – Ms. Miner reported that she is waiting to hear back from the consultant with a scope and fee.

Master Plan Updates - Ms. Rowden distributed the previous public survey and Vision Chapter via email in advance of tonight's meeting. The Board briefly discussed the degree to which the town responded previously and explored ideas to increase public input. Suggestions included 2-part surveys and options for elaboration. The Board tabled remaining discussion on the survey to a Subcommittee Meeting scheduled for October 10, 2019 at 130 PM in the basement of the Town Hall.

IV. NEW BUSINESS

Mr. Bernier is present on behalf of the Renaissance Faire and has come before the Board for a Preliminary Site Plan Review and Consultation. The location for the event is at Map 006, Lot 35 on Martin Road, and the property is owned by Scott and Brenda and Barthelemy.

Mr. Bernier introduced himself and provided a summary for the basis of his group's decision to move the Faire across Martin Road from Map 006, Lot 34 to Lot 35 which is the location of the annual Grass Drag event. For the last two years the conditions on Lot 34 have been good except that the area doesn't thaw quickly enough in time for their event and can be quite wet. He is here tonight to find out what the Town needs for the Faire to proceed at the new location. There was discussion about the positive impacts in moving the Faire including presence of electric poles eliminating the hazards associated with generators including fire and noise. Space for the previous two years of the Faire were adequate and overflow parking required across the street was limited to approximately 30 cars.

Mr. Karcz asked if the applicant has spoken to the Fire or Police Departments yet. The applicant had not, but have plans to contact them with plans for road crossing and emergency access.

Mr. Powers asked what prevented the Faire from using this location in the beginning. Mr. Bernier explained that originally they had discussed using space up by the farmhouse with the owner and that once they subsequently started exploring Lot 34 that they were too far along in the process to change. Mr. Bernier showed the board a map with an outline of a fenced area which will allow plenty of space for the Faire. He explained that attendance to the Faire is generally 700 on a slow day and 1900 on a busy day and takes place over 2 consecutive weekends. Also the Grass Drags is typically a 30,000 person event taking place over one weekend.

Ms. Rowden provided a summary of regulatory framework and options for the Board to consider as follows. The previous request to use Lot 34 for the Faire required a variance because it is a residential property. The Board had waived a number of site plan requirements, but required several conditions be met. The new request to conduct the Faire on Lot 35 is different in that there is an existing commercial use for the Grass Drags (commercial event) that is grandfathered as a non-conforming use. In this case, the Board should consider if the Faire requires a Site Plan Review. A Site Plan Review is not required if the Faire may be considered a natural expansion which does not change the nature of the use, does not make the property proportionately less adequate, and does not have a substantially different impact on the neighborhood.

Board members shared their general concurrence that the Faire is not an expansion of the grandfathered non-conforming use for commercial events and therefore does not require Site Plan Review. Building permits, police and fire department requirements must still be met.

Mr. Lavelle made a motion that the Renaissance Faire operating on Lot 35 and 34 does not required a site plan or Site Plan Review as presented. Mr. Barham seconded the motion. The motion passed 5-0-0.

V. CIRCUIT RIDER BUSINESS

Estimate for Master Plan Updates – Ms. Rowden will include a cost and list of deliverables at the October 10th meeting for the Board's review and discussion.

Regional Roadway Plans – Ms. Rowden provided the Board with an update on Fremont projects included in the NH DOT Project List. Fremont has 1 project on the list, a bridge replacement on Martin Road which the road crosses over the Piscassic River. The funding is just under \$700,000 and is slated for replacement in 2021 and 2022.

Ms. Rowden announced upcoming Drinking Water Protection Workshops scheduled for multiple dates in surrounding towns. Recommendations and new mapping will be reviewed at the Workshops.

VI. INCOMING CORRESPONDENCE

1. ROI contacted the Building and Land Use Office regarding expansion of the building as approved by another approximately 2000 square feet.
2. The NH Municipal Association announced its 78th Annual Conference November 13-14.
3. Ms. Miner noted that the Planning Board was cc'd on an NHDES Request for More Information for a site in Brentwood on Rte 125.
4. Mr. Barham mentioned that water in the River has been lowering because the state received an injunction to address a dam in Brentwood that they have started work to remove portions of the dam. It was noted that the Exeter River Dam injunction was done to address deficiencies in dam operation that the owner was unable or unwilling to address. The state will default to dismantling the dam which is also the lower cost option. There was discussion about the potential effects of removing the dam and lowering the water and the hazards associated with not being able to operate the dam (i.e., flooding hazard). The deficiency letter and notice should be on the webpage or people can contact the NHDES. It was also noted that this is a state action and is not the responsibility of the Town.
5. Mr. Karcz mentioned that the sign ordinance needs updating. He and Mr. Lavelle offered to represent the subcommittee that will lead that effort in cooperation with the Building Inspector.

6. Gristmill Road Power Poles – Mr. Barham mentioned that there was an application from Eversource that was before the Selectmen regarding the installation of power poles in Phase 3 of the development. Current Town regulations require power be installed underground. Mr. Barham asked the board if they recalled if all phases were approved together in the past and before the regulation was put in place for Fremont. In general the Board recalled that the Gristmill development approvals predated the underground requirement.

VII. ADJOURNMENT

Mr. Karcz made a motion to adjourn the meeting at 8:25 PM. Mr. Lavelle seconded the motion. The motion passed 5-0-0.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Leanne", written in dark ink.

Leanne Miner, Land Use Administrative Assistant