

**BOARD OF SELECTMEN MEETING MINUTES  
TOWN OF EPPING, NEW HAMPSHIRE  
May 24, 2021**



**JOINT MEETING WITH FREMONT BOARD OF SELECTMEN  
AND EPPING/FREMONT SHIRKIN' ROAD COMMITTEES  
AT EPPING TOWN HALL AND VIA ZOOM**

**CALL TO ORDER**

Chairman Michael Yergeau called this joint meeting with the Fremont Board of Selectmen and the Shirkin' Road Committees from both Towns at 7:00 PM.

**PLEDGE OF ALLEGIANCE**

**INTRODUCTION OF ATTENDEES**

Chairman Yergeau asked the attendees to introduce themselves. In order of introduction, attendees were; David Walker Assistant Director/Transportation Program Manager with Rockingham Planning Commission, Costas Tonas Business Owner in Fremont, Leanne Miner Fremont Land Use, Rich Boyd Fremont Resident, Leon Holmes Fremont Road Agent, Roger Barham Fremont Select Board, Gene Cordes Fremont Select Board Chairman, Michael Yergeau Epping Selectmen Chairman, Joe Trombley Epping Selectman, John Cody Epping Selectman, Tom Gauthier Epping Selectman, Chief Mike Wallace Epping Police, Dave Reinhold Road Agent, Doug Goodman Epping Business Representative (Dead River Co.), Michelle Mylott Epping Resident. Neal Janvrin Fremont Select Board and Kellie Walsh Epping Town Planner attended via Zoom.

**FREMONT CONDITIONS FOR LIFTING ROAD RESTRICTIONS/EPPING RESPONSE.**

Fremont Chairman Gene Cordes began with an overview stating that the Selectmen from both Towns have been meeting virtually for the past few months. From those meetings, Epping officials asked that the Fremont officials present a list of conditions under which they may consider in lifting the road restrictions. Chairman Cordes read each of the following items;

***Fremont Select Board's thoughts on conditions for lifting Fremont Weight Limit Ordinance  
The Fremont Select Board would want to at a minimum, have the following items considered before  
lifting the current Weight Limit Ordinance on Shirkin and Rogers Roads:***

- 1. Completion of road improvements per a Fremont Consulting engineer's recommendation to include road subsurface material, width of pavement, type and thickness of pavement, turning radius, sight distances, shoulders and perhaps a pedestrian area out of the roadway. (walkway) Includes Shirkin and Rogers Roads. Need to consider Shirkin section from Rogers to Beede Road.**
- 2. Limiting of hours of commercial traffic use from Epping businesses.**
- 3. Restricting expansion of commercial use of Fremont Roads**
- 4. Including Fremont as regionally impacted in any future commercial development that has frontage on Shirkin Road or has road access that utilizes or could utilize Shirkin Road.**
- 5. Actively involved and supporting a long-term planning solution to this situation**
- 6. Any engineering is to be done by a Town of Fremont Consulting Engineer.**
- 7. The Town of Fremont would further consider adoption of a "No Thru Trucking" Ordinance with certain hours of operation if the Weight Limit Ordinance were to be lifted.**
- 8. Epping would need to find a mechanism that supports commercial development using Epping Roads that does not have any impact to Fremont.**
- 9. Address future road maintenance with further input from the Fremont Road Agent:  
Summer- Epping (as recommended by Fremont's engineer?)  
Winter - Fremont (what does Epping want to see / expect?)**

Chairman Cordes indicated that there were numerous responses on each item from the Town of Epping. Those responses are as follows and appear in green print;

**1. Completion of road improvements per a Fremont Consulting engineer's recommendation to include road subsurface material, width of pavement, type and thickness of pavement, turning radius, sight distances, shoulders and perhaps a pedestrian area out of the roadway. (walkway) Includes Shirkin and Rogers Roads. Need to consider Shirkin section from Rogers to Beede Road.**

1. Epping would consider leveraging the report generated by the Engineer hired by Fremont, in which the weight restriction was leveraged.
2. Should an additional engineer be brought in, Epping would only consider leveraging an agreed to engineering firm or a third-party engineer.
  - a. The town of Epping has contracted the services of Stantec previously, but the relationship Fremont has could prove to be a conflict of interest. It seems the Town of Fremont has engaged in more contractual work with this firm than Epping. Ideally a neutral firm could be contracted for the design.
3. Exact infrastructure improvements would be based on addressing deficiencies in Fremont's engineering report only.
  - a. Should additional improvements be requested (such as a walkway), Epping would request that this be done as a separate section of this discussion.
    - l. Additional improvements may also encroach beyond the ROW and require further evaluation beyond the road infrastructure concerns.
    - b. Epping would anticipate the cost to make improvements outside of the deficiencies noted within the Fremont engineering report be completed as a shared cost of work.
4. Epping is focused on Shirkin Rd and Rogers Rd. as it relates to the report only.
  - a. Adding the portion of Shirkin Rd between Rogers Rd and Beede Hill Rd. does not address some of the concerns that have been raised regarding the reduction of commercial traffic to the residential areas

of Fremont and would limit the ability to direct traffic to access exit 6 only. Epping would like to see the weight restriction maintained and enforced on the Shirkin Rd. section from Rogers Rd. to Beede Hill Rd.

5. Epping would like to focus discussions around finding a solution involving this item specifically.

**2. Limiting of hours of commercial traffic use from Epping businesses.**

1. What are the hours of operation that Fremont is requesting?
2. What are the hours of operation that Fremont is experiencing?
  - a. Is there an enforcement issue that Epping needs to look into?
3. Changing hours of operation is not a single decision process. It requires amendments and would likely not impact existing businesses that would be grandfathered in.
4. Depending on Fremont concerns, there are regulations that can be looked into (i.e. no jake brakes for large trucks).
5. It is Epping's understanding that most businesses in this area already operate under "normal" business hours. A change in allowable hours of operation would likely have minimal effect on existing controllable conditions. It would be best if we could understand Fremont's perspective and expectations on this request.

**3. Restricting expansion of commercial use of Fremont Roads**

1. This zone is considered an Industrial/Commercial Zone with most, if not all, businesses being light to heavy commercial.
  - a. Changes to this zone would affect a large portion of Epping. This zone starts at 101 and Beede Hill Rd. and travels easterly along 101 to the Fremont, Exeter, and Brentwood borders. If adjustments were to be considered, it would best be served by looking at what can be done to address future development without restricting current permitted businesses.
2. Epping's consideration to add restrictions or changing regulations for this zone will be entirely dependent on what we are able to legally accomplish or entertain and what is agreed to regarding lifting the weight restriction and how it may adversely affect the remaining zone.
  - a. As an example, if we are to fund the addition of a new road, Epping would not be looking to add restrictions to this area.
3. Should Epping and Fremont come to agreement on item 1, discussion around what modifications to our existing regulations would be considered.
  - a. As a reminder, Epping would suggest that this not be contingent on lifting the weight restriction as all changes to regulations require a town vote that would not occur until March.

**4. Including Fremont as regionally impacted in any future commercial development that has frontage on Shirkin Road or has road access that utilizes or could utilize Shirkin Road.**

1. Epping does not have any concerns with this request and it is one that we have already made changes on following our meeting in Fremont in 2019.
2. Equally, Epping would expect the same consideration to be had regarding decisions impacting Epping, such as, a weight restriction.
  - a. Epping had been in communication regarding this topic and intended on being available when Fremont was ready to discuss. This was not communicated back at the time of enacting the weight restriction.

b. We ask that the weight restriction be lifted now as we continually work collectively towards a solution.

**5. Actively involved and supporting a long-term planning solution to this situation**

1. Epping is willing to consider this provided the long-term solution does not include Epping asking tax payers to spend millions on constructing a new road.
  - a. Epping would be willing to work towards a solution that leverages a state funded solution. As this is a regional impact caused by state highway construction (i.e. 101).
2. Added clarity to this statement is important as Epping would not entertain paying for item 1 and a solution resulting from this item.

**6. Any engineering is to be done by a Town of Fremont Consulting Engineer.**

1. Epping would not be open to handing over engineering responsibilities in their entirety to the Town of Fremont.
2. Epping would ask that either third party engineer be leveraged or a consulting engineer that is selected in agreement between both BOS.
3. Payment for this engineer would be shared between Epping and Fremont up until the point that Final Engineering and Construction would commence.

**7. The Town of Fremont would further consider adoption of a “No Thru Trucking” Ordinance with certain hours of operation if the Weight Limit Ordinance were to be lifted.**

1. Epping had suggested this for portions of Fremont roads (or language along these lines).
2. Epping’s primary objective is to provide access to 101 via exit 6.
3. Added No Thru Trucking or keeping the weight restrictions on portions of roads that limit large trucks using exit 6 as a bypass or leveraging the portion of Shirkin Rd between Rogers and Beede Hill Rd., would be considered by Epping.
  - a. Although, Epping does not think truck traffic going through Fremont via North Rd and/or Beede Hill Rd. is a common occurrence since it is the long way around.
4. Epping would not consider hours of operation restrictions for sections of roads that would provide access to exit 6.
  - a. Epping would consider, signage limiting use of jake brakes and courtesy signage regarding noise. These are areas of opportunity to limit major sound concerns to Fremont residents via portions of road that Epping would be looking to upgrade.

**8. Epping would need to find a mechanism that supports commercial development using Epping Roads that does not have any impact to Fremont.**

1. Epping would require Fremont input as to the intent of this request.
  - a. If Epping were to upgrade roads, help to address safety concerns, potentially change regulations in this zone, it would seem that this would be the mechanism leveraged.
2. Epping would like a direct response from the Fremont BOS regarding their interest is limited to pursuing an Epping funded bypass road.
  - a. It is Epping’s impression that regardless of improvements made to Fremont road infrastructure, that Fremont will continue the weight restriction until the point in which a new roadway is installed.

- b. If this is the case, Epping will need to proceed with finding a resolution to this issue independently.
- 3. Epping finds that the request to complete item 1 in addition to funding the rework of Fremont infrastructure to be an unrealistic request due to the fact that Epping would be funding two separate projects to achieve the same objective.

**9. Address future road maintenance with further input from the Fremont Road Agent:**

**Summer- Epping (as recommended by Fremont's engineer?)**

**Winter - Fremont (what does Epping want to see / expect?)**

- 1. Epping feels this would be a conversation best served between our road agents.
- 2. Epping's initial take would be that if we funded the upgrades of a portion of Fremont Rd's that taking over the maintenance of those roads would be a consideration.
- 3. Should Epping take on the responsibility to repair and maintain the portions of upgraded road that it would be done per our road maintenance schedules.
- 4. For winter maintenance, it would be logical that Epping would plow and maintain the sections of road that they improved.
  - a. Initial thoughts on plowing and winter maintenance is that it would be beneficial to both towns to be able to pass through but would defer to our road agents.

Chairman Yergeau asked if there were any questions or want to set any goals. Chairman Cordes began with his questions regarding the Town of Epping's response to item #1 above. Regarding road improvements the comment of "leveraging the report", he wanted to know what the intent of that was. Selectman Joe Trombley responded to his question stating that in Fremont's case the engineer was Santec and that report should be the focal point. Chairman Yergeau said that the "teeth" to Fremont's ordinance is tied in to that report and should remain the focus. Selectman Trombley said that if focus remains on the report it gives structure to any conversation. Chairman Yergeau thought if an additional engineer were needed that firm should be independent and agreeable to both Towns. Leanne Minor from Fremont asked if item #1 has to do with the engineering of the road and thought it made sense that if it were the Santec report would that not benefit both Towns. Chairman Yergeau said that an additional independent engineer would remove all bias. Ms. Minor said that she would assume that any engineer would have to go through some sort of a bidding process. She asked if Epping would be sharing the costs to which Selectman Trombley said yes. Fremont resident Rich Boyd said that if the main goal is to return traffic to the original use, he would not want to see that. Fremont spent a lot of money to get to where they are and he can't believe the difference. He suggested that Epping engineer their roads. Epping Selectman John Cody said that the residential impact was greater on Epping but Mr. Boyd countered that when you consider the thousands of kids who come to play soccer on the Shirkin Rd. field it is far too dangerous. Boyd said he knows Epping's had it with the trucks but the truck traffic can't infringe on neighborhoods. He understands the need to access the highway but it has to be done without impacting the residents. He has seen too many close calls. Trucks are dangerous and it is a safety issue and Fremont doesn't want it anymore. Selectman Joe Trombley said that for 50 years the area has been industrial/commercial zone. He understands that over time it developed and will continue to develop. He understands the concerns. This problem got worse when the new Rt. 101 came through as it cut off direct access to Rt. 101 from

Shirkin Rd. The objective as he sees it is to gain access back to exit 6 and to get engineered to handle the traffic. As far as safety and speed that is an enforcement issue and can be worked on now with better enforcement efforts. He would like to get the traffic back in a way that is doesn't cost millions of dollars to Epping.

Fremont Road Agent Leon Holmes said that in 2011 up to now the Town of Fremont spent a lot of money on Shirking, Leavitt and Rogers Rd. somewhere in the neighborhood of \$770,000. The roads are okay for cars but not for trucks, the roads just can't take it. Even upgrades will cost a lot of money. He said that the Epping businesses benefit from those roads in Fremont and Epping receives the tax dollars with nothing coming to Fremont. Implementing this ordinance has helped out and maintenance has been at a minimum and it has been nice. The soccer fields do generate a lot of traffic, resulting in speeding vehicles and it is a safety concern. He said we ought to beg the State to help get access to Rt. 101.

Selectman Trombley says that the direct route to 101 has been brought up many times. There is no short-term solutions it will have to be a long-term solution. He supports the upgrade to the Fremont roads and perhaps looking at an access road as a long-term solution. He feels the State should pay for it since it was the new Rt. 101 that caused the problem.

Chairman Cordes said that a traffic count was done as part of the study. The traffic count measured over 50% of the vehicles to be over 26,000 pounds. Local deliveries and businesses, school buses, etc. is going to continue. He knows that restricting hours of operation would be an issue with existing businesses and many of them would be grandfathered, that is understood. Not a lot of noise is generated from a vehicle but a tanker truck at 2:00 in the morning is noisy. If that could be avoided it would be helpful. Perhaps the road could be closed to trucking at certain hours of the day. He feels that a big concern for him is if the roads are upgraded and restrictions lifted the pursuit of a long-term solution is diminished. It's a problem and Fremont is being asked to be a part of that solution. He understands that Epping would prefer the trucks have a shorter route without impacting Epping roads. Opening the road now before improvements is not something he would want to see because it is unsafe. Selectman Tom Gauthier mentioned that he, Selectman John Cody and Town Administrator Greg Dodge met with the Governor briefly at an event. The Governor asked if Epping needed anything and he mentioned the Shirkin Rd. matter. He was interested in hearing more and asked that a letter be sent to the Governor's office. That letter has been sent however we are not sure what will come out of it. Other Selectmen have spoken to NH DOT individually but there have been no positive results.

Chairman Cordes said that he was at these meetings because he wants to be here to help. Building a new access road will enhance development. Chairman Yergeau agreed but that would only attract businesses and be built out soon with increased commercial traffic which will lead to some unhappy residents.

Selectman Trombley added that upgrades doesn't alleviate regional impact. Putting in a roadway will eliminate the regional impact 100%. The industrial/commercial zone would certainly be built out and if there were a distribution center built, traffic would certainly be increased and the problem could actually worsen.

Chairman Yergeau asked Mr. Walker if he could give some insight on what new businesses would do in terms of a regional impact. In response Dave Walker admitted that land use isn't his specialty it is more in transportation but he did say it would be up to the individual Towns to determine on a case by case basis what constitutes a regional impact. He was not aware of any known thresholds that was his understanding. Proposed businesses would go through RPC review. If Federal funds were used for a

project it would take 10 years versus State funds which tend to move things quicker. There are many options it all depends what will be more beneficial for the communities in the end. It is tough to navigate these situations and normally he sees attorneys involved and applauds Fremont and Epping for getting together to seek a solution.

Epping Planner Kellie Walsh spoke on the regional impact aspect. She said that State statute governs regional impacts and there are six factors. On the planning side of things abutters from Fremont would be notified and invited to attend the meetings.

Chairman Cordes said that the focus cannot be solely looking for Fremont roads to be upgraded as a long-term solution. There needs to be a better long-term solution and that could be ten years out.

Selectman Trombley said he would hate to see Epping pay for Fremont road upgrades and look at building a new road. He would like to know what can be done with the roads now to make them accessible. Two projects serving the same purpose doesn't make sense, he would like to see the restrictions lifted and get access to 101.

Fremont Selectman Roger Barham said that there is the "big disconnect" for Fremont. Epping is looking to upgrade the Fremont roads and get the trucks moving again, back to normal, forever. By closing the road not just improving the road and going forward there has to be a long-term solution. This is our "leverage" to have the restriction in place. Not wanting to spend the money for two purposes then perhaps you should be looking for a solution that does not involve Fremont. A short-term vs. long-term solution is the disconnect!

## **QUESTIONS/COMMENTS**

Committee member and resident Michelle Mylott said to Selectman Trombley that, you don't want to pay for Fremont upgrade and a long-term solution but something needs to be done soon. Jenness road is getting worse by the day and the Town is going to have to put money into it anyway. Money will have to be spent somewhere.

Selectman Trombley said he understood that but road projects slated for Jenness Rd. and how repairs will be made and will have to be looked at again.

Road Agent, Dave Reinhold agreed that the road is falling apart.

Ms. Mylott added that Jenness Road also needs to be widened. She asked if there were known hours of operation now for businesses?

Chairman Yergeau said some are known while others are not.

Selectman Trombley asked Mr. Doug Goodman from Dead River Company if traffic from his business was all day. Mr. Goodman said that smaller trucks for local delivery are normal hours, for emergency deliveries it would be dependent on the need. As product needs to be brought in transport trucks could be running 24/7.

Fremont resident, Rich Boyd said from what he sees, normal hours of operation are from 4 a.m. 9-10 at night and transports run 2:30 -3:00 in the morning.

Mr. Walker suggested the Town work with businesses to come to a "gentlemen's agreement" on hours of operation. Maybe get a balance between both Towns by sending trucks different routes. Not sure it is viable.

Mr. Boyd said that he feels it is not manageable at all. He has heard a lot about fixing Fremont Roads and wanted to know why Epping doesn't fix their roads instead.

Selectman Trombley responded that there are 3 ½ miles in Epping vs. .5 miles in Fremont.

Fremont resident Costas Tonas suggested upgrading Railroad Ave. and send the traffic out to Rt. 125. Chairman Yergeau said that would be a worse scenario.

Police Chief Mike Wallace said he could put radar unit on Shirkin' Rd. if nothing else it would be a deterrent.

Chairman Yergeau asked if Epping were to start planning for long-term instead of full reconstruction of Shirkin' and Rogers Rd. can that be maintained until a long-term solution is complete.

Mr. Cordes said that through the Fremont study it is understood what is lacking. Fremont has first-hand experience of what happens to the road in its present condition. None of the roads were built for the use they are getting. Development is there and we need to address the reality and make roads safe for access to Route 101. Fremont officials will go back and talk about this and get back to Epping a response in writing. Any further development will need suitable roads to carry the traffic. He did encourage the pursuit of a long-term solution.

Selectman Trombley said that while pursuing a long-term solution, speed concerns and noise issues can be addressed through enforcement and signage.

Selectman Trombley said that the back and forth takes time and Epping needs a real offer on the table.

Mr. Cordes responded that Fremont did send back an offer and we got bogged down in who the engineer would be.

Mr. Walker said that he feels going through the Governor's office is the best avenue and that Fremont and Epping should also contact their State Representatives. He said that the State is drafting their 10-year plan and they have regional meetings to talk about issues with DOT and local officials. He said that the RPC will commit to help wherever they can on this matter. He also suggested working with RDC (Rural Development Committee).

Selectman Trombley said that his Board will discuss this at our meeting on Tuesday June 1<sup>st</sup> and get something to Fremont by the middle of next week.

Mr. Walker also suggested contacting the Comprehensive Economic Development Strategy (CEDS), Jen Kimball. Laurel Adams is their director. Cooperative efforts are best with Fremont's support.

**Motion by Selectman Joe Trombley to adjourn. Seconded by Selectman Tom Gauthier. Motion carried 4-0.**

Meeting was adjourned at 8:30 PM.

Respectfully Submitted,

Gregory C. Dodge  
Town Administrator

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Michael Yergeau, Chairman

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Joe Trombley, Vice-Chairman

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Tom Gauthier, Selectman

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John Cody, Selectman

*Note: Selectman Bob Jordan was excused.*

Date: June 1, 2021