

**Board Members Present:** Vice Chair Andy Kohlhofer, Ex Officio Roger Barham, Members Jack Karcz, Tim Lavelle and Brett Hunter.

**Also Present:** Madeleine DiIunno, Rockingham Planning Commission; Administrative Assistant Leanne Miner

## **I. WELCOME**

Mr. Kohlhofer opened the meeting at 7:03 PM.

## **II. MINUTES**

**Mr. Karcz made a motion to approve the meeting minutes from August 17, 2022. Mr. Lavelle seconded the motion and the motion passed 4-0.**

**III. NEW BUSINESS - Map 5, Lot 9 - Preliminary Concept Meeting Request –New England Outdoor Material LLC – Wholesale bark mulch manufacturing and distribution company seeking input on commercial land use concept. Below is a summary of a non-binding discussion between NE Outdoor Material (NE Outdoor) and the Planning Board**  
There will be a site plan presented in approximately 6 weeks. NE Outdoor stated that they would possibly be ready to start clearing land in the winter and begin construction in the spring if approved. They would need to use about 15 acres of the 25-acre lot. This project will be done on the class VI Shirkin Road. Off-site improvements including any upgrades to Shirkin Road will be considered by and reviewed by the Planning Board and Town Engineer. Permission to execute any upgrades/maintenance must then be approved by the Select Board. State permitting may also be required for wetlands and Alteration of Terrain. NE Outdoor stated they have an average of 15 trucks a day with seasonal changes being a spring high of 40 in the busy season to as low as 0 in the winter depending on the year. NE Outdoor commented that mulch does not have the odor issues that compost does. They are planning a garage area that would be approximately 6,000 sq ft (60x100) but it may not all be enclosed plus office space of approximately 20x20. The garage area would need a concrete pad and meet requirements of Zoning Article 12. NE Outdoors also commented that the noise level is more of a low hum from trucks, loaders and grinders (which is much quieter than a rock crusher). Their hours of operation are usually 7 am to 5/6 pm, with grinding going about 7am to 7pm and 7am until noon on Saturdays in the spring. The stacks of mulch can be a max of 55-60' with most being much smaller. When they have the completed land survey and plan, they will revisit with the Planning Board.

## **IV. CONTINUED BUSINESS - HB 1021 and 1661 Action Items –**

- 1.** Ms. DiIunno provided a follow-up on new legislative changes for Land Use Boards specifically for section 73 regarding the written findings of fact having to document the basis for decisions made. She is drafting language to place this detail in the Notice of Decisions. There are no guidelines and towns are doing it differently. She spoke to Raymonds legal counsel and when decisions are being made Board must state why they decided with citation to the associated site regulation. This will be a work in progress and will be different with each application. There was discussion with ideas including time clock, legal review or applicant forms for filing.

2. Zoning Laws regarding the HB 1661 with regard to Work Force Housing and how it may be applied in Fremont. If the Board takes no action the changes will take effect on June 1, 2023. Any incentives offered to Elderly Open Space ordinances must be offered to Work Force housing. The discussion covered basic ideas on making this possible. The Board will look at (among other regulations) impact fees, location requirements for housing, density percentages as it effects wells and septic. Further discussion is scheduled for 9/21 Work Session.

## **ADMINISTRATION, OTHER**

### **1. Circuit Rider Business**

- a. Ms. DiIunno will be starting the Transportation Chapter of the Master Plan and is looking for volunteers to serve on the sub-committee and coordinate a meeting. Ms. Miner stated that she and Rich Cooper (Conservation Commission) would like to be on the committee. Ms. DiIunno would like to schedule the first meeting in mid-October, they will propose dates at the next Planning Board meeting.
- b. Ms. DiIunno stated DES has released the latest round of Source Water Protection Grants. She spoke about developing a source water protection plan for Fremont and has drafted a proposal and distributed it to the Board members for review. She spoke to DES regarding incorporating a mechanism for kickstarting the Groundwater BMP inspection program. She suggested applying for grant money to prepare a Source Water Protection Plan and helping the Town implement its Groundwater BMP program. The grants can be as high as \$30,000 and do not require a match. Ms. DiIunno would like letters of support from the Board and Town. RPC did assessments (for information only) on every town in the region on ground water assessment which she distributed.
- c. Ms. DiIunno did research on enforcing the 55 and up developments that the Board discussed at the last meeting and found no case law. Ms. DiIunno had the condominium documents for Black Rocks Village. There are a few pages regarding age restrictions and record keeping. All 55 and up units are required to submit a report to the Select Board every year with a list of everyone living there and their age. She stated that is in the Town Zoning Ordinances also. The condominium documents are very detailed in their requirements. It also has information on enforcement stating the Town of Fremont shall also have the right and authority but not the obligation to enforce the provisions of the section of age restriction by all legal means. Discussion to continue on this topic.

### **2. Incoming Correspondence and Project Updates**

- a. Liberty Lantern Estates, Scribner Road, and South Road – No updates since last meeting.
- b. Galloway Recycling and Shirkin Road Widening – Final plans. Surety established. Need to set up pre-construction meeting.
- c. Map 2, Lot 151-2 and 151-4 – Fremont Land LLC – Commercial Subdivision Application which includes a new road with a cul-de-sac at the end and paving phases. October 5, 2022
- d. Ms. Miner and Todd O'Malley will be attending "A Hard Road to Travel" and Mr. Kohlhofer may do the webinar.
- e. Incoming correspondence to the Select Board and the Conservation Commission from the DOT regarding a project that entails deck replacement of a concrete box bridge on Beede

Hill Road, they are asking for a list of the Town's preferred priority mitigation efforts if it is determined that the project does require mitigation.

**3. New Business**

- a. Outdoor shooting ranges - Mr. Kohlhofer mentioned that in the Use Chart shooting ranges are banned in every district. He asked if this was for all properties or only commercial. The Land Use Tables on outdoor shooting range is referring to commercial (as in paid use). Also, site plan review by default indicates commercial.

**4. Administration –**

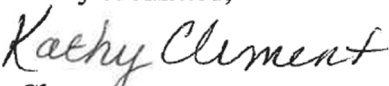
- a. **Budget 2023** – Capital Improvement Program (CIP) meeting is coming up and the Budget Committee must select another member. The worksheet from all departments are due this week.

- 5. Other Department News** – Letter of support for Cons Comm Moose Plate grant application. Ms. Miner distributed maps of the area of interest. She stated the Conservation Commission was approached giving the Town the opportunity to purchase in fee simple a 24-acre parcel of land that abuts the Glen Oaks conservation area. This parcel currently has a conservation easement but there are reserved rights for the property owners to develop the property as a residential lot. The Commission has applied for an LCHIP Grant (which can be up to ½ the purchase price), and an application for a Moose Plate Grant (which is up to \$30,000) to go to the purchase of the property. The Town and owners have not agreed on a price yet. The Town has right of first refusal. Ms. Miner is looking for a letter of support from the Planning Board to apply for the grant and it was given. This is a letter to support the grant application only and not a support letter for purchase of the property or other aspect of the conservation project.

**V. ADJOURNMENT**

**Mr. Karcz made a motion to adjourn the meeting at 8:50 PM. Mr. Lavelle seconded the motion. The motion passed 4-0.**

Respectfully submitted,

  
Kathy Clement