



FREMONT PLANNING BOARD
September 21, 2011
Meeting Minutes
Approved October 5, 2011

Present: Chairman Roger Barham, Vice-Chair John (Jack) Karcz, Member John (Jack) Downing, Alt. Andrew Kohlhofer, RPC Circuit Rider Brian Groth, and Land Use AA/Recording Secretary Meredith Bolduc. Also present: Chris Silk.

Mr. Barham opened the meeting at 7:05 pm.

MINUTES

Mr. Kohlhofer made the motion to amend the September 7, 2011 minutes under Corporate Commercial Zone on page 3 as follows:

- replace “entities” with *real estate developers* in the first sentence.
- Add “*not*” between “has” and “done” in the second sentence so the sentence reads in part “has *not* been done before “.

Motion seconded by Mr. Downing with unanimous favorable vote.

Mr. Karcz made the motion to approve the minutes of the September 7, 2011 meeting as amended.

Motion seconded by Mr. Downing with unanimous favorable vote.

CIP

Mr. Barham reported that he did not meet with RPC Assistant Director Glenn Greenwood on Friday September 9, 2011 at the RPC office to discuss resuming the Fremont CIP process. Another meeting appointment will be scheduled.

Mr. Barham shared with the Board a summary of what he thinks are key elements of a successful plan and how the CIP project would be best completed. This was also forwarded in an e-mail message to Mr. Greenwood. Mr. Barham suggested to Mr. Greenwood that they could work out the details of the project between them and then present a finished package to the various stakeholder groups.

Based on the previous work on the CIP plan we have established the basic framework, namely, a separate CIP Committee will be established comprising of the following stakeholder groups:

1. Board of Selectmen
2. Planning Board
3. Budget Committee
4. School Board Committee

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5. Other Stakeholders EG Department Heads
2. Department Heads are tasked with preparing projects for submission to the CIP Committee who will perform the following tasks:
 1. Review submitted projects and discuss with project sponsor, ensuring project is complete with full justification and estimated costs.
 2. Rank projects and determine when they should be scheduled and how to be funded.
 3. Present CIP report to Board of Selectmen and/or Budget Committee
3. CIP Plan/Procedure should include the following elements:
 1. Requirements of Department Heads for submitting projects.
 2. Requirements for CIP Committee to review and prepare projects
 3. Procedure for Board of Selectmen and Budget Committee to review and finalize CIP projects and funding so that the CIP and the Town Capital Budget (current and 5 year) match.
4. Each year the CIP should be updated and consist of the following activities:
 1. Presentation and review of new project submissions.
 2. Review and updating of existing projects currently within the plan, or deferred projects brought forward for scheduling.

Mr. Barham's outline of the process was discussed. Mr. Kohlhofer said the School is not obligated to follow the CIP process because it is a separate budget, although he said he would hope they will and it would be something he would support. Mr. Barham felt that the CIP will need to address the school and Mr. Karcz added that the Budget Committee makes the final recommendation. Mr. Barham recognized that the school is a separate budget, but ultimately they come under the Town. The question is how the School fits in with the CIP and it was noted that this should be answered as the process moves forward.

SEACOAST FARMS

(Shirkin Road, Map 5 Lot 035)

Mrs. Bolduc reported that in October of 2010 the Selectmen filed a "petition for temporary and permanent injunctive and other relief" against Seacoast Farms Compost Products with the Superior Court for certain conduct and operations carried out by the defendant which constitute a public nuisance; offsite odor complaints since July of 1999, which is two months after the May 1999 approval for Site Plan Review. Further to the court filing, this suit was sent to mediation and is currently waiting out a period of performance.

Mr. Barham said there are two issues with the Seacoast Farms Compost operation.

1. Offsite odor which is a matter for the selectmen.
2. Non-compliance of the approved Site Plan including proximity to wetland.

The Members agreed that compliance with the approved Site Plan is a separate matter to the ongoing litigation for offsite odor issues. They also agreed that they should move forward with obtaining overlay plans of the site in order to determine whether Seacoast Farms is out of compliance with the approved site plan, and if so, propose to require Seacoast Farms to seek an amendment to the existing approved site plan at which point the Board may or may not impose revised conditions.

Mr. Groth submitted an updated draft of the overlay plan of Seacoast Farms for the Board to

review, noting that this is not the final plan overlay.

Mr. Barham suggested following through with superimposing the plan to see if Seacoast Farms is in non-compliance with his approved site plan. If Seacoast Farms is out of compliance the Planning Board has a case to request him to come in to amend the site plan. If the final GIS overlay plans indicate that Seacoast Farms is operating contrary to their approved site plan the Planning Board would wish to follow up with a site visit to substantiate the current conditions. However, in view of the current ongoing litigation the Board would contact the Selectmen prior to taking any action.

It was agreed that any new information including the overlay plans recently created by RPC, complaints and/or concerns should be sent to Town Council John Ryan.

The Board received a copy of a September 14, 2011 e-mail complaint received by Town Administrator Heidi Carlson for off-site odor for Seacoast Farms.

ZONING ORDINANCES PROPOSED FOR 2012

Mrs. Bolduc reported that she contacted several area Towns relative to nuisance, yard sale and adult entertainment ordinances/regulations. As a result of her research she found that nuisances and yard sales/garage sales are regulated by Selectmen's ordinances rather than zoning. Adult Entertainment is a zoning ordinance.

Several sample "Adult Use" ordinances were distributed for the Boards review. After some discussion the Members decided to review them further and discuss the topic at the next meeting.

COOPERS CORNERS

Map 3 Lot 037-1/ 3-054-1

In light of the imminent construction of Spaulding Road, the Board reviewed the plan and profile sheets for Spaulding Road on the approved plans for the Coopers Corners project and discussed the 85' of sidewalk (and granite curbing) that runs in front of the former Fire House and along the right side of Spaulding Road to a cross walk.

It was agreed that the former Fire House building is a commercial building with inadequate parking on the front and the purpose of the sidewalk is to give the unit access to parking across Spaulding Road. Mr. Groth said removal of the sidewalk would require amendment to the site plan because it requires reconfiguration of parking. The proposed sidewalk as shown on the approved plan is providing pedestrian access to the designated parking area for the old fire house. The Members agreed. Consequently, it was the Boards opinion that the construction be completed according to the existing plan.

The Board was shown a copy of the Request for Paving Bid, Request for Guardrail Bid and Request for General Site Work Bid for the Cooperage Forest Subdivision.

BUDGET

There was a discussion relative to the mileage line of the current Planning/Zoning budget coming up short due to attendance to travel for workshops, conferences and other necessary travel.

Mr. Karcz made the motion to request that the Selectmen move \$300 from the Professional Services line (700) to the Mileage line (210) of the current budget.
Motion seconded by Mr. Downing with unanimous favorable vote.

INCOMING CORRESPONDENCES

There was no incoming correspondence.

Mr. Karcz made the motion to adjourn at 8:25 pm.
Motion seconded by Mr. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

Next regular meeting: October 5, 2011.

ACTION ITEMS

From the September 7, 2011 Meeting.

Bolduc:

- Research the original Galloway Excavation plan and permit (Map 5 Lot 35)
- Research other Town's ordinances/rules relative to adult entertainment. Complete.
- Research other Town's ordinances/rules relative to nuisance regulation. Complete.
- Research other Town's ordinances/rules regulating yard sales. Complete.

From the August 10, 2011 meeting.

Groth: Speak with RPC Senior Planner Julie LaBranche relative to available funding for an Energy Chapter to the Master Plan.

Barham: Discuss resuming the CIP process with RPC Assistant Director Glen Greenwood.

From the March 16, 2011 Meeting.

Groth:

- Work with Mrs. Bolduc on restructuring the regulations and present a draft to the Members at a future meeting.
- Take a look at the new NHDES Alteration of Terrain Program's criteria and report back to the Board.

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PROJECTS PENDING/COMPLETED WITH RPC

- Master Plan Audit - Funded with CTAP Phase II funds = **\$3,500**; completion date of August 1, 2010. Completed February 16, 2011.
- CIP Annual Process - Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009. Pending as of August 31, 2011.
- Provide one (1) final paper copy and one (1) electronic version of the updated MP. Provide one (1) final copy of all elements of the CIP annual update process- Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009. Pending as of August 31, 2011.

Updated project timeline table below.

RPC

Projects Non-CTAP	Status	2009 30 June	2010 30 June	2010 22 Sept	2010 27 Oct
CIP Process Submittal Materials (2010 TBG)	Pending		Contracted Completion Date		
1 final copy of updated MP, CIP elements (2010 TBG)	Pending		Contracted Completion Date		