



FREMONT PLANNING BOARD

June 18, 2008
Meeting Minutes
Approved July 9, 2008

Present: Chairman Roger Barham, Co-Chair and CC Rep. Jack Karcz, Selectman Gene Cordes, Member John (Jack) Downing, Building Official Thom Roy, RPC Circuit Rider David West and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham called the meeting to order at 7:10 pm.

Member Leon Holmes, Jr. joined the meeting at 7:40 pm.

MINUTES

Mr. Karcz made the motion to approve the minutes of the June 4, 2008 meeting as written. Motion seconded by Mr. Cordes with unanimous favorable.

INCLUSIONARY HOUSING ORDINANCE

Mr. West stated that the deadline to apply for the second round of “IZIP” applications to fund the development of inclusionary housing ordinances is July 15th. This is a grant for access to technical assistance in the form of a consultant from NHHFA’s list of pre-qualified consultants and agencies (including the RPC) to assist in the preparation of an inclusionary zoning ordinance. It was noted that according to the recently enacted Workforce Housing bill most communities will need to take some action within the next year to address the law’s requirement that all communities with zoning “allow workforce housing in a majority of their zoning districts.’ Although the law does not specify what “allowing workforce housing” means exactly, it seems clear that adopting reasonable inclusionary housing provisions (that apply either in all or in a majority of your residential districts) is one way to comply with this requirement.

During a discussion Mr. Cordes asked if we could get a professional opinion about our level of compliance and Mr. West said that it would be possible although the numbers for compliance of the fair share of housing has not yet been defined.

Mr. Barham said that Stephanie Schuyler who is on the workforce housing department for Unutil has said that she would be willing to come in to explain what workforce housing is.

Mr. Downing made the motion that the Board authorize Mr. West to apply for the IZIP grant to the NH Housing Finance Authority to fund technical assistance in the preparation of an inclusionary zoning ordinance.

Motion seconded by Mr. Karcz with unanimous favorable vote.

PUBLIC HEARINGS

Mr. Cordes made the motion to send the following to Public Hearing at 8:30 pm on Wednesday August 6, 2008.

1. The previously reviewed and approved amendments to the Subdivision, Site Plan Review and Excavation Regulations.
2. The previously reviewed and approved definitions section for all Regulations.
3. The previously reviewed and approved amendment to the Natural Resources Inventory Chapter of the Master Plan.

Motion seconded by Mr. Karcz with unanimous favorable vote.

LECLAIR, FRED

Map 2 Lot 077-001

Red Brook Road

The Board received a copy of a June 2, 2008 correspondence from Mary Pinkham-Langer, CNHA Gravel Tax Appraiser with the NH DRA to Fred LeClair relative to failure to file the proper Notice of Intent to Excavate with the DRA for 2001-2008 for excavation that was occurring on the above referenced property. Attached was a copy of the DRA Official Notice #0574 of laws violated RSA 72-B. She noted that in checking with the Town Mr. LeClair has not received either an excavation permit under RSA 155-E:3, or an "exception" from a permit under RSA 155-E:2-a. Ms. Pinkham-Langer advised that in order to maintain any "grandfathered" or "permit" status under RSA 155-E one of the requirements is that "commercially viable earth" is removed from the site. If no earth is removed for a two-year period, the operation becomes abandoned and must be reclaimed. Abandoned excavations must reapply for a permit under RSA 155-E.

The Board received copies of Intent to Excavate forms for 2005-06, 2006-07 and 2008-09. Also received was a copy of a June 12, 2008 correspondence from the Selectmen to Mr. LeClair stating that the Intent form for 2007-08 was not received and that the Town has purchased material during that tax year. They advised him to get in touch with the Planning Board to remedy the matter of no approved permit for the site in compliance with RSA 155-E or the Fremont Excavation Regulations.

MASTER PLAN

Community Facilities Chapter

Mrs. Bolduc stated that additional feedback has been requested from all of the departments involved with the Communities Facilities Chapter and the following have been received to date. Fremont Police Department: The Police Chief reiterated the need for additional office and storage space, there are 4 full time officers and corrected the cruiser originally listed as purchased in 2005 was actually purchased in 2003.

Housing Chapter

This chapter is contracted, but has not been started yet. Mr. West said the contract is due in December, 2008.

Implementation and Action Plan Chapter

Mr. Barham reported that the NH DOT has approved the funding of \$1,500 for the creation of an Implementation and Action Plan Chapter of the Fremont Master and we are awaiting a contract from RPC.

Land Use Chapter

Mr. West stated that he is working on drafting this Chapter using the information that the Board provided at the last meeting. He said that he will have a draft for the next meeting.

CAPITAL IMPROVEMENTS PROGRAM (CIP)

Parks & Recreation

At 7:35 pm Parks & Recreation Member Jon Benson met with the Board relative to the updated worksheet he submitted for the Parks & Recreation Committee. This showed a \$1,005,000 project for new ball fields, the same as the original worksheet and showed a completion time of 4 years, but did not state a start time. The Board previously agreed to amend the worksheet by deleting the marked selection under “replace & repair existing facilities or equipment” as the intent is to provide for new facilities and did not include the monies for repair. The following is a list of questions the Board had for this department and Mr. Bensons answers in italics.

1. Start date of the project = *Spring of 2010*
2. Land acquisition or use of land the town already owns? = *Land the Town already owns*
3. If town land what land is being looked at? = *Possibly the land behind the Library*
There was a conversation relative to the possibility of the School and the Parks & Recreation sharing the same property.
4. Justification by population – how many children? = *Currently approximately 300 children per season (302 in the spring and 311 in the fall) are using all fields as long as there is no snow on the ground so there is no rest time for the fields and the number of participants have increased.*
5. Is this a bond or capital reserves? *There are no monies reserved so it will be bonded or funds appropriated and spent as the project goes along.*
Mr. Cordes suggested that the Parks & Recreation Committee map out the completion time.
6. How much land would be needed? *10 acres*
7. What would be the consequence of doing nothing/not moving forward with this project? *Deterioration of conditions of the existing fields. There are problems with grass on the fields due to no rest time for the fields.*

Mr. Cordes suggested a turf management plan that would serve for regeneration of the fields. The alternative is losing the existing turf. He stated that we need to take care of what we have.

8. Why is the acquisition of 10 acres not in the Capital Improvements Program? *Because it is assumed that Town owned land would be used.*
9. What is the timeline for the skate park? *Begin construction in 2010.*

Mr. Cordes asked if the money figure includes such things as electricity, wells and septic.

Mr. Benson answered that it does not, but the numbers were inflated to cover some items that may need to be added.

In answer to questions by the Board Mr. Benson said that it may be possible to apply to the State for grant money. There was a conversation relative to whether it is realistic to think this project could begin in 2010 given the cost of the project and the fact that there is no money, or plan for money, set aside for it.

The Board thanked Mr. Benson and he left the meeting at 7:50 pm.

POINT OF ORDER

At 7:50 pm Mr. Downing stepped down as a Member of the Planning Board at this time as he is the property owner for the next case.

BARNYARD BUDDIES

Map 1 Lot 011

At 7:51 pm Laurie Frost and Jennifer Menard met with the Board relative to a new sign that is a gift to Laurie Porter for the Barnyard Buddies preschool/ kindergarten on Chester Road. Mrs. Frost explained that this sign is 3' x 5' (15 sq) plexiglass that is intended to be placed on the front portion of the outside of the school building.

There was a discussion relative to whether the placement of the sign would trigger an amendment to the 2000 Site Plan Review which showed a sign at the corner of the driveway and Chester Road, but none on the school building. It was agreed that the addition of the sign is not significant enough to trigger an amendment to the already existing Site Plan Review. The process would be for the owner to apply to the Building Official for a sign permit.

Mr. Holmes made the motion to allow the placement of the 3' x 5' sign on the building of Barnyard Buddies as requested.

Motion seconded by Mr. Karcz with unanimous favorable vote.

At 8:02 pm Mrs. Frost and Mrs. Menard thanked the Board and left the meeting.

POINT OF ORDER

At 8:02 pm Mr. Downing returned to as a Member of the Board.

JOHN GALLOWAY GRAVEL OPERATION

Map 5 Lot 035

Present: Owner John Galloway and Robert Kelly

At 8:03 pm John Galloway and Robert Kelly met with the Board relative the June 3, 2008 letter he received relative to the Board's May 21, 2008 decision to require that he 1) establish the seasonal high water table then benchmark it 4' above; and 2) fieldmark the wetlands and then submit a plan drawn by a Professional Engineer or Licensed Land Surveyor and stamped by a Certified Soil Scientist identifying the delineation of the wetlands, and that these conditions be

met by June 18, 2008 in order to grant the excavation permit renewal for July 1, 2008. Mr. Galloway stated that he had an Engineer come out 4 or 5 years ago when he last did excavation work. The consultant Engineer was paid \$1,000 to walk the property and did not find anything wrong. Mr. Galloway said that as for the benchmark, there is something there to benchmark 4' above the seasonal high water. Mr. Cordes asked if there is an indication of where the wetland delineation is and Mr. Galloway said no. Mr. Galloway said that he has done everything on the June 3, 2008 letter except for delineating the wetland using a Soil Scientist. Mr. Cordes stated that the data for the property and the excavation pit is 20 years old and it may not accurately depict what is going on right now with the gravel operation or with the composting operation that is on the same property. He added that when you are out in the field you cannot tell the proximity of wetlands. Mr. Galloway said the he is not excavating anywhere near wetlands and is at least 200' away. He argued that the work is just for the excavation operation and has nothing to do with the composting operation on the property.

Mr. Downing related that when he went to the recent site visit there was water everywhere so it was hard to tell where the edge of the wetlands is. The plan entitled "Sketch Plan of Land, Parcel 5-35, Fremont, NH Site Layout and Elevations" was submitted and used as a reference at the site visit. It was noted and recognized by the Board Members that this is not a recorded plan and, while contains Mr. Kelly's Professional Engineer stamp, it is not stamped or certified by a Soil Scientist, but appears to be a duplicate of the November 1, 2005 drawing submitted by Mr. Kelly for site review for Seacoast Farms Compost Products entitled "Sketch Plan of Land, Parcel 5-35, Fremont, Pad and Site Layout". Mr. Cordes said that using the data on the plan, the area of the knob (area of barren rock that has yet to be blasted) is about 100' on one side to the edge of the wetlands and has an elevation of about 90' above sea level. Mr. Galloway said that he has about 18' to take off that area. Mr. Karcz stated that the data is old and in the field there is no way to know where the wetland delineations are and the benchmark was not identified. Mr. Galloway stated that Jim Lavelle did the original plan years ago and the Board viewed that 1987 plan.

Mr. West stated that for several years there have been concerns relative to where the edge of wetlands are and how it plays out in the field which appears to be different than what is on paper. Mr. Galloway disagreed. Mr. West said that without a Certified Wetland Scientist certifying the location of the wetlands no one can be sure where they are. He added that the problem is that the tenant on the site has not complied with the boards repeated request to verify where the wetlands are so, Mr. Galloway as the owner should be responsible for getting this done. Mr. Galloway again asked why he needs a Soil Scientist when he already paid an Engineer to walk the property. Mr. West replied that an Engineer cannot delineate wetlands.

Mr. Galloway asked if the Board is insisting on the wetland delineation by a Soil Scientist before they will agree to renew the gravel permit and the Members affirmed that they are. Mr. Galloway stated that, for the record, he is not happy with the Boards decision. Mr. Barham stated that the Board feels they are acting blind when it comes to the activity on the property without the wetlands delineated. Mr. Roy stated for clarification that the request is not only for the wetland to be delineated and flagged in the field, but transferred to a plan and for the whole site, including the compost operation. And also to establish the seasonal high water table then benchmark it 4' above.

Mr. Downing made the motion to extend the current excavation permit expiration date from July 1, 2008 to August 1, 2008 conditioned upon the following:

1. That the wetland be delineated and flagged in the field for the entire property including the excavation site and the compost operation site, and that information and data be transferred to a plan, certified and stamped by a Certified Soil Scientist and submitted to the Planning Board.
2. That the owner insure that a monument is visible at the benchmark.

Motion seconded by Mr. Karcz with unanimous favorable vote.

It was agreed that upon receipt of the plan the Board will make arrangements to conduct a site walk on the property as part of the permit renewal process and that if the requirements are completed the excavation permit renewal can be granted.

Mr. Galloway agreed to the conditions. Mr. Cordes related to Mr. Galloway that his cooperation is appreciated. At 8:25 Mr. Galloway and Mr. Kelly left the meeting.

CAPITAL IMPROVEMENTS PROGRAM (CIP)

(Resumed)

Fire and Rescue Department

At 8:25 pm acting Fire Chief Richard Butler met with the Board relative to the worksheet for the Fire and Rescue Department he previously submitted which showed a \$350,000 expenditure for a new tanker truck with a 3 to 5 year projection. In answer to questions the Board had for this department Mr. Butler stated that one truck is 28 years old and another is coming up to 20 years old so they will need to replace those trucks.

1. Show capital reserve numbers and how it affects the totals. *Approximately \$85,000 in capital reserve. A lease purchase was discussed.*
2. Show how much the operation & maintenance costs would be decreased. *Mr. Butler could not offer a decreased dollar amount.*
3. What is the impact of service if not purchased? The impact is without the tanker they have to rely on mutual aid and portable units. There would be no way to carry a tank. Cordes stated that based on the information at this time the Fire Department is looking to replace the tanker at a cost of \$350,000.
4. Show the salvage value of the existing equipment. *This is minimal and is not relevant to the purchase of a new unit.*

Mr. Cordes suggested that the Fire Department do an inventory of the current equipment to submit to the Board so that everyone knows which piece was being considered for replacement or repair. Mr. Butler stated that the last truck was acquired through a lease purchase and this could be considered for the next one. The lease purchase option was briefly discussed.

Mr. Butler stated that the original CIP worksheet was filled out for the Fire Department only, but has been modified to include the Rescue department. Mr. Barham asked if there are any other purchases to be made within the next 3 to 5 years. Mr. Butler said that he will look into whether there is a need for self contained breathing apparatus and/or other equipment.

The Board thanked Mr. Butler and he left the meeting at 8:58 pm.

DENSITY OF TRANSFER CREDIT
CLIFF SINOTT OF ROCKINGHAM PLANNING COMMISSION

At 9:00 pm Cliff Sinott of the RPC met with the Board to do a power point presentation on Density of Transfer Credit. He stated that the presentation is made up of two parts. 1) the “Transfer of Development Rights” and 2) the actual “Density Transfer Credit Ordinance”. Tonight’s presentation included Development Transfer Credit (DTC) and Transfer Development Rights (TDR) . These were explained as follows:

The Development (or Density) Rights (or Credits) is the amount of development that could take place on a tract of land under zoning provisions.

Conservation Areas (Sending Areas) are areas identified as priorities for preservation or significant decreases in development potential.

Development Areas (Receiving Area) was are identified as having additional potential for development beyond that allowed by existing zoning.

Density Transfer Credit is the value of development potential moved from an area to be conserved and acquired (purchased) by development in the receiving area.

The presentation also explained the elements of the program and why density transfer is important for the future.

Mr. Sinott showed a model density transfer ordinance and said that he feels it is important for the towns to work transfer of density into their ordinance by offering the owner the ability to transfer the value from one area to another.

There was a discussion relative to the Density of Transfer Credit concept as well as a question and answer period following the presentation. It was generally agreed that the Board is looking on this favorably in terms of exploring it further. Due to the late hour it was agreed that Mr. Sinott will meet again with the Board at another meeting to present and explore the actual model ordinance.

Mrs. Sinott stated that to date there has been no value attached to the transfer credits and he suggested that the Board may want to apply for future CTAP funds that could be used to determine how much value should be attached to a transfer credit.

At 10:15 the Board thanked Mr. Sinott for his presentation and he left the meeting.

ANDREW, ROBERT, DOUGLAS AND KIMBERLY
MAP 6 LOT 003-004

The Commission Members received and reviewed notice of the June 24, 2008 ZBA Public Hearing for Robert, Douglas and Kimberly Andrew seeking a Special Exception to Fremont Zoning Article IX Section H of the Fremont Zoning Ordinance to allow the creation of a driveway and parking area on their property closer than 100’ to a wetland. This property is located at 11 Rogers Road, Map 6 Lot 003-004. The Members also received a June 11, 2008 request from the Andrews for a referral to the Zoning Board of Adjustment (ZBA), as required by the same Zoning Article as well as a comment sheet from the ZBA.

The Members viewed the plan submitted which showed entire 3.25 acre parcel, existing well and well radius location, house, septic and shed. It also showed the locations of the proposed second septic area, a proposed building and associated driveway with parking, the locations of the wetland on the subject property and on the other side of Rogers Road. The use is for a proposed pet grooming business on the property. The plan showed the proposed driveway construction to be 77' feet from a wetland across the street (Rogers Road), a proposed parking area 90.51' from the same wetland and 80.34' from a wetland on the subject property. The Members reviewed the plan presented and it was noted that according to the plan there is room on the property for the parking area and the driveway to be moved away from the wetland so it would not need to encroach at all. It was noted that for the proposed driveway, the existing Rogers Road is between (and closer to) the wetland; and for the proposed parking area, the existing driveway is between (and closer to) the wetland. Mr. Roy felt that because the driveway and road are already placed between the property and the wetlands the issue of needing a Special Exception is a mute point.

The Members agreed to issue the following comment on the comment sheet: *Please consider: it appears that there is room on the property for the driveway and parking area to be setback to minimize the impact to wetlands.*

It was noted that once this project is zoning compliant it will come to the Planning Board for Site Plan Review for the proposed business. It was the consensus of the Board to issue the requested referral.

CORRESPONDENCE

1. Excessive offsite odor complaints relative to the Seacoast Farms Compost site, Map 5 Lot 035, logged by the Building Official on May 28 June 12, 2008.
2. Notice and application form relative to NH's Natural Resources Volunteer Program, a 12 week core training for Community Tree Stewards, Earth Team and Wonders of Wildlife Volunteers.

Mr. Karcz made the motion to adjourn at 10:25 pm.
Motion seconded by Mr. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc
Land Use AA/Recording Secretary
