



FREMONT PLANNING BOARD

May 1, 2013

Meeting Minutes

Approved May 15, 2013

Present: Vice-Chairman John (Jack) Karcz, Member John (Jack) Downing, Alternate Andrew Kohlhofer, Selectman Brett Hunter, Building Official Bob Meade RPC Circuit Rider Jenn Rowden, and Land Use AA/Recording Secretary Meredith Bolduc.

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

MINUTES

Mr. Downing made the motion to approve the minutes of the April 17, 2013 meeting as written.

Motion seconded by Mr. Hunter with unanimous favorable vote.

BUILDING OFFICIAL/CODE ENFORCEMENT OFFICER

Mr. Meade reported the following:

1. Coopers Village on Spaulding Road:
 - KMT office space is almost to the point of occupancy.
 - A dance hall is working on the requirements for occupancy on the first floor.
 - An exercise studio is looking to open on the second floor.
2. Stillwells Ice Cream Shop, 518 Main Street: There are not more than 5 seated customers inside the building so he believes they meet the criteria for not needing a bathroom.
3. 230 South Road: The Road Agent has reported that he is satisfied with the site distance of the new entry. The owners will be coming in for permits to build their barn.
4. Tavern Road. There is one house off the gravel road. It is very wet so there will be wetland permits required for a driveway for someone who purchases the property. This will be a Selectmen's issue.
5. The owner of the property at the existing cul-de-sac on Spaulding Road does not want to take out a bond or put in an apron only to have it torn up when the cul-de-sac is changes. The regulation state bond or put down an apron.
6. He will submit the end of month report at the next meeting.

BEEDE SPAULDING, LLC,
(Formerly Stratham Acquisitions, LLC)
Map 3 Lot 56

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Mrs. Bolduc reported that on April 17, 2013 Mr. Catapano and Mr. Nichols came into the Land Use office with a question about conditional #5 of the recent approval for the Spaulding Road open space subdivision of Map 3 Lot 056 requiring that the bond amount as determined by the Town Engineer is to be in place and proof of posting of all bonds and escrows submitted before the mylar is signed and recorded. They said they understood the bond would need to be in place prior to building permits issued. Mrs. Bolduc said she told them it is a standard condition and pointed to Article IV Section 4-K of the SD regulations (Recording) which says: "*No subdivision plans may go to record before a bond is in place or the roadwork completed and utilities or other infrastructure are finished.*" There was no waiver requested or granted to this section. Mr. Catapano thought there would be a problem with his bank issuing a letter of credit for the escrow if the plan is not recorded.

Mrs. Bolduc reported that Mr. Catapano spoke with her again on April 30, 2013 and said he has found that other Towns require the bond in place before recording and he has worked it out with his bank.

GALLOWAY EXCAVATION

Map 5 Lot 035

Present: Owner John Galloway

At 7:30 pm Mr. Galloway met with the Board to discuss the following for his excavation operation on Shirkin Road:

- 1) Bringing in some fill (outside of the wetland buffer) to create a pad for a future building.
- 2) Foregoing the Engineers annual review of your excavation operation in light of his November 7, 2012 amendment and the fact that there has been no excavation activity since that time.

Mr. Galloway said he has not moved any material since last year when he took out the corner of asphalt that the Board wanted. This was as a result of the November 2012 amendment to his Excavation Permit and he has not done anything since then. He said he has a chance to bring in fill in the area where Seacoast Farms is not. Mr. Galloway added that further back, and to the right of the area, he would like to put back loam when he is done. He would also like to create a pad for a future building.

Mr. Karcz noted that the Planning Board previously decided to have the Town Engineer conduct the annual inspection site visits at all of the gravel pits in Town and that the inspections be done at the same time.

There was a discussion relative to whether, given the current circumstances, the Board Members are willing to do the annual site visit at the Galloway gravel operation this year instead of requiring it done by the Town Engineer. The Members agreed that the request is reasonable.

Mr. Kohlhofer made the motion that Members of the Planning Board will visit the Galloway excavation site on a date to be determined in lieu of the Town Engineer unless something is found that, in the opinion of those Members present, requires an Engineers review. Motion seconded by Mr. Downing with unanimous favorable vote.

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At 7:35 Mr. Galloway thanked the Board and left the meeting.

GOVERNOR'S FOREST/MARTIN FERWERDA

Map 3 Lot 002

Present: Owner Martin Ferwerda

At 7:35 pm Mr. Ferwerda met with the Board to discuss the annual review of the Governor's Forest excavation operation. Mr. Ferwerda said that in the past year he has taken out only about 100 cu yds of material so he wants to request to forgo having the Town Engineer conduct a site visit for this year.

There was some discussion relative to whether the Board Members are willing to do the annual site visit at the Governor's Forest gravel operation site instead of requiring it done by the Town Engineer, in light of Mr. Ferwerda's statement of inactivity at the excavation site. The Members agreed that the request is reasonable.

Mr. Kohlhofer made the motion that Members of the Planning Board would visit the Governor's Forest excavation site on a date to be determined in lieu of the Town Engineer unless something is found that, in the opinion of those Members present, requires an Engineers review.

Motion seconded by Mr. Downing with unanimous favorable vote.

At 7:40 Mr. Ferwerda thanked the Board and left the meeting.

SEACOAST UNITED SOCCER CLUB

Map 6 Lot 020-001

Present: Greta St. Germain, Fred & Lizanne Lindahl and Jeff Arsenault.

At 7:40 pm Mrs. St. Germain, Mr. Arsenault and Mr. & Mrs. Lindahl met with the Board to discuss the status of the Seacoast United Soccer Club on Shirkin Road and to report the impact to Brown Brook Circle residents caused by activities at the SUSC site.

Mrs. St. Germain distributed an April 20, 2013 letter to the Planning Board from the abutters documenting the impact caused by SUSC. The document listed noise intrusions including referee's whistles, coaches & players barking commands, excited spectators, marine type air horns during play, large industrial snow blowers running to clear fields all winter. It was understood that this was to be a three-season operation. The abutters reported that games continue beyond 10 pm, operate year round and the noise is far more impact than was represented. They reported that in addition there is an annual 24 hour marathon.

Mrs. St. Germain asked for the Board to impose additional measures to protect abutters.

Listed in the letter were the reasons the abutters consider this request justified:

- *SUSC defaulted on an initial condition of the Town's approval for the facility. That being to install plantings to provide a noise and light barrier between the fields and Brown Brook residents.*
- *SUSC mis-represented the period of operation. The fields are used more and with more impact than initially presented to the Town when first approved. Operation of*

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the facility was identified to be late spring thru early summer, shutdown in August and resume for a period in the fall. Now it is used all year round and for other sporting events in addition to soccer.

- *Lights were to be extinguished after ten pm when and whenever no games were played. This too has not happened faithfully.*

There was a discussion relative to the need for more “robust noise & light barriers”, as also stated in their letter. Mr. Lindahl said DES has made SUSC plant small trees, but they do not work and he suggested that a wall may be the best fix. A wall may need to be about 30’ high.

On April 15, 2013 the Board received an e-mail from Eben Lewis acknowledging a request from Chris Albert and notifying him that DES approved his request for an extension of the May 1, 2013 deadline as read in condition 1 as stated in the Restoration Plan Approval issued by DES on October 4, 2012. Therefore, the restoration must be completed no later than May 31, 2013. The remaining deadlines established in the RPA are still in force.

The Board and the abutters reviewed an unsigned plan that Mr. Lindahl showed and the Restoration Plan Approval. The Conservation Restriction Deed was consulted for conditions.

Mrs. St. Germain said Eben Lewis of DES told her that once SUSC has addressed all of the DES concerns it is up to the Town to require sound and visual protection.

Mr. Karcz said the Board will have to look at the official plan to review what kinds of permits are authorized. It was noted that Fremont only has jurisdiction of the field in the Town. However, the plan was signed by both Fremont and Epping Planning Boards.

The Board directed Mrs. Bolduc to complete the following:

1. Request the Selectmen have the Town Attorney draft a correspondence to the Town of Epping, copied to SUSC, outlining violations and relating that we have complaints.
2. Contact DES to find out if the Brown Brook is covered by the Shoreland Protection Act and if it is what options does the Town have regarding building a structure for sound abatement.
3. Conservation Commission to see what part of the property is covered by the Deed Restriction.

Mrs. St. Germain requested, and the Board agreed, that any responses received be copied to Mr. Lindahl.

At 8:40 Mrs. St. Germain, Mr. Arsenault and Mr. & Mrs. Lindahl thanked the Board and left the meeting.

SITE VISITS

Mr. Downing made the motion to conduct a site visit at the Governor’s Forest gravel operation at 5:15 pm on Friday May 15, 2013 and the Galloway gravel operation at 5:45 pm. Motion seconded by Mr. Kohlhofer with unanimous favorable vote.

The site visits will be duly noticed and Mr. Galloway and Mr. Ferwerda will be notified.

REGIONAL MASTER PLAN

Mrs. Rowden reported that the NH Listens will hold a session on May 14, 2013 on Granite State Futures Community Conversation for updating the regional master plan. She suggested that the Members may want to attend.

LEGISLATIVE BILLS

The following bills are among those introduced for the 2013 Legislative Session. Mrs. Bolduc will follow these bills and report any results to the Board.

- Senate Bill 49: This bill provides for appeals of planning board decisions concerning a subdivision or site plan to the board of adjustment prior to appeal to the superior court.
- Senate Bill 50: relative to expiration of variances and special exceptions.

INCOMING CORRESPONDENCE

There was no incoming correspondence.

Mr. Downing made the motion to adjourn at 9:00 pm.
Motion seconded by Mr. Kohlhofer with unanimous favorable vote.

Next regular meeting: May 15, 2013.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

Bolduc:

- Contact John Galloway and Martin Ferwerda about the site visits. Completed.
- Request the Selectmen have the Town Attorney draft a correspondence to the Town of Epping, copied to SUSC, outlining violations and complaints received. Completed.
- Contact DES to see if a structure can be built on the SUSC property and if Brown Brook is covered by the Shoreland Protection Act and if it is what options does the Town have regarding sound abatement. Completed.
- Contact the Conservation Commission to see what part of the property is covered by the Deed Restriction. Completed

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PROJECTS PENDING/COMPLETED WITH RPC

- 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 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		