



FREMONT PLANNING BOARD

August 1, 2012

Meeting Minutes

Approved August 15, 2012

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

Mr. Barham opened the meeting at 7:00 pm.

BOARD MEMBERS/ALTERNATES

At the June 15, 2011 meeting and the March 7, 2012 meeting Mr. Barham designated Alternates Andrew Kohlhofer and Chris Silk, respectively, to fill the vacancies on the Planning Board until such time as the Selectmen have appointed someone to serve as a full Board Member to fill that vacancy. These appointments remain in effect.

MINUTES

Mr. Downing made the motion to approve the minutes of the July 18, 2012 meeting as written. Motion seconded by Mr. Kohlhofer with unanimous favorable vote except for Mr. Silk who abstained as he was not present at that meeting.

SEACOAST FARMS

Map 5 Lot 035

Mrs. Bolduc reported that per the Boards direction a certified letter was sent to Robert Kelly on July 19, 2012 (delivered and signed for by Mr. Kelly on July 20, 2012) advising him that at their July 18, 2012 meeting the Planning Board voted that if a complete application for amendment to the existing Seacoast Farms Site Plan is not received by the Board by the end of business day on July 31, 2012 the Board will ask the Selectmen to issue a cease and desist order against Seacoast Farms for all activities at the site.

The Board has not received Mr. Kelly's application for Site Plan amendment for Seacoast Farms.

There was some conversation relative to the extended timelines Mr. Kelly has been given to submit the amendment to his approved Site Plan. In a February 21, 2012 letter from the Planning Board Mr. Kelly was advised that the Board is requiring him to submit an application for Site Plan Amendment on the basis that the current site plan layout is not reflective of the approved site plan dated 1999 and he was instructed to submit his application for Site Plan Review amendment within sixty (60) days of receipt of the correspondence. That correspondence was signed for by Mr. Kelly on March 21, 2012 making the original deadline for submittal May 20, 2012. The Board extended

Planning Board Meeting Minutes
August 1, 2012

it to June 30 at Mr. Kelly's request. Mr. Kelly failed to comply and the Board extended it one more time to July 31, 2012. Mr. Kelly was sent a July 19, 2012 correspondence via certified mail (delivered and signed for by Mr. Kelly on July 20, 2012) advising him that if he failed to submit his application for Site Plan amendment to the Town by the end of business on July 31, 2012, the Board would request that a Cease & Desist order be issued.

Mr. Kohlhofer made the motion to respectfully recommend to the Selectmen that a Cease & Desist order be issued to Robert Kelly/Seacoast Farms Compost operation on Shirkin Road (Map 5 Lot 035) for all activities on the site due to Mr. Kelly's failure to comply with the Planning Boards directive to submit an application for amendment to his existing Site Plan, which is in non-compliance of the existing Site Plan approval. This despite having been given three separate deadline dates for submittal.

Motion seconded by Mr. Karcz with unanimous favorable vote.

The letter was drafted and signed by Mr. Barham and will be forwarded to the Selectmen for their August 2, 2012 meeting.

JOHN GALLOWAY EXCAVATION

Shirkin Road, Map 5 Lot 035

Mrs. Bolduc reported that she received a July 31, 2012 e-mail message from Dennis Quintal of Civil Construction Management relating that he "met John Galloway at the Shirkin Road Pit last Monday and reviewed the active area. He requested that I proceed with conducting site measurements and developing a plan to meet the requirements of the Planning Board as you outlined by email to me on July 19th. I expect to begin work at the site sometime next week and hope to finalize a plan and assist him with submitting an Excavation Amendment by the end of August, the limit given by the Planning Board in their June 12th letter to Mr. Galloway.

Note: Condition #3 of the Galloway excavation permit renewal says:

Within 60 days from the date of the July 1, 2012 permit renewal, the owner shall comply with one of the following:

- *Remove the 6" to 12" thick layer of crushed asphalt pavement that is present on the site.*
- *File for an Excavation amendment for the presence of said asphalt, or as an alternative, Provide the Town with a bond in the amount to be recommended by the Town Engineer for removal of the asphalt.*

JACOB'S COVE

Map 1 Lot 098-1

Mrs. Bolduc reported that per the Boards direction a letter was sent to Mr. Donigian on July 19, 2012 advising that the Planning Board Members agreed that the Jacob's Cove escrow needs to be replenished at this time by the \$7,000 for Engineering fees or he risks a stop work order. The Town has not received the additional \$7,000 from Mr. Donigian for the escrow account.

There was some discussion relative to the Jacob's Cove project. Mr. Groth suggested setting a threshold limit of money to be held in escrow or to set a date for Mr. Donigian to submit the requested amount. Mrs. Bolduc was directed to contact Mr. Donigian via phone to ask him what his intention is for replenishing his escrow and report back at the next meeting.

ECONOMIC DEVELOPMENT/CORPORATE COMMERCIAL DISTRICT

At 7:30 pm Emma Rankin, Bruce Randolph, Matthew Jenson, Rene and John King, all landowners of property in the Corporate Commercial District joined the Board for a meeting at the Planning Board's requested to discuss economic development of the District.

The Corporate Commercial District is comprised of 29 parcels of property (with a total of 16 owners) that total almost 400 acres.

Mrs. Bolduc said that each landowner in the Corporate Commercial District was sent a written invitation to this meeting, a map showing all of the properties in the District and a copy of the table of uses found in the Fremont Zoning Ordinance. She reported two responses to the invitations. One from Andy Krueger, owner of Map 5 lots 24 & 25 who could not attend tonight's meeting, but expressed interest in having an additional meeting (or meetings). The second response was from Jim Bradford, owner of Map 5 Lot 50 who also could not attend and related that he since he has not physically "walked over" the property he would have no idea how best to recommend future use.

The group reviewed maps of the Corporate Commercial District along with a table containing the current landowners of all parcels in the District.

Questions and discussions were relative to the following:

- Who would develop the property?
- Who would upgrade Shirkin Road?
- What (and how) can be developed in the large amount of wetland in the area. What is the land in Epping that abuts this land zoned as.
- Whether the properties that front on Beede Hill Road, which is a Red Road, should or should not be in the CC District.
- Offsite improvements:

To address some of the questions asked Mr. Barham said that there have been no developers approached prior to this meeting because the Board felt the first step is to see if the landowners are amenable to development, if they would be interested in selling their property. He noted that if the landowners are not interested there is no point in going further with the development idea. The second step would be to approach some developers to find out what they would expect of property and possibly the Town, if they would be willing to develop it.

It is assumed that the property in Epping that abuts Fremont's Corporate Commercial District is zoned Residential, but we do not know that for sure. Mr. Karcz said he thinks we should contact Epping to find out if there is any plan for the property that abuts Fremont's CC District. He offered to get in touch with the Epping Planner to see if he can get some answers to these questions.

Mrs. King said she purchased her property with the intention to eventually subdivide and give some of the land to her children. Now her property is zoned as commercial and no residences are allowed. The Kings said they do support commercial development, but did not think their property should be included in this Corporate Commercial District. That prompted a conversation about the three properties fronting on Beede Road, which is a "Red Road". Red Roads are zoned Flexible

Planning Board Meeting Minutes
August 1, 2012

Use Residential. However, these properties are also in the Corporate Commercial District where residential uses are not allowed. Those properties are the Kings, Mr. Randolph and Mrs. Rankin. They all agreed that they would prefer their properties were not in the CC District.

Mr. Randolph said he feels taking the properties along Beede Road out of the Corporate Commercial District would have no impact on economic development for the rest of the property in the District. Mr. Kohlhofer asked if the fronting properties were taken out of the CC District would the landowners have a problem with development of the rest of the land in the District and the landowners present said they would not.

There was a conversation relative to how to rezone one or all properties in the CC District if that is what the landowners wish to do. It was noted that this would need to be done by an Article in the Warrant for the voters to vote on. This is done either by a petition of at least 25 voters or the Planning Board could go through the process of Public Hearing and submit an article for the Warrant asking the voters to change the Corporate Commercial District by removing the three parcels. Mr. Barham offered that the Planning Board could do this and it was agreed that this would be preferable.

Mr. Jenson said to develop 20 acres of land that would need a mile of road does not make sense. He said that the market will dictate development. The possibility of offsite improvements was discussed and Mr. Kohlhofer noted that there may be some grants available that the Town could apply for to deal with possible infrastructure and other items such as upgrading Shirkin Road. He said we just don't know at this point because we are in the very beginning stages of finding out if there is enough interest both with the landowners and potential developers. Mr. Barham explained that this is why the Board reached out first to all of the landowners in the CC District to see if they are willing to sell in the event that there is an interested developer.

Mr. Kohlhofer said the next step could be to have a meeting with some developers to get an idea of potential economic development for this District from a developers prospective.

Mr. Barham said he thinks the Board should reassess the options for the Corporate Commercial District based on the feedback from the landowners in attendance at tonight's meeting. It appears that development of this Corporate Commercial District land does not have the support of the landowners at this time. Mr. Barham said that given the response from the landowners present and the lack of response from the other landowners, he sees no purpose to having another meeting. It was agreed that the Board would still be receptive if an individual landowner wishes to contact the Board or offer opinion. The Board agreed they will discuss this topic at the next meeting.

Mr. King said he has been to the Board of Selectmen and Planning Board relative to Seacoast Farms on Shirkin Road. Mr. Groth explained that earlier at tonight's meeting the Board voted to request the Selectmen to issue a Cease & Desist for Seacoast Farms for non-compliance of their Site Plan. Mrs. King said now there are seagulls that come from the Peterson Farm to the Seacoast Farms. There is noise in the area from shooting, debris from dumping of trash and couches along Shirkin Road. Mrs. King said the police have discussed physical gates and she does not think the landowners would have a problem with that. Mr. Hunter said he will raise this issue at the Selectman's meeting.

Planning Board Meeting Minutes
August 1, 2012

Mr. & Mrs. King, Mr. Randolph, Mr. Jenson and Mrs. Rankin left the meeting at 8:40 pm.

VISION CHAPTER OF THE MASTER PLAN

Mr. Groth said he closed the survey and there one hundred and twenty responses to date. Most of the responses had to do with the water tower on Main Street, the schools, and high taxes. He said he will issue a report for the next meeting.

2012 BUDGET

Mr. Kohlhofer said he thinks there should be at least a 3% raise in the clerical line of the 2013 Planning/Zoning Budget. Mr. Hunter said if there is an increase in that line it should be offset by a decrease in another line. It was noted that this is what was requested and presented last year but did not happen because the voters opted for a default budget. It was noted that revenues are increased over last year and there was a discussion that increasing revenues would offset any increase in salary. Mr. Kohlhofer said the Board should request it again this year and the other Members agreed.

Points discussed relative to the P/Z Budget line items included:

- Postage and advertising spending are mostly due to applications.
- The RPC Circuit Rider contract is \$8,690, but the request is for \$9,900 in anticipation of an increase for the 2012-2013 budget to cover a higher rate because RPC's contract year budget timeframe does not match Fremont's.
- There are some upcoming training workshops coming up in the fall that will use funds from the Training/Workshops and Mileage lines.
- Mrs. Bolduc anticipates that purchase of general office supplies will deplete the Office Supplies and the Office Equipment lines by the end of the year.
- For the Board to take advantage of outside professional services the funds must be available in the budget.
- For the Town to be eligible for a matching grant, the Town's portion must be appropriated.

Mr. Kohlhofer made the motion to submit the same Planning/Zoning budget as the 2012 default budget, making it a flat line budget request for 2013, with the recommendation that the clerical line be increased by at least 3%.

Motion seconded by Mr. Downing with unanimous favorable vote.

\$41,871 = 2012 default budget.

4191030 Clerical	To be determined by the Selectmen	\$20,996
4191100 Postage		\$ 1,400
4191110 Office Supplies		\$ 600
4191200 Training Workshops		\$ 500
4191210 Mileage		\$ 175
4191250 Advertising		\$ 1,250
4191260 Office Equipment		\$ 200
4191310 Recording Fees		\$ 350
4191320 Printing		\$ 500
4191500 Circuit Rider Planner		\$ 9,900
4191700 Professional Services		\$ 3,000
4191740 Matching Grants		\$ 3,000

An appointment will be made with the Selectmen to present this budget recommendation.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

Mr. Hunter made the motion to adjourn at 9:10 pm.
Motion seconded by Mr. Karcz with unanimous favorable vote.

Next regular meeting: August 15, 2012.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From the 8-1-12 meeting:

Barham:

- Contact Ben Frost via phone to review the Board's recent Community Planning Grant application

Groth

- Issue a report for the next meeting relative to the Vision Chapter of the Master Plan Survey responses.

Bolduc:

- Contact Jake Donigian via phone to ask him what his intention is for replenishing his escrow.

From the 7-18-12 meeting:

Bolduc:

- Contact Dennis Quintal, Engineer relative to the Galloway Excavation permit amendment submittal. Completed.
- Draft and send a certified letter to Mr. Kelly advising him of the Board's decision.
- Notice of Decision – Daigneault. Completed.
- Draft and send a letter to AT & T relative to replenishing their escrow account for the Cell Tower at the Cooper's Corner site. Completed.
- Draft and send a letter to Mr. Donigian relative to replenishing his escrow account for Jacob's Cove subdivision project. Completed.
- Draft an amendment to Article 2 Section 2, A of the Subdivision Regulations. Completed.
- Forward the RPC Circuit Rider contract to the Board of Selectmen for signature. Completed.

PROJECTS PENDING/COMPLETED WITH RPC

- CIP Annual Process - Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid

Planning Board Meeting Minutes
August 1, 2012

- Towns share of **\$1,000** in December 2009. Pending as of this date.
- 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 this date.
- Vision Chapter of MP - Funded with the 2012 Targeted Block Grant (TGB); completion date of June 30, 2012. Paid Towns share of **2,500** in November 2011. Pending as of this date.
- Energy Chapter of MP – Funded through the Energy Technical Assistance Program (ETAP) (no Town cost-share). Completion date of April 30, 2012.

Updated project timeline table below.

RPC

Projects Non-CTAP	Status	2009 30 June	2010 30 June	2010 22 Sept	2010 27 Oct	2012	2012 April 30	2012 June 30
CIP Process Submittal Materials (2010 TBG)	Pending		Contracted Completion Date					
1 final copy of updated MP, CIP elements (2010 TBG)	Pending		Contracted Completion Date					
MP Vision Chapter update	Pending							Contract Completion date
MP Energy Chapter	Pending					Completion date		