

Pursuant to NH RSA 40:13 II, the First Session of the 2019 Town Meeting (Deliberative Session) was held on Monday February 4, 2019 at Ellis School, 432 Main Street in Fremont, NH. Moderator Michael Rydeen called the meeting to order at 7:03 pm. The Cub Scouts led the Pledge of Allegiance. The Governing Body, Budget Committee and head table employees and other officials introduced themselves.

Roger Barham read a "State of the Town" address outlining several accomplishments from 2018 and plans for 2019.

An award was presented to Heidi Carlson for 25 years of dedication and Town service as the Town Administrator. Neal Janvrin recalled the first day she came to us and remarked that it has been a pleasure ever since.

Michael Rydeen reviewed the Rules of the Order and expressed that he will not follow Robert's Rules. He stated that the body may overrule him at any time, but only Fremont voters can vote on articles. He explained that Town staff members may speak even if they are non-residents. No one may have the floor unless recognized. Each speaker should wait for a response. The only exception is point of order. When coming up, each person should clearly state their name and address. Each speaker may only speak once until everyone has spoken. We will only handle one motion at a time. No negative motions will be allowed, and one can't change an article to a negative or change the subject, or can't completely strip the article. Calling a question means you feel you've heard enough, then all agree to vote. Disorderly conduct will not be tolerated. There will be a three strike rule, if told 3 times, you will be asked to leave. Finally, all were asked to silence phones.

The Second Session (Voting Session) shall be held on Tuesday March 12, 2019 at the Ellis School, 432 Main Street in Fremont, New Hampshire with polls open from 7:00 am to 8:00 pm. All Articles will be voted upon by Official Ballot with any amendments as made at the Deliberative Session.

ARTICLE 1: *To choose by ballot all necessary Town Officers for the ensuing year.*

Budget Committee: 2 for 3 years

Steven Bonaccorsi

Mary Jo Holmes

Patricia J Martel

Michael A Nygren

Selectman: 1 for 3 years

Roger A Barham

Treasurer: 1 for 3 years

Rachel Edwards

Cemetery Trustee: 1 for 3 years

No Candidates Declared

Cemetery Trustee: 1 for 2 years

Jeanne Nygren

Trustee of Trust Funds: 1 for 3 years

Patricia J Martel

Library Trustee: 1 for 3 years

Arlene Nuzzi

After announcing candidates for 2019 Town elections, the Moderator stated that Articles 2 through 9 will be tabled until the end of the meeting. Each article was up on a screen in the front of the room for all to read, and handouts were distributed for people to follow along.

ARTICLE 10: *Shall the Town of Fremont raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$3,103,730? Should this article be defeated, the default budget shall be \$3,033,630, which is the same as last year, with certain adjustments required by previous action of the Town of Fremont or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.*

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required)

Mary Anderson moved Article 10. Pat Martel seconded. Mary Anderson spoke for the Budget Committee relative to Article 10. Heidi Carlson, Town Administrator spoke, referring to the multiple budget handouts, including all of the line items and a document that highlight changes within the operating budgets. Carlson said the largest single change in the operating budget is the trash and recycling contract changes, resulting in a \$65,000 increase in the operating budget. Additionally there are 2% wage increases budgeted for all permanent Town employees.

Relative to the trash and recycling contract increase, Carlson highlighted information on the new proposed contract and changes to the Town's recycling based on world-wide market changes in recycling. The money to fund the new contract is in the operating budget, and if it does not pass, there will be vast changes to trash and recycling collections, which might include a reduction to every other week collections. Carlson explained that there are significant changes in recycling and cost of recyclables in the current market. There's a processing fee in this, and we will be paying more to recycle. The less contamination, the less the processing fee will be.

Other changes in the operating budget are in the Police Department where changes were made to the wage schedule to account for two officers leaving last May, having a six month staffing shortage to recruit and get new cadets out of the Academy. That turnover cost more than wages, thus the Selectmen made a decision with input from Chief Twiss.

There are also some increases in the Library budget as Trustees spent some money at the end of year for a building evaluation, as the building is 18 years old and in need of some repairs. Carlson welcomed anyone with questions tonight or in the weeks nearing Town Elections to please contact her.

Andrew Kohlhofer asked how much we are saving with the Safety Complex bond? He had questions about the Selectmen's report, referring to use of funds to replace roofing at the Safety Complex and asked about the Town having Capital Reserve Fund for maintenance of Safety Complex. Carlson explained that there was funding left in the operating budget in 2017, and it was encumbered instead of budgeting for the roof, knowing it needed to be fixed. Carlson noted the Complex bond was retired in 2017 and that saved \$45,000 the following year.

Kohlhofer asked about the Conservation Commission having their own revenue stream? Why are they taking from Town budget? Can't come out of their own revenue stream? Carlson said that the Conservation Commission operating budget is an annual discussion and the Selectmen feel that the operating and clerical items are a Town expense. Conservation Commission Chair Leanne Miner added that the operating budget covers clerical, postage, training seminars, and that the other funds are specifically for purchasing properties and easements. There is also a small amount in the operating budget for trail maintenance, to pay for supplies and wood. In 2018 approximately \$9,000 was expended from the LUCT Fund to purchase parcel 04-018 and the legal costs for acquisition of parcel 02-151.001. The Project money comes from the residual fund.

Carlson stated that there is \$935,000 in an authorized but unissued bond voted in 2006 for purchasing land. Mary Anderson reiterated that the Conservation Commission does not have a \$900,000 operating budget.

Kohlhofer made a motion to reduce the proposed operating budget by \$45,000, which is savings we had by retiring bonds.

Michael Rydeen clarified that the motion on the floor would amend Article 10 to \$3,058,730. Mary Anderson clarified the Safety Complex bond was retired in 2017. Dottie Weed, 880 Main Street seconded the motion.

Donald Miller, 1 Danville Road, asked in simple English what this reduction means. Carlson stated that she believed Kohlhofer was making the point that \$45,000 in debt was retired in 2017 and he was asking why the budget did not go down by \$45,000. Emily Phillips, 40 Louise Lane, proposed if we cut \$45,000 can we give to Ellis School. Carlson further explained that there have been other operating expenses in 2018 and proposed for 2019 that used up that reduction.

The Moderator called for a vote on the amended Article 10 which was defeated by card vote.

Phillips asked about reducing Bulky Day to once a year, and Carlson said this may be a consideration this year. In the past we have had the dumpster rental included, and the increase for Bulky costs in 2019 is almost \$15,000.

Dennis Acton, 93 Risloves Way, introduced himself, and that he is a new State Rep. He wanted to give voters a heads up that proposals from the State House could result in multi-billion dollars in taxes and listed off some of the potential changes coming. Richard Butler, 23 Poplin Drive, stated that we're here to discuss the Town budget, not the State budget. Steven Bonaccorsi, 27 Jacobs Way, asked if those increases have been approved, and Acton said they are all proposals and that he feels local taxes are getting to a point where average people can't afford them.

Maria Knee, 93 Sandown Road, wanted to state that we're here for the Town, we elect our officials to the State, and she called for the question. The Moderator announced that the question has been called, and we will move to Article 11. The vote to call the question passed.

With no further discussion, the Moderator stated that Article 10 will go on the ballot as proposed.

ARTICLE 11: *To see if the Town will vote to raise and appropriate the sum of forty-one thousand three hundred eighty-six dollars (\$41,386) to hire a new full-time police officer. This sum covers five months of wages and benefits and necessary gear, equipment and required testing for the officer. If approved, this funding will remain as part of the operating and default budget in future years.*

*The Selectmen recommend this appropriation 3-0. The Budget Committee does not recommend this appropriation 2-6.
(Majority vote required)*

Neal Janvrin moved Article 11. Roger Barham seconded. Police Chief Jon Twiss spoke for the Police Department relative to Article 11.

Andrew Kohlhofer stated that no matter how much we raise wages, it's still a chronic problem. He asked if we need to find other ways to address this.

Neal Janvrin responded that we have implemented a longevity program and shift differential pay plan. Janvrin stated that when an officer leaves, it costs close to \$100,000 to replace them. He said that bigger towns recruit officers after they have completed the academy and gaining experience, and offer a lot more than we can pay.

Kohlhofer stated that being an officer in Fremont is a lot safer than Manchester. We're basically a training ground.

Chief Twiss replied that they did quite a bit of research, a state-wide pay survey and picked the best options in hopes that we will retain officers in the future. He thinks we are becoming more competitive with towns closer to our size.

Twiss said that our crime stats are higher or average for towns our size. We've had domestics with one officer responding. We've had people try to rip the firearm out of an officer's holster. Recently a person fired at a State Trooper as well as a heroin addict driving down the wrong side of the road. He explained the need for a new police officer and gave statistics and research as well as comparative facts to local towns comparable to Fremont. He explained that the NH Police Academy is a 6 week program. The proposed cost in 2019 (5 months) is \$41,000 and the following year would be \$91,000 for the full year.

Emily Phillips stated that she was at the Public Budget Hearing and Chief Twiss mentioned that last year we voted an additional officer down very narrowly. She said that last summer we had to deny officers' vacation requests because we were short staffed. She felt that a sixth full-time police officer is needed.

Kristina Edgerly, 3 Walker Lane, said it is important to know that part-time officers cost substantial money to train vs hiring full-time. She said she knows a lot goes into training part-time, would that training and those 2 positions be comparable to one full-time officer?

Chief Twiss stated that part-time offers less money and no benefits. The Academy is 200 hours, they only work one day per week. One full-time officer is quite important.

Martha Shaw, 3 Walker Lane, wanted to say that \$41,000 for a Police Officer is nothing. She said that she has been in law enforcement and first started in 1977, and back then if a person came in on burglary, that seemed like a terrible person. By the time she retired after 28 years, a burglar was nothing compared to what's now happening. She stated that gangs are local and there are plenty of them. With the violence Police Officers have to deal with and psychology, \$41,000 is pennies to her.

Kohlhofer asked why the Budget Committee didn't recommend this article. Mary Anderson spoke on behalf of the Budget Committee and stated that it came down to what we can afford or not. She said there were tough decisions to be made and they had to make priorities. She appreciates the Chief's concerns, but it is a big increase next year.

Lori Holmes, 259 South Road, said that last year the Budget Committee told us that if everything passed our tax rate would go up \$3-\$4, it actually went up 21 cents. Anderson said the reason for that was that the school had extra funds because Sanborn tuition returned funds. The money is no longer there, the School told us they already cut their budget.

Renee King, 464 Beede Hill Road, said she sees in the printout that this particular article is an increase of 10 cents per thousand, on average this is \$20 on a tax bill. In her opinion she would rather pay \$20 for a Police Officer, safety and first responders.

Nicole Cloutier, 38 Danville Road, said that this is not just for the safety of ourselves and our families, these officers also have families and should be protected as well. \$20 a year is less than you spend at Dunkin Donuts in 2 months.

With no further discussion, the Moderator stated that Article 11 will go on the ballot as proposed.

ARTICLE 12: *To see if the Town will vote to raise and appropriate the sum of sixty-six thousand dollars (\$66,000) to have the ability to fund Fire and EMS coverage at night and on weekends. This sum covers nine months of wages and benefits to create incentive for Fremont Fire Rescue Department personnel to be on call for evening and weekend hours. If approved, this funding will remain as part of the operating and default budget in future years.*

*The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0.
(Majority vote required)*

Roger Barham moved Article 12. Neal Janvrin seconded.

Fire Rescue Chief Rich Butler spoke on the difficulty of getting and retaining volunteers. This is something to give incentive for coverage of additional time. He cited that yesterday alone had 7 calls. He said eventually the Town will have to hire daytime staff to man the station.

Kristina Edgerly reiterated the importance of EMS and Fire, being on the receiving end needing care. Response time is not always efficient, and we need these services. This is so important and she asked that people take the time to educate themselves.

Neal Janvrin said the Selectmen were made aware of a problem, whereby a number of calls when no local Fremont response was available. He explained that the Town contracts with Raymond Ambulance who does respond, and the intent is to form two person crews who will be paid minimum wage (\$7.25 per hour) to be home on call for increased availability nights and weekends. This will cut down response time. The Department and the Town are looking for support in this article for our community's safety.

Joe Nichols, Deputy Fire Chief, advised the group that the Department and Selectmen have spent over a year involved with an independent company to come up with solutions, which are facing all small departments nationwide. Based on recommendations, this is where we're going.

Andrew Kohlhoffer talked about the changing nature of the Town and the problem to find people to do fire and rescue, expressing concern that if you add up all Articles if passed, and get a \$3 tax increase. Mary Anderson said that it would go up less than a dollar if all Articles and the budget pass.

Emily Phillips asked about our response and what are the stats based on? Carlson answered that on average 70-80% of calls are medical, about a dozen or less structure fires, but the majority of calls are medical. Phillips stressed the importance of having someone available in Fremont ready to go.

With no further discussion the Moderator stated that Article 12 will go on the ballot as proposed.

ARTICLE 13: *Article 13: To see if the Town will vote to establish a Computer Equipment Expendable Trust Fund per RSA 31:19-a, for the purpose of maintenance, repair or purchase of computer equipment and to raise and appropriate four thousand dollars (\$4,000) to put in the fund; and further to name the Board of Selectmen as agents to expend.*

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 5-3. (Majority vote required)

Roger Barham moved Article 13. Neal Janvrin seconded. Heidi Carlson spoke to the Article, first apologizing for the length and complexity of the Warrant. She acknowledged that voters have a lot of difficult decisions to make. She expressed that the Selectmen and Budget Committee spent considerable time on these items, and the Selectmen feel that all of these articles are important for voter consideration. Relative to this Article, the Town has been diligent in saving in Capital Reserve Funds, saving money for necessities. This article was put on here for the same reason, to save for future needs. Carlson explained that the Town Hall and PD servers had been replaced in recent two years and the cost is expensive, approximately \$31,000 for the two servers.

Carlson further explained the tax rate handouts in relation to these articles. If everything passes, the tax rate would be \$5.61, which is approximately \$0.84 increase over the Town portion of the rate in 2018. Carlson stated that the Town replaced the two servers with some budget and some encumbered funds in the years 2016 and 2017 and that each is anticipated to have a five year life.

With no further discussion, the Moderator stated that Article 13 will go on the ballot as proposed.

Richard Butler made a motion to restrict reconsideration of Articles 10 through 13. Joe Miccile seconded and the vote to restrict reconsideration passed by card vote.

ARTICLE 14: *To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to be placed in the Library Building Maintenance Expendable Town Trust Fund.*

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required)

Roger Barham moved Article 14 and Neal Janvrin seconded. Heidi Carlson explained this fund was established approximately four years ago, and has annually funded minor repairs. It is a savings account to pay for maintenance and replacement equipment as the building is now 18 years old.

With no further discussion, the Moderator stated that Article 14 will go on the ballot as proposed.

ARTICLE 15: *To see if the Town will approve the Board of Selectmen entering into a five (5) year contract through 12/31/2023 with Waste Management for the curbside collection, transport and disposal of solid waste and recyclables from the Town of Fremont with an annual increase of 3%. Based on the current price, this is estimated to be an average annual increase of \$8,923 over the life of the contract. The contract will require the Town to continue to use Waste Management and will require Waste Management to provide services at a guaranteed price. The 2019 cost of \$284,370 is included in the operating budget, Article 10, and no additional funds are raised by this Article for 2019.*

The Selectmen recommend this article 3-0. The Budget Committee recommends this article 8-0. (Majority vote required)

Roger Barham moved Article 15. Neal Janvrin seconded. Heidi Carlson spoke to Article 15. She stated that Selectmen put the trash contract out to bid last fall and received two proposals. Waste Management was lower and this is the basis for the budget number. This Article allows us to enter into a contract, and allows for the budget to include the annual increases. This is proposed for a 5 year contract that will be part of the operating budget.

Andrew Kohlhofer asked how many tons we saved for recycling last year. Carlson stated that the tonnage was 1469 tons tipped, and recycling was 393 tons. She explained that the Board of Selectmen made a decision that we wanted to continue recycling.

Neal Janvrin explained that we did look at options for pickup and a second toter for recyclables. With open containers, the driver is supposed to pick up non-recyclables and reduce the risk of contamination. Carlson added that the contract had a couple of options, but bi-weekly did not feel like a feasible option and wouldn't save significant money.

Nancy Murray, 47 Deer Run, asked what happens if this article is voted down. Carlson replied that we will have to talk about it every year since the town can't enter a contract without the legislative body's approval. She stated that if the operating budget fails, we do not have enough money to pick up trash. Neal Janvrin replied that with a 5 year contract we lock in a price.

Mary Jo Holmes, 602 Main Street, made a motion to restrict Articles 14 and 15 from further discussion. Anthony Drago, 688 Main Street, seconded. The vote to restrict reconsideration passed by card vote.

With no further discussion, the Moderator stated that Article 15 will go on the ballot as proposed.

ARTICLE 16: *To see if the Town will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000) to be placed in the Fire Truck Capital Reserve Fund.*

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required)

Roger Barham moved Article 16. Neal Janvrin seconded. Fire Chief Richard Butler stated that this is a savings account for replacement fire apparatus. He stated the average cost of new fire truck is \$450,000 and up and that we are behind schedule on replacement trucks. The 1989 truck should be replaced at or near the 20 year NFPA standard.

With no further discussion, the Moderator stated that Article 16 will go on the ballot as proposed.

ARTICLE 17: *To see if the Town will vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000) to be placed in the Bridge Construction and Reconstruction Capital Reserve Fund.*

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required)

Roger Barham moved Article 17. Neal Janvrin seconded. Neal Janvrin made a motion to amend article 17 to increase the value from \$25,000 to \$200,000.

Heidi Carlson stated that we have been putting that amount in every year since 2012 and are currently working on two red list bridges. In January, one day after the Town's Public Budget Hearing, the Town got a letter from NH DOT indicated the Town had to close the Sandown Road Bridge Overflow due to deficiencies in the super structure. Carlson stated that the structure was built about 90 years ago. It was too late to add this as a Warrant Article, therefore the only way to appropriate sufficient funds to address the bridge was to amend the Capital Reserve Article. Carlson explained that we were planning to use this money for the Martin Road Bridge, but will switch this year to address Sandown Road.

The bridge on Sandown Road will be restricted to one lane within the next few weeks. Amending the article will provide enough funds to the Town to take on the project and get a new deck installed. Handouts were referenced with the pricing quotes from the engineer working with the Town. Carlson explained that buses, fire apparatus, police response etc. would be affected during one lane, and again for up to two months for the closure while the actual repairs are completed. It was explained that we are working with officials in Sandown relative to emergency services as well. She stated that the state traffic count was 1,100 cars per day. The current engineering estimate is \$349,000 to repair and that there are some funds available in the Highway Budget for a small part of the work, and we are planning to do some of the general contract work in-house, saving on the engineer's overall estimate.

Carlson reviewed the other potential option to swap projects within the NH Bridge Aid Program, which the Martin Road Bridge is currently enrolled in. Swapping projects has some downfalls and will cost probably twice the price. She explained that the town will hire a bridge company. If done in-house it can save money on what is contracted, she is confident that \$350,000 is a high-end estimate. If this costs less, whatever money is left in the Capital Reserve Fund will still be saved for the other bridge projects.

Mary Anderson stated that the Budget Committee didn't come to a decision and wanted to hear from taxpayers. She stated that we need this bridge repair and the road will be closed. The Budget Committee still needs to take a vote to make their recommendation.

Andrew Kohlhofer asked how long the Town has known about this increase. He stated that they knew we were going to come in tonight with a \$175,000 increase, when asking for \$190,000 increase for personnel. Roger Barham referenced Article 19 and explained that for 2019, the Road Agent is targeting Chester Road. He stated that the Budget Committee and Selectmen are looking to amend this Article, doing a swap with Chester Road.

Moderator Rydeen explained that we are trying to be fiscally responsible.

Kohlhoffer asked why this wasn't talked about before, making a motion to consider this before speaking on other articles. He stated that we just voted for personnel increases when we should have heard about this amendment first. He felt that there could have been a motion to consider this article first and doesn't think it is fair. Josh Yokela stated that he agrees that this could have been moved to the front for discussion.

Angela O'Connell, 63 Gristmill Road, stated that voters will have the opportunity to vote on this on Election Day.

Peter Marggraf, 110 Gristmill Road, asked how many people in town will be affected by this article. Carlson estimated maybe 100 residents, a couple on Sandown Road, and all of the residents within the Dakota/Treaty neighborhoods (several townhouses). He noted that it was asking a lot of people to do this for maybe 100 residents who live past the bridge.

Nicole Cloutier stated that she wanted to remind residents that this will effect children's transportation to school living past those bridges. Kohlhofer asked if this will affect our school bus transportation contract. Brittany Thompson explained that it wouldn't increase cost, we pay per route.

Yokela stated that fire engines would have to go around, but single lane still is not impassable. Carlson stated that there would be stop signs, portable lighting and lights up on either side, but it will be driver responsibility for passage. Michael Rydeen asked if this

does not pass, what this would mean for the road. Carlson replied that we don't know that yet, there has not been enough time to know that. It could mean that the road closes completely if the bridge gets any worse over time.

Barham stated that the best case is going down to one lane right now, and getting construction done this season. NH DOT will be monitoring it, and may shut the whole thing down.

Kohlhoffer asked who controls the Capital Reserve Fund and Carlson replied that the Selectmen do.

Neal Janvrin called the question. A card vote for no further discussion passed. Card vote to amend this Article to \$200,000 passed.

With no further discussion, the Moderator stated Article 17 will go on the ballot as amended.

ARTICLE 18: *To see if the Town will vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000) to be placed in the Highway Equipment Capital Reserve Fund.*

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0.
(Majority vote required)

Roger Barham moved Article 18. Neal Janvrin seconded. Leon Holmes Jr made a motion to amend Article 18 to read \$1.00 to be placed in the Highway Equipment Capital Reserve Fund. Mary Jo Holmes seconded. Attorney Gorrow gave her opinion that the no means no would not apply to the Capital Reserve appropriation.

Neal Janvrin called the question. The body voted Yes for no further discussion. The amended Article 18 reads:

ARTICLE 18: *To see if the Town will vote to raise and appropriate the sum of one dollar (\$1) to be placed in the Highway Equipment Capital Reserve Fund.*

Andy Kohlhofer made a motion to discuss Article 20 before Article 19. Leanne Miner seconded. The motion failed and the discussion remained on Article 19.

With no further discussion, the Moderator stated that Article 18 will go on the ballot as amended.

ARTICLE 19: *To see if the Town will vote to raise and appropriate the sum of two hundred seventy-nine thousand three hundred eighty-eight dollars (\$279,388) to grind, reclaim and pave Chester Road from Sandown Road to the Chester Town Line (6,970 feet) and do associated shoulder work and driveway paving tie-ins.*

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required)

Roger Barham moved Article 19, Neal Janvrin seconded. Road Agent Leon Holmes Jr spoke to the Article, explaining what would be done.

Jonathan Starr made a motion to amend Article 19 to \$1.00. Joe Miccile seconded.

Starr explained that he knows this road work needs to get done, but that we're already raising the tax rate considerably. He stated that this increase will be too difficult and felt we should do it next year. Starr said that if Chester Road has potholes, it is still passable and it is a difference between a detour and slow driving.

Wendy Downing, 447 Main Street, asked if we wait until next year, does price of asphalt go up every year? She worried that we would end up paying more if we did wait. Holmes Jr stated that the current contract runs out in 2020 so the price would not change substantially.

Greg Fraize, 46 Midnight Sun Drive, stated that he would like to leave this Article as is to allow other residents to vote on it. If we reduce it to \$1.00, it would take their voting right away.

Jack Carson, 67 Gristmill Road, stated that he rides that road a lot and remarked that it hasn't gotten a whole lot worse in the past few years.

Mary Anderson asked the Road Agent if we amended this article to \$100,000, what could be done with that? Holmes Jr estimated about a third of the road could be done, and that doing anything is better than doing nothing.

Leon Holmes Jr made a motion to amend Article 19 to \$100,000. Mary Anderson seconded.

Carlson and Holmes Jr conferred to change verbiage to "a section of the road." The Moderator made adjustments to the printed Article showing on the screen.

Holmes Jr stated if there's some money left from the highway budget he will further do as much as he can with that.

Kohlhoffer asked for the opinion of the Town Attorney to change the wording, the Town Attorney confirmed that that was fine.

Joe Nichols, 110 Chester Road, stated that if we keep putting things off, the damage keeps getting worse and we're paying the price for this.

Motion was approved to amend Article 19 by card vote. The amended Article 19 reads:

ARTICLE 19: *To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) to grind, reclaim and pave a portion of Chester Road and do associated shoulder work and driveway paving tie-ins.*

Dennis Acton stated that he doesn't think it's true that we haven't been putting money into infrastructure and it is not crumbling in this town.

Nancy Murray, 47 Deer Run, said that she is glad we fixed previous roads. She estimated the cost to be \$54 per linear foot for previous work on our roads. She also calculated Chester Road to be running about \$40.08 per foot. She hopes subdivisions can be worked on soon because hers hasn't been done.

Neal Janvrin stated that the difference in price for work depends on the needs of the road.

Josh Yokela stated that those numbers are not accurate, Red Brook Road was also paid for with some money in the highway budget.

Holmes Jr explained that \$67,000 from the operating budget went to Red Brook Road. He stated that we have 3 different options; if we used the band aid approach, the paving company wouldn't warranty their work and discussed costs for other options.

With no further discussion, the Moderator stated that Article 19 will go on the ballot as amended.

ARTICLE 20: *To see if the Town will vote to raise and appropriate the sum of forty-nine thousand five hundred fifty dollars (\$49,550) to continue the Public Health Mosquito Control Program.*

The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 7-1. (Majority vote required)

Roger Barham moved Article 20. Neal Janvrin seconded. Heidi Carlson explained that this is the same article as the past 10 years. She stated that this program primarily includes larval mosquito treatment. If positive tests for EEE occur, there is an allowance to spray the ballfields on Main Street and Ellis School, the Complex and Library common areas.

With no further discussion the Moderator stated Article 20 will go on the ballot as proposed.

Neal Janvrin moved to restrict reconsideration of Articles 16-20. Roger Barham seconded. The vote to restrict reconsideration passed by card vote.

ARTICLE 21: *To see if the Town will vote to designate as Town Forest, in accordance with NH RSA 31:110, the following parcels of land: 04-018 and 02-151-001.*

The Selectmen recommend this article 3-0. The Conservation Commission recommends this article 4-0. The Budget Committee recommends this article 7-0-1. (Majority vote required)

Roger Barham moved Article 21, Neal Janvrin seconded.

Andy Kohloff questioned the “no tax impact” and asked how much we currently collect for these parcels. Heidi Carlson answered that one had previously been tax exempt as it was formerly owned by the Fremont School District, and the other one was purchased for approximately \$6,000 which is the cumulative taxes paid over the past 16 years.

Conservation Commission Chair Leanne Miner said that the parcels have been reviewed and ranked and they link up to the existing Town Forest.

With no further discussion the Moderator stated Article 21 will go on the ballot as proposed.

ARTICLE 22: *To see if the Town will vote to establish a Cemetery Maintenance Trust Fund pursuant to RSA 31:19-a and RSA 289:2-a. The money received from the sale of cemetery lots in Fremont cemeteries shall be placed in the Fund and shall be used along with any interest thereon for the maintenance of cemeteries; and further to name the Board of Selectmen as agents to expend from this fund upon recommendation of the Cemetery Trustees.*

The Selectmen recommend this article 3-0. The Budget Committee recommends this article 7-1. (Majority vote required)

Roger Barham moved Article 22. Neal Janvrin seconded.

Heidi Carlson stated that this came forward at the behest of the Cemetery Trustees to find a more prudent method to save and perpetually care for cemeteries. This is a relatively new statute and would change the way we collect lot sales. All of the funds from sale of lots would be set aside in this fund instead of putting a small portion in the General Fund and the balance in perpetual care. In perpetual care funds, only the interest can be used, and that is no longer viable as a funding source.

Nancy Murray asked how many cemetery lots are currently available for purchase. Carlson answered that there are about 600 at Leavitt, none at Village, and may be other cemetery options at some point in the future.

With no further discussion, the Moderator stated Article 22 will go on the ballot as proposed.

ARTICLE 23: *By Petition: To see if the Town will vote to change the method of compensation (RSA 41:25) for the Town Clerk Tax Collector from salary to statutory fees. This article is in effect until rescinded by the legislative body at a future town meeting.*

The Selectmen do not recommend this article 3-0. The Budget Committee does not recommend this article 7-0-1. (Majority vote required)

Nicole Cloutier moved Article 24, Mary Jo Holmes seconded. Cloutier said that this would basically be a contracted service to the Town related to the services provided by the office.

With no further discussion, the Moderator stated Article 23 will go on the ballot as proposed.

ARTICLE 24: *By Petition: To see if the Town will vote, for increased accountability, are you in favor of changing the term of the tax collector/clerk from 3 years to one year, beginning at the end of the 3 year term of the tax collector/clerk elected 2 years ago?*

The Selectmen do not recommend this article 3-0. The Budget Committee does not recommend this article 7-0-1. (Majority vote required)

Dennis Acton moved Article 24. Mary Jo Holmes seconded.

Andy Kohlhoffer said he is against this article, knowing how long it takes to train a Town Clerk, turnover every year means not going to get any work done. Mike Rydeen, agrees, being Moderator, to hold this term to one year, there's a lot of training required.

Deb Caputo, Deputy Town Clerk, stated she has been in this position 1 year, takes a huge amount of training, and she is not in support at all.

Lori Holmes, as a former Town Clerk of 14 years, said this is not a good idea. Until you do the job, no one knows what that job entails. We elect someone, in place for one year, each state agency requires training, explained training for various requirements. Paying for person to go to trainings, what kind of investment is this.

Acton said he signed this petition, to give people of Fremont chance to provide accountability. Turnover every year is not the intention.

James Thompson, 90 Red Brook Road, asked if the language amendable. Attorney Gorrow stated that you can't amend Warrant Articles if the wording is prescribed by law, and RSA 41:26 not amendable by statute.

With no further discussion, the Moderator stated Article 24 will go on the ballot as proposed.

ARTICLE 25: *By Petition: To see if the Town will vote, pursuant to RSA 673:2, II(b), the planning board members shall be elected positions and shall be elected according to the procedure in RSA 673:2, II (b)(1) at the next town meeting.*

The Selectmen do not recommend this article 3-0. The Budget Committee does not recommend this article 5-0-3. (Majority vote required)

Dennis Acton moved article 25, Mary Jo Holmes seconded.

Acton spoke to the article. Andrew Kohlhoffer stated that if the Planning Board is elected it is going to make it political. He felt this may divide the town between business and country. Roger Barham said that this term would be for 3 years and at the end would be appointed, they often have diverse views and the current membership is a very diverse group.

With no further discussion, the Moderator stated Article 25 will go on the ballot as proposed.

ARTICLE 26: *By Petition: To see if the Town will vote that the tax collector/clerk shall be compensated by a base annual salary of seventeen thousand dollars (\$17,000) and, in addition, the clerk shall submit a notarized invoice for fifty percent (50%) of statutory fees collected while present in the town office to the treasurer. A notarized invoice given to the treasurer for any statutory fees collected while the tax collector/clerk was not present in the town office of the tax collector shall be considered a theft of assets under RSA 41:16-c and grounds for removal of the tax collector/clerk.*

The Selectmen do not recommend this article 3-0. The Budget Committee recommends this article 4-3-1. (Majority vote required)

Nicole Cloutier moved Article 26, Mary Jo Holmes seconded.

Josh Yokela, petitioner, stated that he wrote the language because the view was that there was an issue in statute that says the Town Clerk could work 2 hours or 100 hours a week and make the same amount of money. Going forward, he proposes this as a solution. He said the point is to provide some accountability and this is trying to address the issue of getting the same money regardless of hours worked.

Nancy Murray said that the base should be salary or fees, not a combination and the statute protects this job from HR scrutiny. This article creates a lot of administrative work. Greg Fraize stated that this position is elected every 3 years. He has not seen lines and has been able to contact the Town Clerk and Clerk's assistant historically any time needed.

Cloutier made a power point presentation as well as indicating handouts relevant to the Town Clerk Tax Collector position regarding salary, position requirements, hours open to the public and comparative data with other towns close in size and smaller than Fremont. Cloutier indicated that in a 12 month period she paid her assistant over \$3,000 out of her salary to work hours that she could not due to lack of childcare for her infant son, to avoid closing the office and collecting her full salary as an alternative. She showed fees collected by the Town paid by services performed, the Town took in more money than she was paid, and therefore the town is not losing money on the salary. Cloutier stated that in 1990 the Tax Collector salary was \$5,186 and that office was open every other Tuesday and Thursday. In 1990, the population was 2,576 with 1,165 taxable households; compared to 2017 with 2,000 more residents and approximately 2,200 taxable properties. Based on hours open, this position paid \$54 per hour for the four hours every other week. Using an inflation calculator, she estimated that at \$83 per hour in 2019 dollars. Cloutier explained that the Tax Collector salary in 2006 was \$16,500 and the office was open 2 hours per week. Cloutier said it has been estimated by the Budget Committee that if Clerk worked the full hours open to the public the position would average \$26 per hour and that is a fair wage. She asked the Budget Committee to justify the article and explain why it is Budget Committee's position to tell the Clerk what the salary and job should be when this is an elected position and the residents have the option to vote a person in or out every three years.

Mary Anderson stated that she feels it is important for people to know how this came about. A Resident came to the Budget Committee and stated that it wasn't fair to have Town Clerk Tax Collector set her own hours and make the same salary.

Steve Carder, 910 Main Street, asked what happens if both articles pass. Attorney Gorrow answered that the article last on the warrant would be considered passed as a reconsideration or revision of the former article.

Josh Yokela called the question, Mary Jo Holmes seconded. Moderator Rydeen stated that people were still at the microphone to ask questions and that you cannot call the question until they are finished. Peter Marggraf asked questions, discussed exempt employees vs salary questions, and clarified that it is an elected town official, not an employee. He said this seems personal and he'd like to kill the drama.

The vote to call the question passed and there was no further discussion. With no further discussion, the Moderator stated Article 26 will go on the ballot as proposed.

ARTICLE 2: *Are you in favor of the proposed amendment to Article IX Section 908 submitted by the Planning Board for the Fremont Zoning Ordinance as follows:*

New Language ~~Removed language~~

Section 908 – Existing Lots

~~Any lot existing at the effective date of this ordinance, lawfully created by deed or recorded plan at the Rockingham County Registry of Deeds, shall be exempt from the lot size, frontage and structure setback standards of this ordinance; provided that each such lot and structure thereon shall comply with the lot size, frontage and structure setback standards in effect at the time of the creation of the lot. Each such lot and structure shall comply with all other provisions of this ordinance. A lot is subject to lot size and frontage requirements at the time the lot was lawfully created by deed or recorded plan at the Rockingham County Registry of Deeds.~~

The lot size requirement by date lot was created:

1971-1986 - 1 Acre

1987-Present - 2 Acres

The road frontage requirement by date lot was created:

1947-1970 - 100'

1971-1986 - 150'

1987-Present - 200'

The structure setback requirement by date lot was created:

1971-1986 - 30' front and 20' sides

1987-Present - 50' front and 30' sides

~~Provided further that~~ **For installation of water supply and septic systems**, lots existing prior to March 5, 1974 shall be exempt from this Article provided that they meet the specifications of the New Hampshire Department of Environmental Services, Water Division, Subsurface Bureau and/or its successor ~~for installation of water supply and septic systems.~~

The Planning Board recommends this article 6-0-0. (Majority vote required)

Roger Barham moved the Article and Neal Janvrin seconded. Roger spoke to Article 2. This was clarifying setbacks, so forth.

Andrew Kohlhofer explained that this article would allow people to do things with their property that they are not currently able to do.

Emily Phillips asked to reconsider Article 26 and Moderator Michael Rydeen instructed that we could return to that article after we are done with the zoning articles.

With no further discussion, the Moderator stated Article 2 will go on the ballot as proposed.

ARTICLE 3: *Are you in favor of the proposed amendment to Article XI Section 1101.7 submitted by the Planning Board for the Fremont Zoning Ordinance as follows:*

New Language ~~Removed Language~~

~~1101.7 Reconstruction of buildings: Any structure destroyed by fire, explosion, flood, storm, or other Act of God may be rebuilt or reconstructed within one (1) year of its destruction, except, that if a non-conforming use is destroyed to a degree of over fifty (50%) percent as determined by assessed valuation it must, when rebuilt, conform to the terms of this ordinance as to its construction.~~

The Planning Board recommends this article 6-0-0. (Majority vote required)

Roger Barham moved Article 3. Neal Janvrin seconded.

Josh Yokela of spoke to the Article. With no further discussion, the Moderator stated Article 3 will go on the ballot as proposed.

ARTICLE 4: *Are you in favor of the proposed amendment to Article XI Section 1102 submitted by the Planning Board for the Fremont Zoning Ordinance as follows:*

New Language ~~Removed Language~~

Section 1102 –Accessory Dwelling Units

~~1102.1 By Special Exception~~ **One** (1) accessory dwelling unit is allowed within, or as an addition to, single family dwellings. An accessory dwelling unit is defined per RSA 674:71 as a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. ~~A Special Exception shall be granted by the Zoning Board of Adjustments only upon finding by this Board that it meets the provisions and conditions of this section.~~

1102.2 Requirements

A. The owner of the single family dwelling to which the accessory dwelling unit is being created must occupy one of the dwelling units as the owner's principal place of residence.

B. The living area of the accessory dwelling unit shall be a maximum of **one half the living unit or** eight hundred (800) square feet, **whichever is greater. The accessory dwelling unit must have less bedrooms than the principal unit.**

~~C. No more than two (2) bedrooms are permitted in the accessory dwelling unit.~~

~~D.~~ C. The owner shall provide evidence to the Building Official that septic facilities are adequate to service the accessory dwelling unit. Such evidence shall be in the form of certification by State of N.H. licensed septic system designer.

E. D. The accessory dwelling unit shall be designed such that the appearance of the building remains that of the single family dwelling. Any new entrances shall be located on the side or rear of the building. There shall be at least one independent means of egress to the outside or to a common space.

- ~~F.~~ **E.** The principal dwelling unit and accessory dwelling unit must share common water, septic, electric facilities, and an interior door be provided between the principal dwelling unit and accessory dwelling unit.
- ~~G.~~ **F.** Detached accessory dwelling units are prohibited.
- ~~H.~~ **G.** Off-street parking must be available for a minimum of four automobiles ~~for the entire structure~~. In no case shall an accessory dwelling unit be permitted to have a separate driveway or separate garage to accommodate its occupant(s).
- ~~I.~~ **H.** All Fremont Zoning Ordinances shall be applicable.
- ~~J.~~ **I.** All building and Renovation Permits, including Occupancy Permits, shall be required.
- ~~Upon receiving approval from the Zoning Board of Appeals and prior to receiving a building permit, the applicant shall demonstrate to the authorized official that the applicant has recorded the special exception decision with Rockingham Registry, indexed under the name of the property owner.~~
- ~~1102.2 Variances to this special exception may not be granted.~~

The Planning Board recommends this article 6-0-0. (Majority vote required)

Roger Barham moved Article 4. Neal Janvrin seconded. Roger Barham spoke to the Article.

Adam Cloutier, 38 Danville Road, stated that he wants to make sure he understands what this means and asked if this Article allows for any detached in-law apartment or garage. Josh Yokela explained that this means adding those dwellings allows for non-requirement of ZBA approval. Cloutier stated that that's important, he agrees with the terms of this Article and doesn't agree with these additions having to be attached.

With no further discussion, the Moderator stated Article 4 will go on the ballot as proposed.

ARTICLE 5: *Are you in favor of the proposed amendment to Article XI Section 1103 submitted by the Planning Board for the Fremont Zoning Ordinance as follows:*

New Language ~~Removed Language~~

Section 1103 – Home Occupation

1103.1 The standards of this Section dealing with home occupations are designed to protect and maintain the residential character of Fremont while permitting certain limited commercial activities which are traditionally carried out in a home. Home occupations that meet all the requirements of this ordinance are exempt from site plan review.

1103.2 Definition: Home occupation is defined as any business, occupation or activity conducted for gain within a residential building, or an accessory building thereto, which is incidental or secondary to the use of such building for dwelling purposes and which does not change the essential residential character of the building. This regulation applies to all zoning districts.

1103.3 Standards:

- A. The home occupation shall be conducted solely by the member(s) of the immediate family that reside(s) in the dwelling unit except that ~~one (1)~~ **two (2)** additional non-residents may also be employed.
- B. ~~No display, other than a name plate not more than one (1) square foot in area, that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling shall be allowed.~~ **Signs - See Article 16.**
- C. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to normal senses off the lot if the occupation is conducted in a single family or accessory building; or outside the dwelling unit or accessory building if the occupation is conducted on a lot containing a duplex or multi family unit.
- D. All home occupations shall be conducted entirely within an enclosed building.
- E. No materials or equipment associated with the home occupation shall be stored outside the building.
- F. The following businesses, occupations or activities are specifically prohibited:
1. Motor vehicle and accessory sales or rental, repair and/or painting, including trailer rental or sales.
 2. Medical or dental clinic.
 3. Restaurant.
 4. **Commercial k**ennel **as defined under RSA 466:4, III** and veterinary clinic.

5. Funeral home **as defined in RSA 325:1, IX.**
6. ~~Nursery school, but not family day care, with six or fewer children.~~ **Day care nursery as defined in RSA 170-E:2, IV(d).**
7. Repair shops or service establishments, except the repairs of electrical appliances, typewriters, cameras, or other similar small items.
8. ~~Beauty shops and barber shops, except when customer visits are by appointment only and are limited to no more than two customers in any one hour period. Beauty shops and barber shops allowed under these provisions shall be registered with the appropriate licensing and inspection authorities.~~

H. The home occupation shall not require the ~~regular need for~~ delivery of materials to and from the premises by commercial vehicles over ~~twelve thousand (12,000) lbs GVWR~~ **twenty-six thousand (26,000) lbs GVWR more than one time per week.** The intent is to permit delivery vehicles such as United Parcel Service vehicles but to exclude tractor-trailers and other large, heavy commercial vehicles.

I. The home occupation should not require the need for the on-site, ~~over-night~~ **overnight** parking of commercial vehicles **over twenty-six thousand (26,000) lbs GVWR.** If on-site parking of one (1) commercial vehicle, with three (3) axles or more, is necessary, it shall be garaged or screened.

The Planning Board recommends this article 6-0-0. (Majority vote required)

Roger Barham moved Article 5. Neal Janvrin seconded. Roger Barham spoke to the article.

With no further discussion, the Moderator stated Article 5 will go on the ballot as proposed.

ARTICLE 6: *Are you in favor of the proposed amendment to Article IV submitted by the Planning Board for the Fremont Zoning Ordinance as follows:*

New Language ~~Removed Language~~

Article 4 – Adoption, ~~and~~ Amendments, **and Definitions**

Section 403 – Definitions: In the interpretation and enforcement of this Ordinance, all words other than those defined specifically below shall have the meanings implied by their context in the Ordinance or their ordinarily accepted meanings. For those words defined within other sections of the Zoning Ordinance, the term definition shall apply only to the section within which the term is located.

- A. **Accessory Use:** A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.
- B. **Accessory Structure or Accessory Building:** A structure or building customarily incidental and subordinate to the principal structure and located on the same lot as the principal use
- C. **Agriculture:** Any farming activity that involves the cultivation of plants or the raising of livestock – including animals or poultry as defined in RSA 21:34-a.
- D. **Agritourism –** As defined under RSA 21:34-a as attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including, but not limited to, eating a meal, making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of the farm.
- E. **Camper trailer/ Motor Home/ Trailer coach:** Any vehicle used or intended to be used for living and/or sleeping purposes which is or may be equipped with wheel or wheels or similar devices for the purpose of transporting the unit.
- F. **Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, foods or materials of any kind.

- G. Duplex:** A building designed and/or used exclusively for residential purposes and containing two principal dwelling units separated by a common party wall. The common party wall shall be within interior residential space, including garage space, and shall separate the interior residential space of the two principal dwelling units.
- H. Dwelling Unit:** Any completed structure or portion thereof designed or used exclusively for residential purposes.
- I. Dwelling Unit, Single-Family:** A detached building designed for or occupied exclusively by one family.
- J. Home Occupation:** Any business, occupation or activity conducted for gain within a residential building, or an accessory building thereto, which is incidental or secondary to the use of such building for dwelling purposes and which does not change the essential residential character of the building.
- K. Impervious Surface:** A modified surface, that cannot effectively absorb or infiltrate water including roofs, decks, patios, paved gravel or crushed stone driveways and parking areas and walkways unless designed to absorb or infiltrate water.
- L. Junk Yard:** Two or more uninspected motor vehicles no longer intended or in condition for legal use on the public highways and/or any machinery, scrap metal or other worn, cast off, or discarded articles of materials ready for destruction or collected or stored for salvage or conversion to some use.
- M. Light Manufacturing:** The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances; electronic instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics apparel; lightweight nonferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products.
- N. Lot:** A certain contiguous tract or parcel of land for which there is a deed recorded at the Rockingham County Registry of Deeds.
- O. Lot Coverage:** All impervious and pervious paved surfaces on a given lot including: paved, bricked or gravel areas, buildings or other structures, decks and patios, and recreational facilities such as tennis courts, in-ground pools or similar amenities.
- P. Lot of Record:** Any lot which, individually or as a part of a subdivision, has been recorded in the Office of the Register of Deeds in Rockingham County.
- Q. Manufactured Housing:** Any land rented for the location, either permanently or temporarily, of one or more manufactured houses, recreational vehicles, travel trailers, tent campers, or other vehicles intended for a similar purpose.
- R. Multi-family Dwellings:** All multi-family dwelling units, which are defined as any structures containing more than two (2) dwelling units.
- S. Non-conforming Lot:** A lot which was lawfully created, but which does not meet the minimum dimensional requirements for frontage and/or lot size within the zoning district in which the lot is located.
- T. Non-conforming Structure:** A structure designed, converted, or adopted for a use prior to the adoption of provisions prohibiting such use in such location.

- U. **Non-conforming Use:** Non-conforming use is any use legally existing at the time of enactment of this ordinance, or any of its amendments, which does not conform to the provisions of this ordinance.
- V. **Structure:** Anything constructed or erected, the use of which requires a fixed location on or in the ground or requires an attachment to something having a fixed location on the ground. "Structure" under this definition includes, but is not limited to, septic systems, buildings, bill, carports, porches, swimming pools, tennis courts, and leach fields that are, in whole or in part, constructed above grade. For the purpose of this zoning ordinance, sidewalks, driveways, fences, patios, aboveground fuel tanks, and leach fields that are constructed entirely below grade are not deemed to be structures.

The Planning Board recommends this article 6-0-0. (Majority vote required)

Roger Barham moved Article 6 and Neal Janvrin seconded. Barham spoke to the proposal.

Dennis Acton asked what constitutes a structure and building, and at what point does it become taxable.

Maria Knee asked how this would get enforced.

Josh Yokela stated that the Code Enforcement officer would be charged with enforcement and that position reports to the Selectmen. He stated that if you don't like the ruling of Selectmen or Code Enforcement, you can appeal to the ZBA.

Heidi Carlson further explained that the Town often will write a letter to the owner and that the Town has to go to Court to enforce Zoning Ordinances. This costs money to pursue. Knee asked where the money is to fund this, and Carlson explained that would be part of the legal budget.

With no further discussion, the Moderator stated Article 6 will go on the ballot as proposed.

ARTICLE 7: *Are you in favor of the proposed amendment to Article VII submitted by the Planning Board for the Fremont Zoning Ordinance as follows:*

New Language ~~Removed Language~~

Section 704 - Flexible Use Residential District

704.1 The intent of the Flexible-Use Residential District is to provide for residential development on individual lots, or agricultural use, which can be accommodated on the land without major alterations of the natural terrain, vegetation, watercourses or surface, and commercial development along connector (non-subdivision) streets.

704.2 By Conditional Use Permit, the Planning Board may allow commercial operations on specific roads identified on the Fremont, NH, Zoning District Map, ~~based on the conditions laid out in Section 703 of this Ordinance. The total maximum square footage of all commercial structures on a single parcel, in the Flexible Use Residential District, is ten thousand (10,000) Square Feet.~~

704.3 Conditional Use Permit Requirements: Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit in the Flexible Use Residential District for commercial operations provided that the following conditions are found to exist:

A. The total maximum square footage of all commercial structures on a single parcel is no greater than ten thousand (10,000) Square Feet.-

B. The entire commercial operation shall be located within 500 feet of the lot frontage within the Flexible Use Residential District. The Planning Board may on a case-by-case basis allow commercial operations to be located further than 500 feet from the lot frontage if the impacts of the use on abutting properties are demonstrated to be sufficiently minimized. Impacts include, but are not limited to, noise, odor, visual impacts, traffic, or safety.

C. The commercial operation shall not result in a change in the essential characteristics of the area or abutting properties on account of the location or scale of buildings, other structures, parking areas, access ways, or the storage or operation of associated equipment or vehicles.

D. The proposed use complies with all other applicable sections of the Zoning Ordinance.

704.3 704.4 Within the Flexible Use Residential District the Planning Board may grant a Conditional Use Permit for an Open Space Preservation Development, anywhere in the district, as per Article 13, Section 1302 of this Ordinance.

Section 705 - ~~Commercial Highway District~~ Main Street District

705.1 The intent of the ~~Commercial Highway District~~ **Main Street** District is to permit general commercial uses in areas on streets with high traffic volumes and to buffer abutting residential neighborhoods from disturbance and disruption. The maximum square footage of an individual commercial use in the ~~Commercial Highway~~ **Main Street District** is twenty-five thousand (25,000) Square Feet.

705.2 Certain commercial operations may only be allowed by a Conditional Use Permit issued from the Planning Board. See the Table of Uses for a list of the uses that require a Conditional Use Permit.

705.3 Conditional Use Permit Requirements: Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit in the Main Street District provided that the following conditions are found to exist:

- A. The permit is in the public interest.
- B. There will be no greater diminution of neighboring property values than would be created under any permitted use.
- C. That there are no existing violations of the Fremont zoning ordinance on the subject property.
- D. That the character of the area shall not be adversely affected in the context of:
 - 1. Architecture
 - 2. Transportation
 - 3. Scale of coverage
 - 4. Scale of building size
 - 5. Consistency of uses
- E. That granting the permit will not result in undue municipal expense
- F. That the proposed use will be developed in a manner compatible with the spirit and intent of the ordinance.
- G. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
- H. That the general welfare of the Town will be protected.
- I. That the following impacts have been mitigated to the extent practical:
 - 1. Noise
 - 2. Light
 - 3. Transportation
 - 4. Visual effects
 - 5. Odor
- J. Landscaped or other appropriate buffers of sufficient opacity and materials shall be required if deemed reasonably necessary for the welfare of neighboring properties or the Town.

Section 706 - ~~Corporate Commercial District~~ Shirkin Road Commercial District

706.1 The intent of the ~~Corporate Commercial District~~ **Shirkin Road Commercial District** is to provide areas for corporate business parks, research and development, light-manufacturing, processing, assembly, wholesaling, and transportation-oriented activities and related services such as trucking and warehousing providing that such uses are determined not to be injurious or hazardous to the public health, safety, and/or welfare. Furthermore, the intent of the district is to reserve suitable land for the location of new industry and to enhance economic development and employment.

706.2 Certain commercial and industrial operations may only be allowed by a Conditional Use Permit issued from the Planning Board. See the Table of Uses for a list of the uses that require a Conditional Use Permit.

706.3 Conditional Use Permit Requirements: Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit in the Shirkin Road District provided that the following conditions are found to exist:

- A. The permit is in the public interest.
- B. There will be no greater diminution of neighboring property values than would be created under any permitted use.
- C. That there are no existing violations of the Fremont zoning ordinance on the subject property.
- D. That the character of the area shall not be adversely affected in the context of:
 - 1. Architecture
 - 2. Transportation
 - 3. Scale of coverage
 - 4. Scale of building size
 - 5. Consistency of uses
- E. That granting the permit will not result in undue municipal expense
- F. That the proposed use will be developed in a manner compatible with the spirit and intent of the ordinance.
- G. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
- H. That the general welfare of the Town will be protected.
- I. That the following impacts have been mitigated to the extent practical:
 - 1. Noise
 - 2. Light
 - 3. Transportation
 - 4. Visual effects
 - 5. Odor
- K. Landscaped or other appropriate buffers of sufficient opacity and materials shall be required if deemed reasonably necessary for the welfare of neighboring properties or the Town.

Section 707 Residential District

707.1 The intent of the Residential District is to provide areas for residential uses of single-family and duplexes that allow for sufficient area to provide necessary water needs and sewage disposal from on-site systems. Multi-family dwellings are also allowed, with approved Conditional Use Permit, in areas where the neighborhood character of surrounding residential properties is maintained. This district includes areas where agriculture, agritourism and other open land uses are appropriate and natural conditions make the land unsuitable for intense development.

707.2 Conditional Use Permit Requirements: Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit in the Residential District for multi-family dwellings provided that the following conditions are found to exist:

- A. The proposal meets the additional setback and frontage requirements under Article 9 – Lot requirements.**
- B. The multi-family dwellings shall not result in a change in the essential characteristics of the area or abutting properties.**
- C. The proposed use complies with all other applicable sections of the Zoning Ordinance.**

The Planning Board recommends this article 6-0-0. (Majority vote required)

Roger Barham moved Article 7. Neal Janvrin seconded. Roger Barham spoke to the Article.

Steve Carder asked if this means there can be no gas stations on Main Street. Josh Yokela responded that gas stations on Main Street wouldn't be allowed under the current rules.

Dennis Acton stated that this is all reasonable and necessary, it's just a lot to be put on the ballot at once. He stated that this should be done over several years, not in one year.

Town Counsel stated that Zoning Ordinance amendments cannot be changed at Deliberative Session.

With no further discussion, the Moderator stated that Article 7 will go on the ballot as proposed.

ARTICLE 8: *Are you in favor of the proposed amendment to Article VII Section 708 and Article VIII submitted by the Planning Board for the Fremont Zoning Ordinance as follows:*

New Language ~~Removed Language~~

Section ~~707~~ 708 - Table of Uses

The types of uses designated as "Permitted Uses", "Conditional Use" and "Prohibited" in the following table are necessarily broad and general in many cases. The Planning Board will consider specific applications and whether the proposed use(s) meets the general definition or the definition as listed Section 403 into one or more of the uses listed below.

Uses listed in the following table as "Prohibited" are considered inconsistent with the goals for development in one or more districts within Fremont as expressed in the Master Plan, beyond the capacity of the Town's infrastructure or incompatible with abutting properties and resources. Any use not listed or not found to meet the definition of the "Permitted" and "Conditional Use" uses listed below shall be considered "Prohibited". "Prohibited" may only be allowed after receiving a variance from the Zoning Board of Adjustment as described in Section 1702.

Districts: SR = Shirkin Road Commercial District.

FUR = Flexible Use Residential District.

P= Permitted, CU= Conditional Use Required, X = Prohibited

MS = Main Street District.

R= Residential District.

Use Categories	Zoning Districts			
	SR	MS	FUR	R
Restaurants and Bars	P	P	CU	X
Assembly/ Function Halls	P	P	CU	X
Government Buildings	P	P	P	P
Indoor Recreational Facilities	P	P	CU	X
Retail, Service and Office Uses	P	P	CU	X
Animals Hospitals and Kennels	P	P	CU	X
Schools and Educational Institutions	P	P	CU	CU
Motor Vehicle Showrooms	P	P	X	X
Motor Fuel-dispensing Facilities	X	X	X	X
Professional Services	P	P	CU	X
Industrial Uses	P	X	X	X
Light Manufacturing	P	P	CU	X
Residential Board and Care Facilities	CU	CU	CU	CU
Assisted Living Facilities	CU	CU	CU	CU
Hospitals and Medical Facilities	CU	CU	CU	X
Nursing Homes	CU	CU	CU	CU
Adult Day Care Facilities	CU	CU	CU	X
Child Day Care Facilities (6 or more children)	CU	CU	CU	X
Hotels, and Motels	P	P	CU	X
Bed & Breakfasts	P	P	CU	CU
Single Family Residential	X	P	P	P

Use Categories	Zoning Districts			
	SR	MS	FUR	R
Duplex	X	P	P	P
Multi-family Dwellings	X	CU	P	CU
Residential/Assisted Living (more than 5 but not more than 16)	X	CU	CU	CU
Campground	X	X	CU	X
Outdoor Shooting Range	X	X	X	X
Outdoor Recreational Facilities	P	P	CU	CU
Agriculture	P	P	P	P
Agritourism	P	P	P	P

ARTICLE 8 - CONDITIONAL USE PERMIT

Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit to allow for a conditional use in accordance with the restrictions and requirements of ~~this section~~ **Articles 7 and 8**. A Conditional Use Permit may not establish a use specifically prohibited by this Ordinance.

Section 801 - Purpose

~~This section is to provide a conditional method to permit commercial uses that are consistent with the intent of the underlying zoning district, as indicated by the Table of Uses in Article 7, Section 707 of this Ordinance. A conditional use permit application shall be administered by the Planning Board to insure that conditional use opportunities do not adversely impact neighboring properties and are consistent with the health, safety and welfare of the public.~~

~~Section 802- Conditional Use Permits~~

~~All commercial development in the Flexible Use Residential District, and uses within other districts that require a Conditional Use Permit, shall obtain a conditional use permit from the Planning Board. The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approved use. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of approval. Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board. **Note: Moved to Section 704**~~

~~Section 803 802- Application Procedure~~

~~Applications for conditional use permits shall be made in accordance with the procedures set forth in the Site Plan Review Regulations of the Planning Board. Applications shall comply with all requirements of the Site Plan Review Regulations and Subdivision Regulations, as applicable.~~

~~Section 804 803- Approval of Applications~~

~~A conditional use permit shall be issued only if an applicant complies with all of the requirements of this ordinance. The Planning Board may condition its approval of the developments on reasonable conditions necessary to accomplish the objectives of this section or of the Fremont Master Plan, Zoning Ordinance, or any other federal, state, town resolution, regulation, or law, including a reduction in allowed density, or reasonable increase in required frontage, setbacks, or any other requirement if necessary to accomplish said objectives.~~

~~Section 805 804 – General~~

~~The conditional use development provisions of this ordinance provide applicants with an alternative development approach intended to promote flexibility and innovation in land planning. These regulations that have been established are intended to be a minimum consideration of allowable impacts. Each tract of land possesses different, unique development characteristics and limitations, and the use allowed on any particular tract will be a function of innovative land planning and building design interacting with the special characteristics and limitations of the site.~~

~~Section 806 805 – Standards for Approval~~

~~All standards as listed in Article 7 and below must be met or impacts mitigated to the satisfaction of the Planning Board prior to the granting of a Conditional Use Permit.~~

- A. The permit is in the public interest.

- B. There will be no greater diminution of neighboring property values than would be created under any permitted use in the Flexible Use Residential District.
- C. That there are no existing violations of the Fremont zoning ordinance on the subject property.
- D. That the character of the area shall not be adversely affected in the context of:
 - 1. Architecture
 - 2. Transportation
 - 3. Scale of coverage
 - 4. Scale of building size
 - 5. Consistency of uses
- E. That granting the permit will not result in undue municipal expense
- F. That the proposed use will be developed in a manner compatible with the spirit and intent of the ordinance.
- G. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
- H. That the general welfare of the Town will be protected.
- I. That the following impacts have been mitigated to the extent practical:
 - 1. Noise
 - 2. Light
 - 3. Transportation
 - 4. Visual effects
 - 5. Odor
- L. Landscaped or other appropriate buffers of sufficient opacity and materials shall be required if deemed reasonably necessary for the welfare of neighboring properties or the Town.

Section ~~807~~ 806 – Permit Expiration

Any Conditional Use Permit shall expire if: (1) substantial construction shall not have begun within one (1) year of the date of issuance of such permit; or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a Conditional Use Permit must be completed and approved

Section ~~808~~ 807 – Existing Uses

The provisions of Article 7, ~~Sections 704 through 707~~ and Article 8 shall not apply to any lawfully existing use. ~~within the Corporation/Commercial District or the Flexible Use District.~~ The term “lawfully existing” shall mean any lawful pre-existing non-conforming use which predated the adoption of the Site Plan regulations or which has received Town of Fremont Planning Board Site Plan Review approval under the Site Plan Regulations.

All other existing non-conforming uses not lawfully existing as defined above, shall be required to make application for relief, permit or approval as shall be required, within one (1) year from the date of the adoption of this Ordinance.

The Planning Board recommends this article 6-0-0. (Majority vote required)

Roger Barham moved Article 8 and Neal Janvrin seconded.

Steve Carder asked if there were no gas stations allowed on Main Street before this. He asked from this point on where would we allow a gas station?

Gordon Muench, 881 Main Street, stated there seems to be a lot of contradictory things. We want to bring industry into town, but we don’t want to make it easy for them to operate. This may be voted down because it is not simplified, it is more confusing. He also felt without enforcement, it was useless. We don’t need more regulations, we need less restrictions.

With no further discussion the Moderator stated Article 8 will go on the ballot as proposed.

ARTICLE 9: *Are you in favor of the proposed amendment to Article XII Section 1203 submitted by the Planning Board for the Fremont Zoning Ordinance as follows:*

Section 1203 – Aquifer Protection District

New language ~~Removed language~~

To be moved to a new section, no changes proposed

1203.1 Pursuant to RSA 674:16-21, the Town of Fremont adopts an Aquifer Protection District and accompanying regulations in order to protect, preserve and maintain potential groundwater supplies and related groundwater recharge areas within a known aquifer identified by the Town. The objectives of the aquifer protection district are:

- To protect the public health and general welfare of the citizens of the Town of Fremont.
- To prevent development and land use practices that would contaminate or reduce the recharge of the identified aquifer.
- To promote future growth and development of the Town, in accordance with the Master Plan, by insuring the future availability of public and private water supplies.
- To encourage uses that can appropriately and safely be located in the aquifer recharge areas.

1203.2 General: The provision of the Aquifer Protection District shall be administered by the Planning Board. All development proposals, other than single or two-family residential construction not involving the subdivision of land, shall be subject to subdivision and/or site plan review and approval in accordance with Planning Board rules and regulations. Such review and approval shall precede the issuance of any building permit by the Town.

1203.3 Enforcement: The Board of Selectmen shall be responsible for the enforcement of the provisions and conditions of the Aquifer Protection District.

1203.4 Definitions: **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.**

Animal Feedlot: A commercial agricultural establishment consisting of confined feeding areas and related structures used for the raising of livestock. An animal feedlot shall be considered one on which more than five (5) animals are raised simultaneously.

Aquifer: For the purpose of this Ordinance, aquifer means a geologic formation, group of formations, or part of a formation **of rock, sand, or gravel** that is capable of yielding quantities of groundwater usable for municipal or private water supplies.

Dwelling Unit: A building or that portion of a building consisting of one (1) or more rooms designed for living and sleeping purposes, including kitchen and sanitary facilities and intended for occupancy by not more than one family or household.

Gasoline station: means that portion of a property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purposes of retail sale of gasoline.

Groundwater: All the water below the land surface in the zone of saturation or in rock fractures capable of yielding water to a well.

Groundwater Recharge: The infiltration of precipitation through surface soil materials into groundwater. Recharge may also occur from surface waters, including lakes, streams and wetlands.

Impervious: not readily permitting the infiltration of water.

Impervious surface: a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Earthen, wooden, or gravel surfaces, or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious surfaces.

Junkyard: an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automotive recycling yard. The word does not include any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126.

Leachable Wastes: Waste materials, including solid wastes, sludge and agricultural wastes that are capable of releasing contaminants to the surrounding environment.

Mining of Land: The removal of geologic materials such as topsoil, sand and gravel, metallic ores, or bedrock to be crushed or used as building stone.

Non-Conforming Use: Any lawful use of buildings, structures, premises, land or parts thereof existing as of the effective date of this Ordinance, or amendment thereto, and not in conformance with the provisions of this Ordinance, shall be considered to be a non-conforming use.

Non-Municipal Well: Any well not owned and operated by the Town of Fremont or its agent.

Outdoor storage: storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.

Public water system: a system for the provision to the public of piped water for human consumption as defined by RSA 485:1-a.

Recharge Area: The land surface area from which groundwater recharge occurs.

Regulated substance: petroleum, petroleum products, regulated contaminants for which an ambient groundwater quality standard has been established under RSA 485-C:6, and substances listed under 40 CFR 302, excluding substances used in the treatment of drinking water or waste water at department approved facilities.

Sanitary protective radius: The area around a public water supply well which must be maintained in its natural state as required by Env-Dw 301 or 302 (for community water systems); Env-Dw 405.14 and 406.12 (for other public water systems).

Seasonal high water table: The depth from the mineral soil surface to the upper most soil horizon that contains 2 percent or more distinct or prominent redoximorphic features that increase in percentage with increasing depth (as determined by a licensed Hydrogeologist, Soils Scientist, Wetlands Scientist, Civil or Environmental Engineer or other qualified professional approved by the Planning Board). Alternately, the shallowest depth measured from ground surface to free water that stands in an unlined or screened borehole for at least a period of seven consecutive days.

Secondary containment: a structure such as a berm or dike with an impervious surface which is adequate to hold at least 110 percent of the volume of the largest regulated-substances container that will be stored there.

Septage: Liquid or solid waste generated by septic disposal systems. Septic waste containing wash water, gray waters, human feces, excrement, dregs, sediment, grease, oils and any other waste generated in a domestic septic disposal system.

Sludge: Residual materials produced by the sewage treatment process.

Solid Waste: Any discarded or abandoned material including refuse, putrescible material, septage, or sludge, as defined by New Hampshire Solid Waste Rules He-P 1901.03. Solid waste includes solid, liquid, semi-solid, or contained gaseous waste material resulting from residential, industrial, commercial, mining, and agricultural operations and from community activities.

Stratified-drift aquifer: A geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.

Structure: Anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground. For the purposes of this Ordinance, buildings are structures.

Toxic or Hazardous Materials: Any substance or mixture of such physical, chemical, or infectious characteristics as to pose a significant, actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of this Town. Toxic or hazardous materials include, without limitation, volatile organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies, and include products such as pesticides, herbicides, solvents and thinners, and such other substances as defined in New Hampshire Water

Supply and Pollution Control Rules, Section Env-Dw 902 in New Hampshire Solid Waste Rules Env-Sw 103.12), and in the Code of Federal Regulations 40 CFR 261. ~~Wastes generated by the following commercial activities are presumed to be toxic or hazardous, unless and except to the extent that anyone engaging in such an activity can demonstrate the contrary to the satisfaction of the Planning Board:~~

- ~~• Airplane, boat and motor vehicle service and repair;~~
- ~~• Chemical and bacteriological laboratory operation;~~
- ~~• Dry cleaning;~~
- ~~• Electronic circuit manufacturing;~~
- ~~• Metal plating, finishing and polishing;~~
- ~~• Motor and machinery service and assembly;~~
- ~~• Painting, wood preserving and furniture stripping;~~
- ~~• Pesticide and herbicide application;~~
- ~~• Photographic processing;~~
- ~~• Printing.~~

Wellhead protection area: The surface and subsurface area surrounding a water well or wellfield supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

1203.5 District Boundaries

- A. Location: The Aquifer Protection District is defined as the area shown on the map entitled Fremont New Hampshire – Surface Water Resources, Aquifer Protection, Flood Zone and Zoning District Map: March 2013 and any updates located in the Planning Office.

The Aquifer Protection District is a zoning overlay district which imposes additional requirements and restrictions to those of the current ordinances. In all cases, the more restrictive requirement(s) shall apply.

- B. Recharge Areas: For the purpose of this Ordinance, the primary recharge area for the identified aquifer is considered to be co-terminus with the Aquifer and the High Potential to Yield Groundwater areas. No secondary recharge area has been identified at the time of enactment.
- C. Appeals: Where the bounds of the identified aquifer or recharge area, as delineated, are in doubt or in dispute, any landowner aggrieved by such delineation may appeal the boundary location to the Planning Board. Upon receipt of such appeal, the Planning Board shall suspend further action on development plans related to the area under appeal and shall engage, at the landowner's expense, a qualified hydrogeologist to prepare a report determining the proper location and extent of the aquifer and recharge area relative to the property in question. The aquifer delineation shall be modified by such determination subject to review and approval by the Planning Board.

1203.6 Performance Standards

The following Performance Standards apply to all uses in the Aquifer Protection District unless exempt under Section 1203.8.I:

- A. For any new or expanded uses that will render impervious more than 15 percent or more than 2,500 square feet of any lot, whichever is greater, a stormwater management plan shall be prepared which the Planning Board determines is consistent with New Hampshire Stormwater Manual Volumes 1-3, December 2008, NH Department of Environmental Services.
- B. Conditional uses as defined under Section 1203.8.F shall develop stormwater management and pollution prevention plans and include information consistent with Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators (US EPA, Feb 2009) The plan shall demonstrate that the use will:
1. Meet minimum stormwater discharge setbacks between water supply wells and constructed stormwater practices as found within the Innovative Land Use Planning Techniques: A Handbook for Sustainable Development, Section 2.1 Permanent (Post Construction) Stormwater Management, (NHDES, 2008 or later edition)
 2. Minimize, through a source control plan that identifies pollution prevention measures, the release of regulated substances into stormwater;
 3. Stipulate that expansion or redevelopment activities shall require an amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI);
 4. Maintain a minimum of four feet vertical separation between the bottom of a stormwater practice that infiltrates or filters stormwater and the average seasonal high water table as determined by a licensed hydrogeologist, soil scientist, engineer or other qualified professional as determined by the Planning Board.
- C. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, (June 2011) and any subsequent revisions; NH Department of Agriculture, Markets and Food (DAMF) may be consulted to help determine whether a particular facility is in compliance with the agriculture BMPs. NH DAMF may order property owners to develop a nutrient management plan when state BMPs related to manure or fertilizers are not followed and RSA 431:35 authorizes local health authorities and NHDES to enforce the plan.
- D. All regulated substances stored in containers with a capacity of five gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains;
- E. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner;
- F. Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least 100 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems;
- G. Secondary containment must be provided for outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s);
- H. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;
- I. Prior to any land disturbing activities, all inactive wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned and must be sealed in accordance with We 604 of the New Hampshire Water Well Board Rules.

- J. **Blasting activities shall be planned and conducted to minimize groundwater contamination. Excavation activities should be planned and conducted to minimize adverse impacts to hydrology and the dewatering of nearby drinking water supply wells**
- K. **All transfers of petroleum from delivery trucks and storage containers over five gallons in capacity shall be conducted over an impervious surface having a positive limiting barrier at its perimeter.**

1203.7 Spill Prevention, Control and Countermeasure (SPCC) Plan

Conditional uses, as described under Section 1203.8.F, using regulated substances shall submit a spill control and countermeasure (SPCC) plan to the Health Office who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. It shall include:

- A. **A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.**
- B. **Contact list and phone numbers for the current facility response coordinator(s), cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.**
- C. **A list of all regulated substances in use and locations of use and storage;**
- D. **A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where experience indicates a potential for equipment failure.**
- E. **A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground. A list of positions within the facility that require training to respond to spills of regulated substances.**
- F. **Prevention protocols that are to be followed after an event to limit future large releases of any regulated substance.**

1203.8 Use Regulations

- A. **Minimum Lot Size:** Minimum lot size within the Aquifer Protection District shall be three (3) acres. Lots containing up to four (4) units shall contain an additional eighteen thousand (18,000) square feet per unit. Lots containing five (5) or more units shall contain an additional thirty thousand (30,000) square feet per unit. No lot shall have more than one (1) residential structure regardless of the number of dwelling units.
- B. **Hydrogeologic Study:** For development proposals within the Aquifer Protection District, a hydrogeologic study shall be performed by an engineer registered in the State of New Hampshire or a registered hydrologist. This study shall evaluate the development's impacts to groundwater within both the parcel to be developed and the surrounding land. The groundwater quality beyond the property lines of said site shall not be degraded by polluting substances such as nitrates, phosphates, bacteria, etc. Larger lots may be required based on the findings of said study.

This information will be required for proposed subdivisions of four (4) lots or greater. For subdivisions of three (3) lots or less the Planning Board will determine, on a case-by-case basis, the need for a hydrogeologic study. Particularly sensitive sites may include areas that have septic systems in close proximity to wells or may contain excessively drained soils or steep slopes.

- C. **Maximum Lot Coverage:** Within the Aquifer Protection District, no more than ~~10 percent (10%)~~ **fifteen percent (15%)** of a single lot, or more than 2,500 square feet of impervious surface may be rendered impervious to groundwater infiltration.
- D. **Prohibited Uses:** The following uses are prohibited in the Aquifer Protection District except where permitted to continue as a non-conforming use:
 - 1. Disposal of solid waste including brush or stumps.
 - 2. Storage and disposal of hazardous waste.

3. Disposal of liquid, septage or leachable wastes except that from one or two-family residential subsurface disposal systems or as otherwise permitted as a conditional use.
4. Subsurface storage of petroleum and other refined petroleum products except for propane and natural gas.
5. **The development or operation of gasoline stations.**
6. Industrial uses which discharge contact type process waters on-site. Non-contact cooling water is permitted.
7. Outdoor unenclosed storage or use of road salt or other de-icing chemicals.
8. Dumping of snow containing de-icing chemicals brought from outside the district.
9. Animal feedlots. (*see definitions = five (5) or more animals*)
10. **The development or operation of a junkyard**
- ~~11. Automotive service and repair shops, junk and salvage yards.~~
12. All on site handling, disposal, storage, processing or recycling of hazardous or toxic materials.
- ~~13. Drycleaning or Laundry facilities.~~

E. Permitted Uses: The following activities may be permitted provided they are conducted in accordance with the purposes and intent of this Ordinance:

1. Land development, per the Fremont Zoning Ordinance, except as prohibited in Article 12, Section ~~1203.6.D~~ **1203.8.D**.
2. Activities designed for conservation of soil, water, plants and wildlife.
3. Outdoor recreation, nature study, boating, fishing and hunting where otherwise legally permitted.
4. Normal operation and maintenance of existing water bodies and dams, splash boards and other water control, supply and conservation devices.
5. Foot, bicycle, and/or horse paths and bridges.
6. Maintenance, repair of any existing structure, provided there is no increase in impermeable surface above the limit established in Article 12, Section 1203.6.C.
7. Farming, gardening, nursery, forestry, harvesting and grazing, provided that fertilizers, herbicides, pesticides, manure and other leachables are used **in accordance with the NH Department Agriculture, Markets, and Food best management practices and** ~~appropriately at levels that~~ will not cause groundwater contamination and are stored under shelter.

F. Conditional Use Permit

1. The following uses are permitted with a Conditional Use Permit (in compliance with Town Zoning Ordinance):
 - a. Industrial and commercial uses not otherwise prohibited in Article 12, Section ~~1203.6~~ **1203.8.D**
 - b. Multi-family residential development. (Minimum lot size to be determined by using Article 9 and substituting three (3) acres instead of two (2) acres).
 - c. Sand and gravel excavation and other mining provided that such excavation or mining is not carried out within eight (8) vertical feet of the seasonal high water table

and that periodic inspections are made by the Planning Board or its agent to determine compliance.
 - d. **Storage, handling, and use of regulated substances in quantities exceeding 55 gallons or 660 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure (SPCC) plan, in accordance with Section 1203.7, is approved by the Health Officer, Fire Chief, Code Enforcement Officer or other Town designated agent.**
 - e. **Any use that will render impervious more than 15 percent or 2,500 square feet of any lot, whichever is greater.**
2. The Planning Board may grant a Conditional Use Permit for those uses listed above only after written findings of fact are made that all of the following are true:
 - a. The proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;

- b. The proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer;
 - c. The proposed use will discharge no waste water on site other than that typically discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of toxic or hazardous wastes as herein defined;
 - d. The proposed use complies with all other applicable sections of this ~~Article 12~~. **Section 1203**
3. The Planning Board may require that the applicant provide data or reports prepared by a professional engineer or hydrologist to assess any potential damage to the aquifer that may result from the proposed use. The Planning Board shall engage such professional assistance as it requires to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above criteria. Costs incurred shall be the responsibility of the applicant.
4. **In granting such approval, the Planning Board must first determine that the proposed use is not a prohibited use (as listed in Section 1203.8.D of this Ordinance) and will be in compliance with the Performance Standards in Section 1203.6 as well as all applicable local, state and federal requirements. The Planning Board may, at its discretion, require a performance guarantee or bond in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards.**

Move existing Section G to new Section 1204 – Septic System and Installation

Note: No changes are proposed to this section

- H. G. Design and Operations Guidelines.** Where applicable the following design and operation guidelines shall be observed within the Aquifer Protection District:

1. **Safeguards.** Provision shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage, or vandalism through measures such as: spill control provisions in the vicinity of chemical or fuel delivery points; secured storage areas for toxic or hazardous materials; and indoor storage provisions for corrodible or dissolvable materials. For operations which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a closed

vapor recovery system shall be provided for each such structure to prevent discharge of contaminated condensate into the groundwater.

2. **Location.** Where the premises are partially outside of the Aquifer Protection Overlay Zone, potential pollution sources such as on-site waste disposal systems shall be located outside the Zone to the extent feasible.

3. **Drainage.** All runoff from impervious surfaces shall be recharged on the site, and diverted toward areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are not feasible and shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants.

- ~~4. **Inspection.** All special exceptions granted under Section 5.h. of this Article shall be subject to twice-annual (2) inspections by the Building Inspector or other agent designated by the Selectmen. The purpose of these inspections is to ensure continued compliance with the conditions under which approvals were granted. A fee for inspection shall be charged to the owner according to a fee schedule determined by the Selectmen.~~

H. H. Non-Conforming Uses

- ~~1. **Any non-conforming use may continue and may be maintained, repaired and improved, unless such use is determined to be an imminent hazard to public health and safety. No non-conforming use may be expanded, changed to another non-conforming use, or renewed after it has been discontinued for a period of twelve (12) months or more.**~~

- ~~2. Any non-conforming lot of record existing before the effective date of this Article may be used in accordance with Article 12, Section 1203.6 B-F.~~
3. **Existing non-conforming uses may continue without expanding or changing to another non-conforming use, but must be in compliance with all applicable state and federal requirements, including Env-Wq 401, Best Management Practices Rules.**

~~J.~~ **I. Exemptions** The following uses are exempt from the specified provisions of this ordinance as long as they are in compliance with all applicable local, state, and federal requirements:

1. **Any private residence is exempt from all Performance Standards provided it does not have a home occupation using regulated substance in greater than or equal to five (5) gallon storage containers.**
2. **Any business or facility where regulated substances are stored in containers with a capacity of less than five gallons is exempt from Section 1203.6, Performance Standards, sections E through H;**
3. **Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard E;**
4. **Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standards E through H;**
5. **Storage and use of office supplies is exempt from Performance Standards E through H;**
6. **Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards E through H if incorporated within the site development project within six months of their deposit on the site;**
7. **The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance;**
8. **Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Hw 401.03(b)(1) and 501.01(b) are exempt from Performance Standards E through H;**
9. **Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections under Section 1203.8.J of this ordinance.**

~~K. Effective Date: This Article shall become effective upon passage at Town Meeting March 1988.~~

~~L.~~ **J. Maintenance and Inspections**

- A. **For uses requiring Planning Board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Performance Standards shall be recorded so as to run with the land on which such structures are located, at the Registry of Deeds for Rockingham County. The description so prepared shall comply with the requirements of RSA 478:4-a.**
- B. **Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Code Enforcement Officer at reasonable times with prior notice to the landowner.**
- C. **All properties in the Aquifer Protection District known to the Code Enforcement Officer as using or storing regulated substances in containers with a capacity of five gallons or more, except for facilities where all regulated substances storage is exempt from this Ordinance under Section 1203.8. I, shall be subject to inspections under this Article.**
- D. **The Board of Selectmen may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule shall be established by the Board of Selectmen as provided for in RSA 41-9:a.**

Section 1204 Septic System Design and Installation

In addition to meeting all local and state septic system siting requirements, all new on-lot waste water disposal systems installed in the District shall be designed by a Sanitary Engineer licensed in New Hampshire. These systems shall be installed under the supervision of said engineer. The Planning Board or its agent shall inspect the installation of each new system prior to covering and shall certify that the system has been installed as designed.

Septic systems are to be constructed in accordance with the most recent edition of the "The State of New Hampshire Subdivision and Individual Sewage Disposal System Design Rules" as published by the New Hampshire Water Supply and Pollution Control Division.

However, the following more stringent requirements shall apply to all septic system construction:

- 1. There will be no filling of wetlands allowed to provide the minimum distance of septic to wetlands. (Ws 1007.04)*
- 2. The seasonal high water table will be at least two (2) feet below the original ground surface during all seasons of the year (instead of six (6) inches). (Ws 1015.01(a)).*
- 3. There will be at least three (3) feet of natural permeable soil (instead of two (2) feet) above any impermeable subsoil. (Ws 1015.01(b)).*
- 4. There will be at least four (4) feet of natural soil (instead of three (3) feet) above bedrock. (Ws 1015.01(b)).*
- 5. Standards for fill material: Fill material consisting of organic soils or other organic materials such as tree stumps, sawdust, wood chips and bark, even with a soil matrix, shall not be used. The in-place fill should have less than fifteen (15%) percent organic soil by volume. The in-place fill should not contain more than twenty five (25%) percent by volume of cobbles six (6) inch in diameter). The in place fill should not have more than fifteen percent (15%) by weight of clay size (.002 mm and smaller) particles. The fill should be essentially homogeneous. If bedding planes and other discontinuities are present, detailed analysis is necessary.*

The Planning Board recommends this article 6-0-0. (Majority vote required)

Roger Barham moved Article 9. Greg Fraize seconded. Roger Barham spoke to the Article.

Steve Carder asked if this is State-enforced? Barham said that it was very restrictive to Town businesses. This would introduce Best Management Practices. Carder asked who started this. Barham answered that the Planning Board chose to go this route along with advice from the Rockingham Planning Commission. Carder questioned the section about storing hazardous materials of 5 gallons or more, whether inspections are needed. Josh Yokela answered this is not in the business section.

Jess Downing stated that pretty much all of Fremont, or at least half of the Town, is near an aquifer.

Heidi Carlson stated that this is not a new provision, this is in the Ordinance now. Carlson also stated that other specific questions can be directed to the Fremont Planning Board, and that there are several publications and videos on Vimeo and FCTV that further explain these zoning proposals and urged residents to get further information before voting in March.

Andrew Kohlhoffer clarified that if you have a farm you can have as many as you want. If you are boarding animals, you're limited. Gordon Muench stated he felt this very unclear and too vague. He feels it is a dangerous slippery slope.

Wendy Downing said she knows there have been studies and asked about any pertaining to agriculture. Have there been studies that found manure leaching into the aquifer? She said they test their well because it is a dug well, and in over 22 years her well was never contaminated.

Barham reiterated that no one thinks agriculture is bad. With no further discussion, the Moderator stated that Article 9 will go on the ballot as proposed.

With no further items for discussion from the floor, Moderator Michael Rydeen made a motion to adjourn at approximately 11:55 pm. Wendy Downing seconded. The voice vote was approved.

Respectfully submitted,



Nicole Cloutier, Town Clerk