

Present: Vice Chair Jack Karcz, Members Jack Downing, Andy Kohlhofer, Roger Barham, and Tom O'Brien, RPC Senior Planner Jenn Rowden, and Land Use Administrative Assistant Casey Wolfe

Also Present: Rick Sousa, Pat Corbett, Marty Ferwerda, Dennis Spencer, Patty Blair, and others

Mr. Karcz opened the meeting at 7:01 pm.

I. MINUTES

Mr. Kohlhofer made a motion to approve the minutes of July 19, 2017. Mr. Barham seconded the motion. The motion passed 5-0-0.

II. CONTINUED BUSINESS

Public Hearing for Major Site Plan Application and the Conditional Use Application for a proposed 145 foot monopole-style personal wireless service facility located at Map 1 Lot 12 on Chester Road

Mr. Downing recused himself from this part of the meeting. Mr. Rick Sousa introduced himself and engineer Pat Corbett. Since the last meeting, another round of plans have been sent to Stantec. Mr. Corbett has discussed the plans with Stantec engineer Dan Tatem and it does not appear that Mr. Tatem has any objections to the over-all design of the cell tower. Since the last meeting, there have been some significant storm water design changes. Mr. Corbett went through the latest letter from Stantec dated August 1, 2017 (see attached). Mr. Corbett was prepared to comply with every request in Mr. Tatem's letter. Mr. Kohlhofer asked why the re-design was done. Mr. Corbett explained that there were some issues with the drainage calculations and the storm water management. Doing these changes was a significant amount of work.

Ms. Rowden explained that according to Article XIV, Section 1405, a conditional use permit is required for any personal wireless service facility. She felt that since a waiver for the proposed height has already been granted, it would be reasonable to grant the conditional use permit. Mr. Kohlhofer made a motion to open up public comment. Mr. Barham seconded the motion. The motion passed 5-0-0. There were no comments. Mr. Kohlhofer made a motion to close public comment. Mr. O'Brien seconded the motion. The motion passed 5-0-0. Mr. Barham made a motion to approve the conditional use permit for the 145-foot facility. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.

Ms. Rowden said that while there are still a few items that need to be cleaned up on the plans, she felt that it was ready for a conditional approval. Ms. Rowden read aloud her proposed conditions:

1. All required state and federal permits received and permit numbers noted on the cover sheet.

2. The issuance of the conditional use permit under Fremont Zoning Ordinance 1405 for the construction of a personal wireless facility shall be added to the plan.
3. Any remaining comments in the Town Engineer's 8/1/2017 letter are addressed and a letter from the Town Engineer stating all comments have been satisfied is received.
4. The owner of the property shall comply with all applicable federal, state and local regulations.
5. \$20,000 shall be paid to the Town of Fremont in lieu of offsite improvements prior to any building permits being granted.
6. A recordable Mylar, four paper sets, and an electronic file of the final plans shall be submitted.
7. All applicable professional stamps shall be added to the plan.
8. All fees incurred by the Planning Board, including but not limited to consulting, engineering, and legal fees, have been paid by the applicant.

Ms. Rowden explained that the applicant would have one year to meet all of these conditions before the conditional approval would expire. Mr. Barham made a motion to approve the application with the conditions read out by Ms. Rowden. Mr. Kohlhofer seconded the motion. The motion passed 4-0-0. Mr. Sousa and Mr. Corbett left at 7:23 pm. Mr. Downing returned as a voting member.

Public Hearing for Marty Ferwerda who seeks a site plan amendment and lot line adjustment at Governor's Forest [Map 3 Lot 2]

Mr. Ferwerda explained to the Board that his requested variances have been granted by the Zoning Board on July 25, 2017. He wanted to know what issues the Board had with his site plan amendment and lot line adjustment applications. Mr. Barham commented that the lot line adjustment needs to account for the septic system. Mr. Ferwerda went that afternoon and did test pits. He did not feel that the proposed lot lines needed to be adjusted. The Board had issue with that there was no one to witness the test pits being done. The test pits will have to be done again with a witness. There also needs to be some research done on the existing easement on Mr. Ferwerda's property. Ms. Rowden felt that this was an acceptable reason to continue the hearing. Ms. Rowden mentioned that a continuance can be granted with the requirement that the abutters are re-notified. Mr. Barham did not feel that that would be necessary. Mr. Ferwerda mentioned that he has been keeping his tenants in the loop via email.

Ms. Wolfe read the following comment into the record: *"To whom it may concern, We have been residents of Governors Forest since early 2008 and at the time of purchase the emergency access road was there and assailable as per the original site plans. We need to see it re-opened, and maintained year round for the safety and wellbeing of the senior residents of Governors Forest, and the residents of Witham Park and the residents of the Town of Fremont. We will be out of State for the upcoming Planning Board and Selectman's meetings. Please forward this message to those committees. Thank you in advance, Joe and Nancy Goldstein."* Mr. Barham emphasized to Mr. Ferwerda that the limit of the leach field needs to be established. Mr. Ferwerda commented that he hopes Mr. Witham will comply with this request. Mr. Kohlhofer made a

motion to continue the hearing to Wednesday August 16, 2017 at the Fremont library. Mr. Barham seconded the motion. The motion passed 5-0-0. Mr. Ferwerda left at 7:37 pm.

III. OTHER BUSINESS

Mr. Kohlhofer started a discussion about making sure the Fremont Zoning Ordinance is in compliance with 42 U.S. Code 2000cc "Protection of Land Use as Religious Exercise." Ms. Rowden felt that the ordinance does not need to be modified and that the site plan does not discriminate against religious institutions. Mr. Kohlhofer had a question about making sure bible studies are not discriminated against. Ms. Rowden explained the Town could go after a household that hosted large gatherings due to parking issues, however, the Town cannot limit an activity due to its religious nature.

Mr. Barham asked Ms. Rowden if she has heard any word about the road survey that was performed in the fall of 2015. Ms. Rowden stated that the Town needs to write a letter to T² requesting the data that the Town paid for. Mr. Bahram proposed writing a letter of behalf of the Planning Board and Board of Selectmen. Mr. Kohlhofer made a motion to support a letter sent by the Board of Selectmen regarding the incomplete road survey. Mr. O'Brien seconded the motion. The motion passed 5-0-0.

Mr. Kohlhofer asked when the Planning Board was going to discuss rezoning Spaulding and Frost. Ms. Wolfe informed the Board that Tom Nisbet is coming to the next Board meeting to have that discussion.

Mr. Barham stated that he had a good conversation with Stantec engineer Dan Tatem about reclamation bonding. Mr. Tatem did not agree with the calculations that were presented to the Board by Mike Rislove at the last meeting. Mr. Tatem has asked around to other contractors and their numbers were right in line with his. Mr. Roger felt that the numbers that Mr. Tatem originally estimated still stand. Previously, the Board only asked for the 75% of this amount to be collected. The Board decided to stick with this number. Ms. Wolfe will draft a letter tomorrow morning informing the gravel pit owners in town of the Board's decision. Mr. Kohlhofer made a motion to have Ms. Wolfe write this letter for Vice Chair Jack Karcz to sign. Mr. Barham seconded the motion. The motion passed 5-0-0.

Mr. Dennis Spencer introduced himself to the Board. He explained he hopes to be a resident of Governor's Forest someday. He wanted to meet the Planning Board members. Each member introduced himself to Mr. Spencer. Mr. Spencer explained he sold his house the first of May and that he is living with his brother-in-law now. He left at 7:56.

Mr. Kohlhofer made a motion to go into non-public session per RSA 91-A:3(l) for the purpose of discussing a legal matter. The motion was seconded by Mr. Barham. The motion passed by a unanimous roll call vote.

Mr. Barham made a motion to leave non-public session. The motion passed with a unanimous roll call vote.

IV. ADJOURNMENT

Mr. Barham made a motion to adjourn the meeting at 8:09 pm. Mr. O'Brien seconded the motion. The motion passed 5-0-0.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Casey Wolfe". The signature is written in a cursive, flowing style.

Casey Wolfe
Land Use Administrative Assistant



August 1, 2017
File: 195113233

Mr. Brett Hunter, Chairman
Fremont Planning Board
PO Box 120
295 Main Street
Fremont, NH 03044

Dear Mr. Hunter:

**Reference: Donigian – Cell Tower Site Plan
Tax Map 1 Lot 12
5th Site Plan Review
Fremont, NH**

We have reviewed the following information, submitted by Prince Lobel Tye, LLP (PLT) for the subject project, received July 25, 2017:

- Proposed Cell Tower Site Plans, Sheets 1 through 17, prepared by Network Building & Consulting (NB+C), dated November 4, 2016, most recently revised on July 24, 2017
- Storm Water Pollution Plan dated January 17, 2017 most recently revised on July 20, 2017, prepared by NB+C

This submittal was reviewed in response to a request by the Town of Fremont and was reviewed for conformance with the applicable sections of the Town of Fremont Zoning Ordinance and the Site Plan Regulations as well as other relevant local and state regulations and accepted engineering practice. The comments from our March 15, 2017 review letter are in *italics*, new or supplemental comments are in **bold** and comment that were addressed have been removed. We have the following comments:

Project Description

According to the plans submitted by PLT, the Applicant proposes to construct a 145' tall monopole style cellular tower, along with the necessary site improvements, all located within a fenced enclosure. The plan includes a proposed 12' wide, 1,000' long gravel access road that provides access to the enclosure, and connects to the cul-de-sac at the end of Nathaniel Brown Drive. The first 260' of the access road is located within a 50' right-of-way that is located between Lots 48 & 49, as shown on Tax Map 3. This site is to be serviced with underground electrical utilities only. Because it is an unmanned site, onsite septic and water supply are not proposed.

General:

44. *The proposed improvements will require a NHDES Dredge and Fill permit, the permit number should be added to the cover sheet.* **Comment not addressed.**

Overall Site Plans

50. *The existing conditions plan is required to be stamped by a NH licensed Wetlands Scientist or Soil Scientist.* **Comment not addressed.**



**Reference: Donigian – Cell Tower Site Plan
Tax Map 1 Lot 12
5th Site Plan Review
Fremont, NH**

Detailed Overall Site Plan

51. *A Zoning waiver was granting allowing a 145' tower, a note detailing the approved waiver information is required to be added to the cover sheet, including the ordinance reference, the case and decision date. **Comment not addressed.***

Elevation (C-4)

52. *It is recommended that a foundation detail designed and stamped by a Structural Professional Engineer, registered in the State of New Hampshire be provided for the Tower Base. **It was agreed that the designer would add a note requiring that prior to construction, a PE stamped foundation plan will be provided to the Building Department for review and approval. This note must still be added.***

Details (C-5 & C-6)

55. *It is recommended that a pavement saw cut and tact emulsion be specified at the edge of the existing pavement for the Driveway Apron Detail. **Comment not addressed.***

56. *It is recommended that the following details be added to the plans:*

- d. Catch Basin**
- e. Drain Manhole**
- f. Flared End Section**
- g. Pavement trench patch repair.**

Erosion and Sedimentation Control Plan & Notes

59. *The limits of silt fence are required to be increased to the down hill side of all proposed areas of disturbance. **Comment not addressed.***

Grading Plan

63. *Additional detail and information is required for the construction of the proposed detention trench weirs, including width, height, rip rap size and thickness. **Comment not addressed, rip rap stone size are not provided.***

Stormwater Pollution Prevention Plan

71. *The proposed drainage culvert is required to be increased in size to convey the 25-year storm without surcharging. **Comment not addressed.***

72. *It is recommended that the proposed culvert be provided with rip rap outlet protection that meets NHDES standards. **Comment not addressed.***

New comments due to significant redesigns:

73. The pre and post drainage models must be expanded to include the cross culvert in the cul-de-sac and its tributary drainage area for a pre and post comparison of the peak rates of flows to the cul-de-sac. The adequacy of the existing culvert outletting the cul-de-sac must also be evaluated.

74. A rip rap weir outlet is not shown in plan view for Detention Trench-2.



August 1, 2017
Mr. Brett Hunter, Chairman
Page 3 of 3

**Reference: Donigian – Cell Tower Site Plan
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- 75. Flared end sections and rip rap outlets are required for all culvert outlets but are not proposed in plan view.**
- 76. The proposed limit of disturbance for the access road extends beyond the access ROW, the limits of disturbance are required to be shown within the ROW or a temporary easement is required to be for the proposed grading.**
- 77. Prior to final approval it is required that the Town Attorney review and approve the language for the proposed easements.**
- 78. The proposed drainage infrastructure does not appear on the Detailed Overall Site Plan, plan sheet C-2, it is recommended that this be shown on this plan.**
- 79. The line types for the wetlands boundaries vary by location, all wetlands shall be shown with the same line type.**
- 80. On the Grading Plan, plan sheet C-8, there is a line shown to the East of the site which crosses through the riprap apron for the outlet pipe of outlet structure #5, this line must be labelled or removed.**
- 81. In several locations in the plan set the Town of Fremont is misspelled as Freemont and must be corrected.**
- 82. It is unclear what the two lines crossing the gravel road at station 0+12 represent, this must be clarified by the designer.**

These comprise our comments at this time. Considering the numerous, unresolved comments, we invite the Engineer and Applicant to meet with us to resolve the noted issues. Based on revisions and additional submissions, we reserve the right to make future comments.

Please call if you have any questions.

Sincerely,

STANTEC CONSULTING SERVICES INC.

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Project Manager
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dan.tatem@stantec.com

c: Heidi Carlson, Town Administrator
Casey Wolfe, Planning Dept.
Ricardo Sousa, PLT
Jake Donigian, Owner
Bryan Ruoff, Rene LaBranche, Stantec

Design with community in mind