Present: Chair Brett Hunter, Vice Chair Jack Karcz, Andy Kohlhofer, Roger Barham, Tim Lavelle, Jack Downing, Paul Powers, alternate member Mike Wason, Senior Planner Jenn Rowden, and Land Use Administrative Assistant Casey Wolfe

Also Present: Pat deBeer, Dennis Howland, Mary O'Brien, Anthony Drago, Mike Rislove, Anders Ragnarsson, Bill Gregsak, and Dan Tatem

Mr. Hunter opened the meeting at 6:30 pm. Mr. Powers and Mr. Lavelle were not present at this time. He appointed Mr. Wason to vote on behalf of Mr. Powers.

#### I. MINUTES

Mr. Karcz made a motion to approve the minutes of November 21, 2018 and December 5, 2018. Mr. Downing seconded the motion. The motion passed 6-0-0. The Board tabled the approval of the November 28, 2018 minutes to the next meeting.

## II. NEW BUSINESS

# Public Hearing for proposed changes to the Aquifer Protection Ordinance (Article XII Section 1203)

Senior Planner Jenn Rowden went through a shorter version of a presentation that she gave at the November 28, 2018 Planning Board meeting (see the minutes of November 28, 2018 for a detailed description of that presentation). Ms. Rowden gave an overview of the current Aquifer Protection Zoning Ordinance. She then went through the proposed changes to the ordinance. She explained that the Board is hoping to protect source water with this ordinance change because 100% of the water supply in Fremont is groundwater. She showed an image of the current zoning map on her PowerPoint presentation. In Fremont, much of the commercial zone is in the Aquifer Protection District. The challenge is to balance these competing uses. The goal of the proposed changes to the ordinance is to better protect groundwater while expanding allowed uses in the Aquifer Protection District. The idea is to allow low-risk uses while ensuring that existing grandfathered businesses are using best management practices.

The proposed changes include: new definitions, performance standards, increased lot coverage allowance, allowing automotive service and repair businesses, allowing dry cleaning businesses, classifying agricultural activities as permitted, allowing for inspection of uses, and giving the Code Enforcement Officer and the Board of Selectmen the ability to enforce best management practices. Ms. Rowden showed a map of the potential contamination sources in town and she gave examples of potential contamination sources. She went through the kinds of things that the Code Enforcement Officer would be looking for in an inspection. She also went through some ways that businesses can be kept in compliance. Finally, Ms. Rowden went through some ways that homeowners can protect their private wells. She asked if anyone had any questions. There were none.

Mr. Kohlhofer made a motion to open the public hearing. Mr. Powers seconded that motion. The motion passed 6-0-0. Ms. Rowden went through a few suggested changes that Town Counsel had recommended. The first change is adding a statement that says, "The following definitions shall apply only to this Aquifer Protection District and shall not be affected by, the provisions of any other

ordinance of the Town of Fremont" to the beginning of the proposed definitions section. The second change is striking the clause in the "toxic or hazardous materials" definition that gives the Planning Board the authority to decide what qualifies as toxic or hazardous. The third change is allowing more officials to approve a spill prevention, control and countermeasure (SPCC) plan under Section 1203.8.F.d. These changes will warrant another public hearing. There was a discussion about impervious surfaces. Ms. O'Brien asked if these businesses in the Aquifer Protection District would receive a notice before their inspection. Ms. Rowden confirmed that they would. She explained the idea is to get voluntary compliance. Ms. O'Brien asked if it can be added to the proposal that there can be surprise inspections. Mr. Kohlhofer said that this could be sticky because the Code Enforcement Officer would be inspecting private property. He also said that it is best to avoid getting into conflicts with people. There was a discussion about compliance and best management practices. Ms. deBeer commented that other towns that use this model ordinance do not allow dry cleaners and auto repair shops in the Aquifer Protection District. She also stated that other Towns do these inspections twice a year rather than every three years as proposed. Finally, she mentioned that there have been two brownfield projects in Fremont since 2001. She added that these sites have not been the same even after the cleanup. Ms. Rowden stated that dry cleaning businesses would only be allowed with a conditional use permit and that automotive businesses can be low-risk. Ms. deBeer's concern was that once a site is contaminated, it is very hard to clean up.

Mr. Howland had questions about who would maintain a list of businesses in the Aquifer Protection District. He also wanted to know who would keep up with these inspections. Ms. Rowden stated that this would be the duty of the Code Enforcement Officer. Mr. Barham stated that the point of the ordinance is to introduce best management practices. Mr. Karcz felt that this proposal will be a good base-line for the Town to get started. Ms. deBeer asked if the Town can start with these inspections and then later change the allowed uses in the Aquifer Protection District. She stated that it would be beneficial to see how the inspection process works beforehand. Mr. Barham stated he would like both changes to be proposed on the warrant article. There was a consensus to accept the changes suggested by Town Counsel. Mr. Kohlhofer made a motion to continue this public hearing to January 2, 2019. Mr. Lavelle seconded the motion. The motion passed 7-0-0 (Mr. Powers and Mr. Lavelle are now present).

#### III. CONTINUED BUSINESS

Public Hearing for a site plan application for two proposed manufacturing and assembly buildings for Ragnar Original Innovations, Inc. to be located at 662 Main Street (Map 2 Lot 151-2). Application submitted by Fremont Land, LLC.

Both Mr. Lavelle and Mr. Powers recused themselves as voting members for this part of the meeting. Ms. Rowden summarized that the Board has already accepted jurisdiction of this application. Mr. Gregsak stated that he would like to get the required conditional use permit approved at this meeting. Mr. Gregsak summarized to the Board that back on December 5<sup>th</sup> they received a report from GeoInsight and then received a follow-up report from the same firm on December 18, 2018. Stantec engineer Dan Tatem's latest letter (dated December 19, 2018) is in response to this follow-up report. Mr. Gregsak announced that there would be no storage or hydraulic oil or diesel fuel on the site. They will get these fluids by delivery, as they need them. There is an email written by Mr. Anders Ragnarsson (see attached) dated December 19, 2018 responding to the four comments in the Stantec letter. Mr. Gregsak read through each of these responses. In the first response, Mr. Ragnarsson stated

that the buildings will be heated with #2 heating oil and that the storage tanks will not be great than 1,320 gallons. Mr. Tatem was good with this first response. Mr. Barham asked if it is practical to have the oil delivered every week. Mr. Ragnarsson stated that the storage containers originally proposed were just for back-up purposes. Mr. Gregsak read through the second response in Mr. Ragnarsson's email. This comment was in regard to compliance with the State Fire Code for the storage of portable containers of combustible fluids. Mr. Tatem stated the Building Inspector needs to know what to look for. The plans need to be very specific about what kind of small storage containers will be on the site. Mr. Gregsak read through the third response in the email. This comment regarded being in compliance with the State Fire Code for refueling from a tank vehicle. Mr. Gregsak will note the State Fire Code on the plan. Mr. Tatem stated that he was good with this. Mr. Gregsak read through the response to the fourth comment. In the fourth comment, Mr. Tatem suggested that the Board requires that this site receive an annual inspection. The applicant was opposed to an inspection by a third party reviewer. There was some discussion about an annual inspection that DES requires every year.

Ms. Rowden asked the Board members to turn to page 37 in the Zoning Ordinance to read the four criteria required for the applicant to receive the conditional use permit. Mr. Ragnarsson stated that the machines would come back to the site for repairs only occasionally. Ms. Rowden read through the four criteria. She stated that the first criterion is the highest condition that the applicant needs to meet. Mr. Ragnarsson stated that the machines hold 65 gallons of oil. There was a discussion about the storage of oil verses oil in portable machines. The applicant will add a note that "tanks on mobile equipment are exempt." The tank for heating oil cannot exceed 1,320 gallons without needing more permitting. Mr. Lavelle stated that they will meet with the Fire Chief to go over the plan. The Board looked at criteria B, C, & D in the ordinance. The Board felt that the applicant met these criteria. Mr. Hunter made a motion to open the public hearing. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0. Ms. O'Brien stated that she is pleased that the applicant is no longer proposing to store large amounts of oil on the site. Mr. Kohlhofer made a motion to close the public hearing. Mr. Karcz seconded the motion. The motion passed 6-0-0. Ms. Rowden stated that the notes added should be a condition of the site plan, not the conditional use permit. Mr. Barham made a motion to approve the conditional use permit with conditions as discussed and noted on the plan. Mr. Karcz seconded the motion. The motion passed 6-0-0.

Mr. Gregsak went through the site plan comments from the Stantec letter (attached). Comment number eight was about landscaping. Mr. Gregsak pointed out the proposed landscaping on the plans. Mr. Kohlhofer stated that he was satisfied with this proposal. Ms. Rowden felt that this was compliant with their last discussion. Comment number nine was about traffic circulation. Mr. Gregsak stated that he is still addressing this comment. He needs a proper turning radius. Mr. Tatem asked if the applicant was looking to do gravel or pavement. He also added that this plan has still not been looked at for emergency access purposes. There was a consensus among the Board that the turning area can be gravel. Comment number ten was about hours of operation. Mr. Ragnarsson was fine with the hours being from 7:00 am to 6:00 pm. If he needs more hours than this in the future, he will need to amend his site plan. There was some discussion about a "no-cute zone" that needs to be added to the plans per the discussion at the last meeting. Per comment number 11 on the Stantec letter, grading needs to be added for the gravel roadway on the plans. Mr. Tatem stated that he recommends that the applicant paves the short section between the Ragnar Original Innovations site and the Altaeros site. There was a consensus among the Board that this should be done. Comment number 12 has not been addressed yet. Mr. Gregsak will add what was requested in comment number 13. Mr. Tatem stated

that the applicant does not have their State permits and they have not spoken to the Fire Chief yet. There was some discussion about a wall mount.

There was also some discussion about the NHDOT site distance plan. Mr. Gregsak stated that he would like to work with NHDOT on this and not Mr. Tatem. There was some discussion about the turning radius for trucks turning into the driveway off of Route 107. Mr. Tatem stated that this needs to be a safe operating intersection. Mr. Lavelle stated that they can manipulate the yellow striping to make the intersection safer. Mr. Gregsak quickly went through the comments on the drainage report. There was some discussion about whether or not the Board should conditionally approve the plans tonight. After some discussion, the Board decided to continue the hearing to January 2<sup>nd</sup>. Ms. Rowden will email the notes that need to be added to the plans to Mr. Gregsak. Mr. Kohlhofer made a motion to continue the hearing to January 2<sup>nd</sup>. Mr. Karcz seconded the motion. The motion passed 6-0-0. The applicant left at 9:13 pm.

## IV. OTHER BUSINESS

# Galloway gravel operation (Map 5 Lot 35)

There have been some complaints from neighbors on Beede Hill Rd that Mr. Galloway has been trucking material onto his site. There was a consensus from the Board that this activity is compliant with the current site plan.

## V. NON PUBLIC

Mr. Kohlhofer made a motion to go into non-public session per RSA 91-A:3(l) for the purpose of consideration of legal advice. The motion was seconded by Mr. Barham. The motion passed with a unanimous roll call vote.

Mr. Kohlhofer made a motion to leave nonpublic session per RSA 91-A:3. Mr. Powers seconded the motion. The motion passed with a unanimous roll call vote. The Board did not seal the minutes.

#### IV. OTHER BUSINESS

The Board looked at a letter from Leanne Miner requesting to be appointed as an alternate member of the Planning Board. The Board tabled this item to their next meeting.

Mr. Kohlhofer made a motion to adjourn at 10:05 pm. Mr. Powers seconded the motion. The motion passed 7-0-0.

Respectfully Submitted.

Casey Wolfe

Land Use Administrative Assistant

## **Land User**

From: Anders Ragnarsson <anders@roi-equipment.com>

Sent: Wednesday, December 19, 2018 4:40 PM

To: brett363@gmail.com

Cc: Rich Butler; Andy Kohlhofer; Brett Hunter; Casey Wolfe; Gregory Arvanitis; Heidi Carlson;

Jack Karcz; Jennifer Rowden; Mike Wason; Paul Powers; Roger Barham; Tim Lavelle; Mike

Rislove (mrislove@romeconstructioninc.com); Bill Gregsak (wgregsak@gregsak.com)

Subject: Re: Aquifer Protection CUP - Review #3

Dear Mr Hunter and Members of the board.

Below are ROI's / Fremont lands comments to Stantec's 3 review of this matter.

1. The applicant must clarify how the facility will be heated. If plans for a single 750-gallon heating oil tank remain, the project will remain subject to the NH State Fire Code and NFPA 31. It should be noted that the installation of two (2) 750-gallon heating oil tanks, one in each building on the same property (or adjacent properties with common ownership or operations such that they would be defined as a single "facility"), would subject the facility to US EPA 40 CFR 112, and NHDES Env Or-300, because the total storage capacity would exceed the 1,320 gallon threshold. It should be noted that NHDES Env-Or 300 requires monthly inspections, and documentation thereof, of all aboveground oil storage facilities by the owner. An appropriate note shall be added to the recordable site plan, requiring that documentation of these inspections be provided to the Town annually.

#### Answer;

ROI / Fremont land, will use #2 heating oil to heat the building but we will not have a combined #2 fuel oil storage tank(s) of greater then 1320 gallon capacity, We will have less, exact volume to be determine by available tanks. We expect to use a singular fuel tank for each building.

We will comply with the state fire code.

It will be noted on the plan.

2. As it relates to the storage of portable containers of flammable and combustible liquids alluded to in the GeoInsight letter, the applicant shall demonstrate compliance with the State Fire Code (including NFPA 30), and the State Building Code, prior to issuance of building permit. Specifically, appropriate occupancy, maximum allowable quantities, and container storage limitations and provisions shall all be addressed. An appropriate note shall be added to the recordable site plan, requiring that this compliance be demonstrated as part of the building permit process.

#### Answer;

We will comply with the state fire code. An issue which have nothing to do with the aquifer protection, and one which we have to meet under any circumstances.

We are not going to store a number of 5 gallon containers to circumvent the choice to not have other larger storage tanks. But there will be occasional 5 gallon containers or less in volume.

And earlier stated best practice will be used storing those below regulated limited size storage containers. It will be noted on the plan.

3. As it relates the delivery of flammable or combustible liquids directly into on-site vehicles or equipment by refueling vehicles, an appropriate note shall be added to the recordable site plan, requiring that the applicant demonstrate compliance with the State Fire Code, specifically NFPA 30A requirements on "Refueling from Tank Vehicles" prior to the issuance of the Certificate of Occupancy.

#### Answer:

We will meet the state fire code. It will be noted on the plan.

4. Considering the sensitivity of the underlying aquifer, and the proposed manufacturing use, including limited storage of petroleum products, we continue to recommend that the Board require annual inspections of the facility, confirming compliance with the approved site plans, building plans, fueling and other petroleum handling procedures. In addition, we recommend that an appropriate note be added to the recordable site plan, requiring annual inspections of the facility. The note should specify that any associated costs of the inspections shall be borne by the Owner.

#### Answer:

By removing all regulated storage tanks, it is not fair to burden us with these inspections, and it is certainly not fair to make us pay for them, should they have to be done.

We welcome the fire chief or building inspector to come and check for them self.

But we are not willing to have third party inspections which we are then forced to pay for.

Again I trust that this settles the above concerns.

Not to sound repetitive but we must get the foundation in the ground, with the best hope now being global warming.

Sincerely,

Anders

Anders Ragnarsson
President
Ragnar Original Innovation (ROI)
Po Box 348 Chester NH 03036
Office;+1 6032447000
Cell; +1 6034798005
ROI-Equipment.com
Anders@roi-equipment.com

On Dec 19, 2018, at 10:24 AM, Tatem, Dan < dan.tatem@stantec.com > wrote:

Please see the attached documents. We have included both GeoInsight letters and both of our responses.

Considering the NFPA Fire Code applicability, we also include the Fire Chief with this distribution.

Thank you.

## **Dan Tatem**

Project Manager

Direct: 603 206-7539 Mobile: 603 218-9739 Fax: 603 669-7636 dan.tatem@stantec.com

Stantec 5 Dartmouth Drive Suite 200 Auburn NH 03032-3984



December 19, 2018 File: 195113340

Mr. Brett Hunter, Chairman Fremont Planning Board PO Box 120, 295 Main Street Fremont, NH 03044

Dear Mr. Hunter:

Reference: Ragnar Original Innovations Site Plan
Tax Map 2 Lot 151-2
Fremont, NH
3rd Site Plan Review

We have reviewed the following information, prepared and submitted by Gregsak Engineering, Inc. (GEI) for the subject project, received on December 17, 2018:

- Proposed Ragnar Original Innovations Inc., Site Plans, Sheets 1 through 16, prepared by GEI, dated September 3, 2018, and most recently revised on December 17, 2018
- Response letter, prepared by GEI, dated December 17, 2018
- Drainage Report, prepared by GEI, dated September 3, 2018 and revised on December 8, 2018

This submittal was reviewed in response to a request by the Town of Fremont and was reviewed for conformance with the applicable sections of the Town of Fremont Zoning Ordinance and the Site Plan Regulations as well as other relevant local and state regulations and accepted engineering practice. The comments from our October 12, 2018 review letter are in *italics*, new or supplemental comments are in **bold** and comment that were addressed have been removed. We have the following comments:

## PROJECT DESCRIPTION:

According to the revised plans prepared by Gregsak Engineering, Inc. (GEI), the Applicant proposes to construct a multi-phase office / manufacturing / warehouse facility. The revised, proposed phases are as follows:

Phase 1: Includes two 3,264 square foot office buildings, attached at either end of a 9,792 square foot warehouse building, associated paved parking and truck loading areas, an on-site well and an on-site septic system. The detention basin, sized for all 3 phases, is proposed to be constructed as part of this phase.

Phase 2: Includes a 26,313.3 square foot "headquarters" building, which appears to be a combination of office, manufacturing and warehouse with an associated parking area



Reference: Ragnar Original Innovations Site Plan

Tax Map 2 Lot 151-2 Fremont, NH 3rd Site Plan Review

and truck loading dock area. A second septic system and water supply well are proposed to be constructed as part of this phase. The on-site drainage infrastructure is proposed to be directed to the detention basin, constructed in Phase 1.

Phase 3: Includes a 18,000 square foot office building addition, attached to the rear of the Phase II building. An additional truck access area is proposed to provide access to the north end of the addition.

## General:

- 8. A landscaping plan must be provided, sufficient for review to insure compliance to applicable standards, as specified in Regulation Section 1.13-O. It should be noted that although a landscaping plan is provided in the plan set no detail is provided regarding the proposed landscaping. It was agreed that the Board would review the revised landscaping design. The Board's review is pending.
- 9. A traffic circulation and access plan must be provided that demonstrates sufficient allowances are provided for emergency vehicle turning movements onto the site, through the site and onto connecting roadways, as specified in Regulation Section 1.13-T.6. A. and 1.15-H. Additionally, it is recommended that turning movement be provided to demonstrate that the proposed pavement for the truck loading areas is sufficient. Comment partially addressed. Considering the proposed tractor trailer use, a vehicle turning plan must be provided. A truck turning template sketch was provided; however, appears that several of the truck bays will not be able to be accessed. After the necessary pavement layout revisions are shown on the plans, an additional turning plan must be provided for review.
- 10. The plans state that the hours of operation are 7 AM to 6 PM, 7 days a week. It is recommended that the Board discuss whether these proposed hours are acceptable. This is pending discussion with the Board.
- 11. Given the proposed expansion for the site it is recommended that the existing gravel access drive be upgraded to a paved access road with a minimum 24-foot paved travel width and 3-foot gravel shoulders. Comment partially addressed. The roadway is now proposed to be paved; however, the following information must be added to the plans:
  - a. The plan view of the roadway grading from Sta. 0+00 to 4+40. This section of proposed access road was added to the plan; however, the proposed grading was not added. In addition, the proposed grades for the remainder of the road were also removed from the plans and must be added.



Reference: Ragnar Original Innovations Site Plan
Tax Map 2 Lot 151-2

Fremont, NH
3rd Site Plan Review

b. We recommend that the short section of gravel road between the paved Altaeros site and the end of the proposed access road also be paved. This was discussed at our meeting on the 14th without resolution. We recommend this be discussed with the Board.

- 12. The plans must provide pavement line striping thickness, material and color to conform to MUTCD and NHDOT standards. **Comment not addressed.**
- 13. Horizontal coordinates, vertical datum and bench marks must be provided on the plans for the layout of the proposed site. Comment not addressed. The response letter notes that this information is not required; however, this information is required by Section 1.13.L and must be added to the plans. The required horizontal information was added only added from Station 0+60 to Station 5+00. The remainder of the roadway must have this information added. Regarding the information that was added, the following must be corrected:
  - a. Per Table 1 of the Fremont Roadway Design Standards, the minimum centerline radius must be 250 feet, while the plans propose radii as small as 200 feet. All roadway radii must be increased to at least 250 feet.

#### Site and Gradina Plans:

28. It is recommended that the Planning Board discuss whether a water source (i.e. fire cistern) for fire protection is required for the proposed site, as specified in Regulation Section 1.16-D. We defer to the determination of the Fire Chief. We recommend that written correspondence be provided to the Board. We contacted the Chief on the 18th to discuss the project. According to the Chief, he had not been approached by the Applicant in several months. Considering this, we forwarded him the most recent plans for his review and comment. These comments are pending.

## Landscaping and Lighting Plans:

45. Details for the proposed wall mount lighting must be provided to confirm compliance with Regulation Section 1.15-2. Comment not adequately addressed.

A detail was added; however, it does not appear that the fixture is dark-sky compliant and the detail does not include any notes specifying that the wall-packs must be full cut-off fixtures.

#### NHDOT Sight Distance Plan:

53. It must be confirmed by the designer that the vehicles that will be accessing the site can turn right onto NH Rte 107 without crossing the roadway centerline. The righthand driveway radius is not sufficient to allow trucks to turn right, or north, onto



Reference: Ragnar Original Innovations Site Plan

Tax Map 2 Lot 151-2 Fremont, NH 3rd Site Plan Review

Route 107. Per Section 1.15 of the Site Plan Regulations, this radius must be corrected to provide a sufficient pavement radius. A revised, widened radius was added, correcting the turning issue. However, the proposed edge-of-pavement is now touching the existing utility pole, creating an impact hazard. The existing utility pole should be relocated at least 8' from the new edge of pavement.

## **Drainage Report:**

60. The designer must provide confirmation that the proposed sediment forebay provides 3,100 CF of storm water treatment, required by NHDES. Comment not addressed. The revised drainage study was not provided for review. It appears that the storage areas are significantly higher in the drainage calculations than as shown on the design plans. The infiltration basin calculations include a total area of 20,350 sq. ft. at elevation 145; however, this basin scales to be less than 16,000 square feet on the plans, at this elevation. In addition, the forebay must be removed from the infiltration area calculations, further reducing the area to approximately 12,000 square feet. These discrepancies must be corrected.

# Comments Due to Plan Revisions #2:

72. Stockpile stabilization requirements must be added to the Erosion Control Notes. Comment not adequately addressed. Per the NHDES AoT Program, the note must be revised to require temporary mulching and/or seeding if the stockpile is not actively being worked.

## Comments Due to Plan Revisions #3:

- 83. The proposed well locations are shown in different locations, between the Overall Project Layout Plan and the Site Plans. This discrepancy must be corrected.
- 84. The select gravels in the roadway cross-section must be revised per Section 10.02.T of the Subdivision Regulations, which specifies a maximum stone diameter of 4" for bank run gravel and a maximum stone diameter of 1.5" diameter for crushed gravel.
- 85. The revised plans include bollards around the buildings. A typical bollard detail and PVC sleeve must be added to the plans.
- 86. An acceptable erosion control measure, such as a silt sack, must be specified for the proposed catch basin, and a typical detail added.
- 87. The proposed 2:1 grading for the culvert at Sta. 11+50 must either be revised to 3:1 or flatter or protected with guardrail.



December 19, 2018 Mr. Brett Hunter, Chairman Page 5 of 5

Reference: Ragnar Original Innovations Site Plan

Tax Map 2 Lot 151-2 Fremont, NH 3rd Site Plan Review

These comprise our comments currently. We invite the Engineer and Applicant to meet with us to discuss these comments or other issues, which may affect the project. We reserve the right to make future comments based on revisions and additional submissions.

Please call if you have any questions.

Sincerely,

STANTEC CONSULTING SERVICES INC.

J. Daniel Tatem

Project Manager Tel: 603-206-7539 Fax: 603-669-7636

dan.tatem@stantec.com

 c. Heidi Carlson, Casey Wolfe, Town of Fremont Anders Ragnarsson, Mike Rislove, Owner Bill Gregsak, GEI Rene LaBranche, Bryan Ruoff, P.E., Stantec