

**Board Members Present:** Vice Chair: Andy Kohlhofer, Members: Jack Karcz, Tim Lavelle Mike Wason and Alternate Member/Administrative Assistant Leanne Miner present in the basement meeting room.

**Also Present:**

By video conference: Jennifer Rowden, Rockingham Planning Commission (RPC), Ex Officio Roger Barham, Boe Woulfe (public), Sue Woulfe (public), Rachael Del Greco (public), Gary Densen (Applicant for Conditional Use Permit)

In Person: Laurence Miner, Fremont Building Inspector; Barry Gier - applicant representative for the public hearing on Haus Emily LLC- Conditional Use Permit Application,

Mr. Kohlhofer opened the meeting at 7:01 PM and announced that in accordance with Emergency Orders, the Planning Board is permitted to utilize emergency meeting provisions of RSA 91-A to conduct this meeting through electronic means while preserving, to the extent feasible, the public's right to observe and listen contemporaneously.

**I. ROLL CALL**

Mr. Kohlhofer appointed Leanne Miner to vote in Paul Powers' place. Mr. Kohlhofer conducted a roll call of meeting attendees. The following Planning Board Members responded as being present:

1. Jack Karcz (Member)
2. Mike Wason (Member)
3. Leanne Miner (Alternate Member)
4. Roger Barham (Ex Officio)
5. Andy Kohlhofer (Vice Chair)
6. Tim Lavelle (Member)

Additional people present via Teams

1. Gary Densen (Applicant)
2. Boe Woulfe (Public)
3. Sue Woulfe (Public)
4. Rachel Del Greco (Public)
5. Jennifer Rowden (RPC)

**II. MINUTES**

**Mr. Jack Karcz made a motion to approve meeting minutes from June 17, 2020. Mr. Leanne Miner seconded the motion. The motion passed 5-1-0, Mr. Kohlhofer abstained as he was not present. A roll call vote was taken as follows: Karcz – Aye; Wason – Aye; Miner – Aye; Barham-Aye; Kohlhofer – Abstain; Lavelle – Aye.**

Ms. Miner noted that the meeting is being televised on FCTV Channel 22 and will be posted after the meeting on Vimeo. The following E-meeting procedures will be followed in accordance with the Governor's Emergency Order:

1. If anyone has problems with accessing the meeting they can call the Town Hall at 603 895-3200, extension 306 or email [landuse@fremont.nh.gov](mailto:landuse@fremont.nh.gov) for assistance during the meeting.

2. If for some reason the public is unable to access the meeting, the meeting will be adjourned.

### III. CONTINUED BUSINESS

**001-082 Scribner Road - Applicant Haus Emily LLC – Public Hearing for Conditional Use Permit Application** for an Open Space Preservation Design subdivision. The applicant, Haus Emily LLC, seeks to establish a yield plan for Open Space Development Preservation design and application.

Jack Karcz has recused himself due to being an abutter on this project.

*Mr. Kohlhofer continued the Public Hearing by reading the Legal Notice information again. Leanne Miner reminded people that Jack Karcz recused himself as an abutter.*

*Ms. Miner noted that was a recent change to the plan. She provided the Board and Applicant with Town department comments on the application from the last meeting. The Planning Board did not take jurisdiction at the last meeting because there was no quorum. Kohlhofer asked Gier if he had seen the comments. Gier indicated he did see the comments.*

*Gier provided an overview of the Conditional Use Permit Application intent and the updated Yield Plan dated June 17, 2020 which now shows 7 lots on a 1434 ft linear roadway. He noted that approval of the Conditional Use Permit will determine the number of lots that will be allowed in the design of an Open Space Preservation Development which will be submitted at a future date. Mr. Gier reviewed his response to comment letter dated June 16, 2020 which included detailed responses in support of the Standards for Approval for the proposed CUP.*

**Ms. Miner made a motion to accept jurisdiction of the Conditional Use Application for an Open Space Preservation Subdivision by Haus Emily LLC to establish a Yield Plan for development of this property on Scribner Road Map 001 Lot 82. Mr. Lavelle seconded the motion. The motion passed 5-0-0. A roll call vote was taken as follows: Wason – Aye; Lavelle – Aye; Barham-Aye; Kohlhofer – Aye; Miner – Aye.**

Mr. Kohlhofer asked the Board members to provide comments or questions at this time.

Ms. Rowden voiced concern about Lot 4 which has a skinny section and whether or not it was compliance with 902 section which states you have to have an average of 200 ft across. Does this apply to the property with only 100ft frontage on a curve or Lot 4 has the 200 ft frontage, but it is on a curve. Ms. Rowden asked the Board to discuss how they would like to interpret the average wide of the lot of 200ft. Mr. Lavelle commented that Lot 4 does have an average width measuring 200 feet. The rule that is difficult to determine if its across its center or average width of 200 feet, it can't be both. Mr. Gier pointed out the widths far exceed the 200 feet and they were all determined to have an average of 200 feet. Ms. Miner voiced concern that although the lots may have an average of 200 feet, there are some portions of the lots where none of the setbacks are being met. Mr. Gier noted that did not apply unless the lot has less than 100 feet of frontage. Mr. Gier responded to Mr. Lavelle' inquiry about Lot 4 frontage stating that it has at least 200 feet of frontage. Mr. Lavelle noted that

since Lot 4 has over 200 feet of frontage so (the width requirement) of Section 902 is moot. Lot 6 has frontage of 100 feet along the curve. Mr. Kohlhofer noted the plan shows a shared driveway on Lots 6 and 7. Mr. Gier confirmed this and noted that this may not be the case in the actual design. Mr. Lavelle noted that shared driveways are waivable under the Town's regulations. Mr. Barham noted that the skinny part of Lot 4 is ugly but it does meet the the regulations and is ok for developing the yield plan. He remarked similarly for the shared driveway at lots 6 and 7 noting that the Board will be reviewing such design detail in the future design.

**Mr. Tim Lavelle made a motion to open the Public Hearing for comments on the Conditional Use Application. Mr. Mike Watson seconded the motion. The motion passed 5-0-0. The motion passed 5-0-0. A roll call vote was taken as follows: Wason – Aye; Lavelle – Aye; Miner – Aye; Barham-Aye; Kohlhofer – Aye.**

Mr. Kohlhofer read a public comment submitted via email from Ms. Cindy Crane, abutter at 203 Scribner Road from 6/16/20. Ms. Crane wrote "We wish that the landowner had pursued the option of obtaining an agricultural easement instead of subdividing the land. An agricultural easement provides monetary compensation while ensuring that this stretch of good farmland remains in agricultural production and is not converted to house lots. Studies have shown that housing/subdivision of open land costs towns more than conserved lands. Perhaps the concern is that, given the lack of a house on the land, it might be difficult to sell once under an agricultural easement. However, depending on the final price after implementation of an agricultural easement, there might have been neighbors willing to purchase the acreage to retain its open space character."

Jack Karcz (as Public) noted that at the last meeting comments were made by Mathew Thomas regarding road naming and Jennifer Rowden.

Boe and Suzanne Woulfe of 159 South Road stated they have chicken and ducks and would like a 50 feet buffer. Ms. Miner stated the comment will be noted, but that it will be a comment applicable during the design phase. Ms. Woulfe also asked if the existing drainage will still be in place to maintain the existing fire pond. Mr. Gier stated that right now the plan does show a fire cistern, however, in the final design they would work that out with the fire department to determine if the cistern would be used or a pond.

Jennifer Rowden informed everyone that if the Applicant is successful with the Yield Plan then they will have to come back for the design phase and the abutters will be notified again and more public hearings would be held.

**Mr. Tim Lavelle made a motion to close the Public Hearing for comments on the Conditional Use Application. Mr. Mike Watson seconded the motion. The motion passed 5-0-0. A roll call vote was taken as follows: Wason – Aye; Lavelle – Aye; Miner – Aye; Barham-Aye; Kohlhofer – Aye.**

**Mr. Tim Lavelle made a motion to grant approval for the Conditional Use Permit for the Yield Plan for Open Space Preservation Development which determines the number of lots to be seven (7) for Map 1, Lot 082. Mr. Mike Watson seconded the motion. The motion passed 5-0-0. A roll call vote was taken as follows: Wason – Aye; Lavelle – Aye; Barham-Aye; Miner – Aye; Kohlhofer – Aye.**

Mr. Gier, Gary Densen and Boe and Sue Woulfe left the meeting at 7:35pm. Jack Karcz returned to the board at 7:35pm. Mr. Karcz rejoined the meeting in progress for the next topic.

### **Master Plan Updates**

Ms. Rowden stated she emailed the update to the Growth Chapter of the Master Plan on Thursday to the board. This was largely an update to the data within the chapter, though the text was updated to reflect the data changes. The recommendations at the end of the chapter were not altered (they also still seem relevant). There is an implementation table for this chapter, this could be combined with the table of other chapters as they are updated to produce a single implementation plan within the complete master plan.

Ms. Rowden (RCP) stated the growth chapter is there so we can have a growth ordinance, if needed. It also allows use of impact fees if appropriate. Fremont is not growing compared to the norm. We are seeing increases in building, but not in students coming in the system. This trend is anticipated to remain the same. Residential building permit trend – Fremont has seen more of a spike, other than Epping, than the other neighboring towns. Especially in the 2011/2012 time period. Tax Rate – How is Fremont doing? We are usually one of the highest in the Rockingham County. However, we are still close to the surrounding towns. Mr. Kohlhofer stated there could be a reduction this year because the large decrease in the school budget. Ms. Rowden stated Fremont has the highest in the surrounding due to population. Mr. Kohlhofer asked if there was a chart showing the town's average housing cost? Rowden stated she did not pull that information and offered to pull something together average assessed property values. Roger Barham stated that Fremont property values are less than the surrounding towns and felt a little more investigation would be helpful. Rowden stated that Fremont has also had an up tic in commercial buildings. School enrollment is included for Ellis only which shows a recent decreased. Her conclusion is that NO growth ordinance should be enacted at this time. Her seconded recommendation would be to use some of the information when The Planning Board is talking about land use regulations. Mr. Kohlhofer suggested looking into making lot requirements smaller for the downtown area, but larger in the out shirts of the town. Ms. Miner stated they would need to be careful with the downtown area due to all the wetlands. Ms. Rowden suggested the Board update growth data in the chapter every 5 years.

Implementation chart – The Master Plan is formatted such that an implementation chart will be included at the end of each chapter. Eventually all charts will be combined to produce a single implementation plan within the complete Master Plan. Ms. Rowden suggested reviewing the growth chapter every year and including each update as an appendix. The Board would discuss the data which would have no direct cost for public noticing or consulting. Updates to the Growth control chapter data every 5 years would cost in the neighborhood of \$5,000. Mr. Kohlhofer asked if the

Town should consider doing a Capital Reserve Fund for Master Plan updates? There was further discussion about cost and timing. The Board opted to table the discussion until it is time to review the budget. Ms. Rowden stated she would update table once a year, at least when 2020 Census comes out and add the full property value of each town. Then she will send the updated version to the Board for review. The legal reference section is provided in the event that the Town entertains a Growth Ordinance. Ms. Rowden will have revised copies to the Board sometime next week. Next steps include finalizing the document and then going to Public Hearings.

#### **IV. NEW BUSINESS**

Ms. Miner noted that there is a new application submitted by PPM Fremont Holding LLC that will be before the Board at the next meeting for a Change in Use

Ms. Rowden noted that the State of Emergency is extended to July 15 allowing the Board to meet via electronic means and extend deadlines.

#### **V. ADMINISTRATION**

**Incoming Correspondence** – A Legal Notice was distributed to the Board for a new cell tower site in Rochester NH. The NHDES Newsletter was received. Ms. Miner noted that the NHDES recently adopted a groundwater drinking standard for Arsenic of 5 ppb second in the nation to New Jersey.

**Excavation Permits** – No significant expansion of excavation areas were observed. Ms. Miner noted that she will distribute meeting notes for their information. She anticipates reports from the Town Engineer in next couple of weeks. The Board will need to discuss deadlines and vote to extend if appropriate based on state Emergency Orders (i.e., deadlines).

Mr. Karcz noted that Seacoast left the (Galloway) site.

**Administration/Budget** – Ms. Miner updated the Board on budget status noting that 32,000 remaining out of the ~\$52,000 budget. Training and workshop budgets have not been expended due to Covid. Professional Services will be spent.

##### **Project Updates**

- Map 001/Lot 012 Cell Tower – Work pending state permitting.
- Map 002/Lot 020 South Road – Construction on the roadway including paving was conducted recently. Construction reports were distributed to the Board regarding roadwork.
- Map 002/Lot 151-2 ROI – Construction on the roadway including paving was conducted recently. Construction reports were distributed to the Board regarding roadwork.

The Conservation Commission is close on completing the Natural Resources Inventory (NRI) portion of the Master Plan.

The ZBA granted a variance for 46 Scribner Road for constructing a pool and deck in a wetland buffer.

Mr. Barham informed the Board that The People's Methodist Church want to put a gravel parking lot on the Historical Society lot. The Church is looking for a Memo of Understanding from the Town to use the parcel for parking purposes. Mr. Barham asked if this was something that should come through the Board under Site Plan Review given the presence of an abutting residential party and the parking area will be directly against the lot of the neighboring abutter. Ms. Rowden stated they need to go through site plan review process with the Planning Board. The Board concurred that the project needs to go through Site Plan Review as well. Roger Barham stated he would inform the Selectmen.

## **VI. ADJOURNMENT**

**Mr. Karcz made a motion to adjourn the meeting at 8:14 PM. Mr. Lavelle seconded the motion. The motion passed 6-0-0. A roll call vote was taken as follows: Karcz – Aye; Wason – Aye; Lavelle – Aye; Barham-Aye; Miner – Aye; Kohlhofer – Aye.**

Respectfully Submitted,

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

Leanne Miner, Land Use Administrative Assistant