

Approved 04/20/2017

I. The meeting was called to order at 6:30 pm in the basement meeting room at the Fremont Town Hall. Present were Selectmen Gene Cordes, Neal Janvrin, and Roger Barham, Town Administrator Heidi Carlson and Selectmen's Clerk Jeanne Nygren. All rose for the Pledge of Allegiance.

II. ANNOUNCEMENTS

1. The Parks & Recreation Commission is sponsoring a Spring Yard Sale on Saturday May 13, 2017. Information is available on the home page of the Town's website.

2. Spring Bulky Day will be held on Saturday May 20th from 8:00 am to 12 noon at the Fremont Highway Shed on Danville Road. This is the same day as the Library Book Sale and the Fremont Garden Club Spring Plant Sale, which will take place at the Fremont Public Library.

3. National Drug Takeback is Saturday April 29, 2017. The collection will take place at the Fremont Police Department from 10:00 am to 2:00 pm, and unused and unwanted medications can be dropped off.

4. The Town will sponsor Camp Fremont again this year. Information is available on the homepage of the Town website, or by contacting the Town Offices.

5. The Town is still looking for one volunteer to fill a vacant seat on the Fremont Budget Committee. The appointment would be for a one year term through March 2018. Anyone interested should contact Heidi Carlson for more information. The next Budget Committee meeting will be held on Wednesday May 3, 2017 at 7:00 pm at the Town Hall, main floor meeting room.

6. The Fremont Cable Committee has been expanded from 3 members to 5, and is also looking for volunteers. This might include work on the next cable renewal franchise, development of policy for FCTV and participation in monthly meetings. Time commitment is approximately 2-3 hours per month. Anyone looking for more information should contact Bruce White at FremontCTV@gmail.com.

7. There are open positions on all of the Land Use Boards (Conservation Commission, Planning and Zoning); and some spring training workshops are available so it is a great time to step forward and be able to get some training to start off as well!

8. A Memorial Service for past Treasurer, Librarian, and Ellis School Teacher Barbara Bassett will be held at the Fremont Public Library on Sunday May 7, 2017 at 1:00 pm. Light refreshments will be served, and all are welcomed to attend.

III. LIAISON REPORTS

Cordes reported on the Economic Development Committee meeting of April 10, 2017 at the Spaulding & Frost Community Café. Their discussion focused on the update to REDC application and plan to hold a Meet & Greet session for the business community in Fremont on May 10. Their next meeting is May 8th. The tentative list of businesses was provided but not verified for accuracy. The topic of expanding the over 55 community in Fremont to be able to have more than the allotted 10% was brought up and Barham will reach out to RPC Circuit Rider Planner Jenn Rowden to research with Rockingham Planning Commission the potential of expanding the Zoning Ordinance to permit this usage. Carlson will contact Warren Gerety for information to put into newsletter. He is considering organizing a directory of the Town's business owners.

IV. APPROVAL OF MINUTES

Janvrin moved to approve the minutes of the April 6, 2017 meeting as written. This was seconded by Barham. The vote was approved 2-0-1, Cordes abstained as he was not present.

V. SCHEDULED AGENDA ITEMS

6:45 pm Public Input-none

At 7:25 Fire Chief Richard Butler arrived to submit the additional data that the Board requested three weeks ago. He was included in the discussion of the Governor's Forest Cease and Desist. He remarked that both himself and the former Building Inspector have been challenged over the past six months on the use of this access road and its validity. Butler stated his understanding that this road would always be in place for emergency access, and stated it had been used during at least one major emergency where access to Town was closed off.

Building Inspector Rick Foye came into the meeting at 7:40 pm.

VI. OLD BUSINESS

1. At last week's meeting the Board recommendation was to formalize the appointment of Bruce White to the Cemetery Sexton for one year through March 2018. A motion for this appointment was made by Barham. This was seconded by Janvrin. The vote was unanimous 3-0. Selectmen signed the appointment form and it was forwarded to the Town Clerk's Office.
2. Road Agent Leon Holmes Jr called the office today and reported that Petra Paving had prepped the repair areas on Cooper Drive and Vetter Drive today. Both are coned off, and ready to be hot topped on Friday.

VII. NEW BUSINESS

1. A motion to approve the accounts payable manifest \$543,086.95 (including \$500,000 for Fremont School District) for the current week dated April 14, 2017 was made by Barham. This was seconded by Janvrin. The vote was unanimous 3-0.
2. Carlson explained that the Town's QuickBooks accounting program must be upgraded at least every three years as older versions of the software are no longer supported by Intuit. Janvrin made a motion to approve the DayStar Purchase Order #2017-005 in the amount of \$1,100 for purchase and installation of a QuickBooks upgrade. This was seconded by Barham. The vote was unanimous 3-0.
3. The Board then reviewed the folder of incoming correspondence.
4. Carlson reported concern with regard to increased jake brake usage on Beede Hill Road. Janvrin stated jake brakes are a legal way to slow down a truck or tractor trailer, and that he had researched this issue at the time he was Police Chief. They are loud, but restricting use of them could also be a safety concern. This issue has been discussed in past years with the residents. Additional research will be done by the Town and citizen participation will also be solicited.
5. Carlson handed out the first quarter 2017 budget reports for review for discussion at the May 3 Budget Committee meeting. Selectmen encouraged to review and bring any questions in to the Board's meeting next week.

6. Selectmen reviewed an Intent to Cut for parcel 05-072.002.002 owned by Cynthia McRae. Carlson explained that the frontage is on Beede Hill Road but access will be via Tavern Road as the logger is working on an abutting property, and this will avoid any wetland crossing by accessing from the rear of the lot. A motion to sign this Intent to Cut was made by Barham. Janvrin seconded and the vote was unanimous 3-0.

Relative to the Town Hall parking concerns, Janvrin requested plotting out the square footage for 8-10 parking spots in the front of the lot for use by citizens doing business at the Town Hall only, with signage and lines painted to have the first two spaces designated for handicapped parking only. This will need a Public Hearing scheduled to amend the Town's Parking Ordinance for these updates.

VIII. WORKS IN PROGRESS

Relative to the Town Hall renovations, Cordes wanted clarity on the door schedule locations with fire rating and hardware, room finish schedules for paint trims and door finishes. Carlson suggested coordinating this information and having Mark Minasalli in next week for a final review and contract approval/signatures. Board members agreed. The office of the Building Inspector and Land Usage need to meet to be included in this scheduling and both will be asked to be available prior to the April 19th Planning Board meeting (approximately 6:30 pm) to discuss the moving of their offices upstairs temporarily to accommodate starting of the renovations downstairs. A meeting for the Selectmen will be posted.

The Board reviewed approved maps and plans in preparation for the 8:00 pm meeting regarding the Cease & Desist Order issued last week to the Governor's Forest project manager. The intent of the Cease & Desist is to reestablish a workable point of emergency access from the Witham Park to the Governor's Forest Park, so that an emergency vehicle can negotiate the access road throughout the whole year. Carlson explained that clarification of the Cease & Desist needs to be discussed as a resident who is waiting for Mr Ferwerda to complete work on his unit is being affected by the Order. When Mr Pomerleau purchased his home from Governor's Forest, there were contingencies that Ferwerda would finish a deck/porch and driveway improvements. Mr Ferwerda had advised the homeowner this week that he could not do any of the work due to the Cease & Desist. It is not the Board's intent for this homeowner to be affected by the Order.

At 7:41 pm Janvrin moved to take a 15-minute recess. This was seconded by Barham. The vote was unanimous 3-0.

At 8:00 pm Cordes called the meeting back to order. Additional members of the public present included Martin Ferwerda, Manager of the Governor's Forest Development, his attorney John Ratigan, Residents Karen & Stephen Tosti, Stacy & Mark Pomerleau, Joseph Goldstein, representing his wife who is the Homeowner's Association President, and Nina & Kendall "Skip" Peterson. Fire Chief Richard Butler and Building Inspector Rick Foye were also present.

Ratigan stated he felt that after going through with his client the Cease & Desist, it could have been avoided by simply contacting Mr Ferwerda. Ferwerda then handed a package of information around to each of the Selectmen. He felt that everything in his park didn't need to stop until he was compliant and stated what he saw as voted on at the meeting last week was "no new building permits or occupancy permits." He presented documents approved 17 years ago where he interpreted the 12-foot emergency access road was at his discretion. He also referred a page of the approved plans showing a drawing that indicates a 12 foot wide gravel road for emergency vehicle access.

He indicated that due to error, the 12 foot gravel roadway was nowhere near the deeded easement area as shown on the plans, also identified as a page in the approved plan set for Governor's Forest. Finally, he presented a page from the Witham approved plan from the Rockingham County Registry of Deeds that indicates an allowance for a future right of way easement, stating this was rejected by a prior owner. (Not stated), but printed on this page from the RCRD is that "A 50' space from the cul-de-sac across lot 3-1-1.43 to land of Kersey is reserved should it be desired by future owner." (This is a reference page from the approved Witham's Park Plan, but plan number, date and other identifiers are not visible from the unofficial copy).

Ferwerda indicated he hired a surveyor who was out at the site yesterday, and he presented a drawing of the surveyor's findings from yesterday and what currently exists on site. This plan shows that two mobile homes and portions of their appurtenances from the Witham Park are on the Governor's Forest land, and that the physical 12 foot gravel way is almost completely outside the easement area as identified on the approved plan. This access area is immediately adjacent to the mobile home recently placed on lot 03-001.001.18.

With weather and current erosion, the work done last fall was not stabilized, and recent rains have caused an erosion problem on site and further down the hill. Ferwerda suggested the attorney's need to figure out what needs to be done for him to be compliant and he stated he will "do what needs to be done." Carlson clarified Ferwerda's statements that the gravel way has been moved twice, and neither of those, or the present location, is within the specified easement designation from the approved plans. Ferwerda confirmed this as correct.

The Board felt he never put in the travel way within the easement area in a permanent condition. Barham stated that Ferwerda has always disagreed with the Planning Board on the right of way issue. Board members suggested that to lift the Cease & Desist, Ferwerda need to do a lot line adjustment with the easement figured into this, amend his existing site plan, and get the proper engineering approval for this 12-foot paved right of way to be maintained 365 days a year with agreement thru Witham's property to be necessary for public safety.

Carlson said this has been "gated" previously with a chain and that has worked OK. There is no intent of the Town that his be an open road at all times, and neither park has expressed interest in that, with residents not wanting the additional traffic load on a regular basis. The idea is that it remains open (clear), maintained and available, if needed in any emergency situation. Parts of both access ways have been paved in the past, but are not currently. The Board of Selectmen expressed great interest in having the Site Plan Amendment require that the thru way within the easement area be better maintained, and paved for year round available access.

Carlson spoke relative to concerns expressed by Mr Pomerleau this week, in that Pomerleau has asked Ferwerda to finish the promised driveway and deck work for his lot down the street. To accommodate the resident impacted, Selectmen agreed later in the meeting that the permits could be pulled for the work Mr Pomerleau needs to have done, and Ferwerda could proceed to take care of the promised improvements on the Pomerleau unit.

There was discussion about fire truck access on this easement area, including that the slope and turning radius available will accommodate a fire truck, to provide for public safety of residents in either park, or the general public if needed in a major emergency. It is noted for all present that the easement had been used during a major storm situation a couple of years ago when Route 107 was completely obstructed for a couple of days, and this road was the only way into Fremont from the northeast.

After continued discussion and listing out criteria several times, it was decided that Ferwerda will work with Roger Barham and come up with a list of the items to be included in the Site Plan Review Amendment to include all aspects of Phase I and Phase II within the Governor's Forest Park and come back with a equitable resolution, and then have Ferwerda go through the Planning Board process for a Site Plan Amendment to show all as-built conditions and changes; as well as a suitable right-of-way and a lot line adjustment to clean up the lot line problems with the Witham land.

No Certificate of Occupancy will be issued on space #18 until agreement regarding encroachments (or a lot line adjustment), amended Site Plan that meets the conditions of turning radius, 12 foot paved way with appropriate distances from homes, foundation certifications will be required of units within Phase III once Sharon Way is built. There was also discussion about the steep slopes and danger caused by the rocks leftover from the blasting ongoing in Phase III. These items all remain the responsibility of Mr Ferwerda as the design intent is not compliant with general Town Road Specifications.

Ferwerda stated that he wanted to get this taken care of as soon as possible and pledged that he would have it substantially completed within six weeks.

Janvrin then moved to deny any further new dwelling building permits and occupancy permits within the Governor's Forest Park, and to modify the Cease & Desist Order to allow for work to continue in other parts of the park (all to be done in compliance with Town Rules, Regulations, Ordinances, and Laws) and that Ferwerda must:

1. Amend the building permit on lot 03-001.001.018 to show the actual site conditions, and apply for additional work to be done on this lot (for any item not listed on the original building permit);
2. All work done on lot 18 and within the Park is strictly at his (Ferwerda) own risk, including landscaping and any other improvements, given that final approval of the layout and design is the jurisdiction of the Fremont Planning Board through the Site Plan Review Process.
3. A CO will not be issued for lot 18 until the easement area for a 12-foot travel way is designated on an amended plan, approved, and built to complete specifications. An amended Site Plan Review is applied for on all sections of Phase I and II in the Governor's Forest Park to include all existing site conditions and any proposed changes to the original approved plans; and all improvements are constructed and approved by the Town relative to the easement and access way to the Witham property.
4. The Site Plan amendment plans submitted must address the buildings in the Witham Park that are on Ferwerda land, and those items must be addressed by lot line adjustment or other legal method.
5. At such time as substantial work has been completed and approved on the above list, Ferwerda can, by special request, meet with the Board of Selectmen to discuss moving ahead on previously Ceased work areas.
6. Work shall be subject to review by the Town Engineer, especially in Phase III where significant slopes are involved.

As always, any work done shall be in compliance with Town Rules, Regulations, Ordinances, and NH Laws.

Ferwerda is allowed to continue site work on Phase III with proper bonding and review by the Town's engineer. A modification of the existing Cease & Desist will be provided and sent.

This motion was seconded by Barham. The vote was unanimously approved 3-0.

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Ferwerda, Attorney Ratigan and most of the members of the public left the meeting at 8:55 pm. Ferwerda talked briefly with Chief Butler about specifications on the Town's fire trucks relative to turning radius and such.

Selectmen talked with Rick Foye about foundation certifications and requiring them on all lots as needed, this is possible within the building code. The Board also wants the emergency access way to be tested by the Fire Rescue Department for adequate passage, turning radius, etc.

At 9:03 pm a motion to adjourn the meeting was made by Janvrin. This was seconded by Barham. The vote was unanimous 3-0.

The next regular Board meeting will be held on Thursday April 20, 2017 at 6:30 pm.

Respectfully submitted,

Jeanne Nygren
Selectmen's Clerk