



FREMONT PLANNING BOARD
December 21, 2011
Meeting Minutes
Approved January 4, 2012

Present: Vice-Chair John (Jack) Karcz, Selectman Brett Hunter, Member John (Jack) Downing, Alternates Andy Kohlhofer and Chris Silk, RPC Circuit Rider Brian Groth, Building Official Bob Meade and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Karcz opened the meeting at 7:10 pm.

MINUTES

Mr. Downing made the motion to approve the minutes of the December 7, 2011 meeting as written.

Motion seconded by Mr. Kohlhofer with unanimous favorable vote.

SEACOAST UNITED SOCCER CLUB (SUSC)
Map 6 Lot 020-001

It was noted that the Board is still waiting for feedback from NH DES to decide further action. According to a December 20, 2011 e-mail message from Eben Lewis, NH DES Wetlands Compliance Specialist, DES will issue a report after the holidays relative to their recent inspection of the SUSC property and wetlands violations and recommended remediation.

The Planning Board has received a copy of a December 8, 2011 correspondence to the Conservation Commission from Fred Lindahl, abutter to SUSC documenting concerns over Jones & Beach Eng. response to Seacoast United Soccer Club cutting within 100' of the Piscassic River. His concerns included:

- The cutting of mature trees.
- Increased levels of noise and light emanating from the fields since the initial approval and construction of SUSC fields.
- Runoff from the artificial turf that is immediately adjacent to the stream.
- Tree buffer for noise and visual barrier.
- Why there is a need to remove the stockpile of trees from the unauthorized cutting within the 100' buffer.
- Further erosion and disruption of the soil and remaining vegetation by heavy equipment required to remove the stockpiled trees.

There was a discussion relative to the various violations of the property as a result of the tree cutting. Those concerns being: 1) Wetlands and Prime Wetlands encroachment and/or pollution.

Brown Brook area is a Prime Wetland; 2) Conservation Restriction violations; and 3) Site Plan Review compliance.

Mr. Hunter said the Selectmen discussed the SUSC issue at their meeting earlier this evening and all members agreed with Mr. Lindahl's concerns that heavy equipment required to remove the trees may further disrupt the soil and remaining vegetation, and leaving the downed trees may serve as a natural erosion control. Mr. Hunter added that all members of the Board of Selectmen agreed to not allow the logs to be removed from the site at this time.

Mr. Karcz suggested that the Board should let DES know that there are additional concerns beyond the river buffer including shoreland protection. Mr. Hunter asked if SUSC is out of compliance with the site plan. It was determined that they are out of compliance and there was a discussion relative to reopening the site plan. There was a discussion relative to whether the Board should wait to see what DES is going to require and Mr. Groth suggested that a lot of what the Planning Board would require for site plan compliance is going to be contingent on what DES does and what the contingencies are.

The Board asked Mrs. Bolduc to; 1) contact Mr. Lewis to find out if it is possible for him to meet with the Board prior to issuing his report to discuss remedial actions and how it impacts the existing Site Plan Review; and 2) draft a letter to DES advising of the Planning Board concerns relative to the plantings for compliance with the February 11, 2004 approved site plan. A condition of the site plan approval is "*buffer planting of hardwood and softwood trees be put in place for noise and visual barrier*". If DES determines that remedial plantings must be done the Planning Board would like to request that those plantings to be as mature and as large as practical: and 3) forward Mr. Lindahl's letter to Mr. Lewis if it had not already been done.

SEACOAST FARMS (Shirkin Road, Map 5 Lot 035)

There was a continued discussion relative to the Seacoast Farms site plan and whether there were agreements between Mr. Kelly and the Selectmen and/or the Court that would allow deviation in any way from the approved site plan.

Town Counsel has said it is acceptable for Mr. Kelly (Seacoast Farms) to contact the Town Planning Department directly to see what the issue really is and if a resolution to any situation can be reached.

In an e-mail message Mr. Barham reported that in answer to his recent questions Town Counsel John Ryan has advised that the Town's agreement to terminate the Seacoast Farms lawsuit did not include any agreement regarding site plan issues. None of the materials, correspondence, plans, etc., submitted by Seacoast represented any commitment by the Town to be bound by them. Ultimately, the Selectmen agreed that to the extent that the odor problem continued to exist, it did not rise to the height of a public nuisance, and that the litigation was terminated on that basis. Thus, if the Planning Board believes that the present site layout and operations differ materially from what was originally approved, the Board has the ability to require an amendment to be filed and considered by the Board.

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Mr. Bolduc reported that in a phone conversation this morning, Mr. Barham suggested that the Board may want to discuss what action to pursue, whether to require an amendment to the existing Site Plan that would include a proper surveyed plan stamped by a Land Surveyor and a Soil Scientist that would include existing layout with wetland delineations. Conditions could include the removal any non-decomposable materials as well as action relative to odor complaints.

Mrs. Bolduc said she received an e-mail from Doug Kemp of DES asking if the Planning Board would like to be part of a site visit which she answered in the affirmative. She has not heard back from him, but will contact him again tomorrow. The Members agreed to refrain from comment on requiring an amendment to the approved site plan and what action to pursue until after the site visit.

ECONOMIC DEVELOPMENT COMMITTEE

Mrs. Bolduc reported that she has spoken with Christine Davis, Business Resource Specialist with the Department of Resources and Economic Development (DRED) about the Boards discussion relative to economic development. Ms. Davis has agreed to attend the February 1, 2012 meeting to discuss economic development for the Town and how to go about forming an Economic Development Committee.

INCOMING CORRESPONDENCES

There was no incoming correspondence.

Mr. Downing made the motion to adjourn at 8:00 pm.
Motion seconded by Mr. Kohlhofer with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

Next regular meeting: January 4, 2012.

ACTION ITEMS

From the December 7, 2011 meeting.

Bolduc: contact a business resource specialist. Complete.

From the October 5, 2011 meeting.

Groth: create a draft adult use ordinance for the Members to review and consider.

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 December 21, 2011.

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- 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 December 21, 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		