

Present: Chair Brett Hunter, Vice Chair Jack Karcz, Members Jack Downing, Andy Kohlhofer, Tim Lavelle, and Roger Barham, RPC Senior Planner Jenn Rowden, and Land Use Administrative Assistant Casey Wolfe

Also Present: Marty Ferwerda and Dan Tatem

Mr. Hunter opened the meeting at 7:03 pm.

## **I. MINUTES**

Mr. Hunter stated that the Board will table the minutes of January 3, 2018 and vote to approve them at the next meeting.

## **II. NEW BUSINESS**

### **Marty Ferwerda to discuss the conditions of approval for his amended site plan at Governor's Forest [Map 3 Lot 2]**

Mr. Ferwerda stated that he is here tonight because he and his engineer have a disagreement with Mr. Tatem's comments over his amended site plan to build an emergency access road between Governor's Forest and Witham Park. He felt that six inches of recycled asphalt is a hazardous material and did not want to use that material unless the Town is willing to take on the liability that comes with it. He stated that this was a non-standard use of the material and did not want it on his property. Mr. Barham stated that reclaimed asphalt was recommended because Mr. Ferwerda did not want the access way to be paved. Mr. Ferwerda stated that he is responsible for future maintenance of the road and stated that two inches of the recycled asphalt would be less of a contaminate. He proposed to have the access way done with six inches of bank run gravel, four inches of processed gravel, and then only two inches of reclaimed asphalt. He asked that if Mr. Tatem disagrees with his proposal that Mr. Tatem justifies his engineering so he can have it peer-reviewed by a licensed engineer with experience in highway design.

Mr. Tatem explained that he had a licensed highway designer advise him on this cross section. He explained that reclaimed asphalt produces less dust than gravel, is more durable, and has no environmental concerns. He stated that a six-inch layer would prevent washouts, which is a big concern due to the slope of the road. Mr. Ferwerda stated that the access way is not a town road and that he will have to deal with the consequences of using reclaimed asphalt. There was a discussion about the slope of the road. The slope of the road is at eight percent at its steepest point. Mr. Ferwerda stated that if Mr. Tatem is willing to take on the liability, he would use the material. Ms. Rowden stated that the Board has the option of hosting a compliance hearing to discuss if the applicant has met the conditions of approval for the amended site plan. She also stated that the Board also has the option of making a decision tonight, however, she recommended that the Board goes into nonpublic. Mr. Ferwerda went through a letter written by his engineer dated January 17, 2018. Mr. Ferwerda, referencing Mr. Tatem's review letter dated November 28, 2017 (see attached), stated that a fence above the rip-rap wall is not a town engineer issue. He urged the Board to listen to the person who will have to take responsibility for these improvements. There was a discussion about the property and easement lines. Mr. Lavelle

felt that it's taking longer to discuss these issues than it would have to simply fix the problem. Mr. Kohlhofer made a motion to go into nonpublic session per RSA 91-A:3(l) for the purpose of consideration of legal advice. Mr. Barham seconded the motion. The motion passed with a unanimous roll call vote.

Mr. Kohlhofer made a motion to leave nonpublic session per RSA 91-A:3. Mr. Hunter seconded the motion. The motion passed with unanimous a roll call vote. After coming back into the room, Mr. Ferwerda passed out some material about reclaimed asphalt. Mr. Kohlhofer explained that the Board decided to accept items one through five, but not item number 6, in Mr. Tatem's November 28, 2017 letter as items that need to be addressed as part of the conditions of approval. The Board considered these items to be relevant to the requirement in the original conditions of approval for a review of the road cross section. Mr. Kohlhofer also stated that the Board would like an engineer to certify the wall that has been constructed by the access way. Mr. Ferwerda asked if the wall is a part of the road cross section. Mr. Kohlhofer stated that the chain-link fence is also a part of the cross section. There will be a pre-construction meeting required as part of the process. Mr. Ferwerda stated that his lawyer will want that in writing. He stated that the Board has vastly exceeded the original approvals and that he did not want toxic material on his land. He said that he is truly upset and that there is no engineering justification for these requirements. Mr. Kohlhofer made a motion to accept Stantec's comments (items one through five) in Mr. Tatem's November 28, 2017 letter and to require that an engineer certify the wall that has been built next to the access road. Mr. Downing seconded the motion. The motion passed 6-0-0.

There was some discussion about how the encroaching homes were permitted in the first place. Mr. Barham explained that the developer issued the plan that certified that the buildings were 35 feet from the lot line.

### **III. CIRCUIT RIDER BUSINESS**

Ms. Rowden informed the Board that on Monday she received an email from Bill Gregsak. Yesterday Mr. Gregsak submitted an amended site plan application for Altaeros Energies. Mr. Lavelle recused himself from this discussion. Ms. Rowden felt that there should be an engineering review for this amendment. Mr. Hunter agreed. Mr. Barham stated that he wanted good constructive comments on only the changes. Ms. Rowden stated that a waiver for the traffic study requirement would be needed. There was a consensus to have Mr. Tatem review the changes to the site plan.


There was a short discussion about the use table in the zoning ordinance. Ms. Rowden felt that the Town of Londonderry's use table was closest to the style of Fremont's use table. Mr. Lavelle stated that he likes definitions in an ordinance because it provides clarity. Ms. Rowden stated that she would also like to define the residential district in the zoning ordinance.

### **IV. OTHER BUSINESS**

There was a brief discussion about the cease and desist that is still in effect at Governor's Forest.

Mr. Karcz made a motion to adjourn the meeting at 8:30 pm. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Casey Wolfe".

Casey Wolfe  
Land Use Administrative Assistant



November 28, 2017  
File: 195112103

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

Dear Mr. Hunter:

**Reference: Governor's Forest Residential Site Plan – Lot Line Adjustment  
Lot Line Adjustment for Ferwerda & Witham  
Route 107, Fremont, NH  
3rd Review**

We have reviewed the following information, forwarded to Stantec by Ambit Engineering, Inc. on November 28, 2017:

- Proposed Lot Line Adjustment Plan and Emergency Access Road Plan, Sheets 1 through 3, prepared by Ambit Engineering, Inc. (AEI), dated August 2017 and most recently revised on November 17, 2017

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 Site Plan & Subdivision Regulations as well as other relevant local and state regulations and accepted engineering practice. The original comments from our October 20, 2017 email are in *italics*, new or supplemental comments are in **bold** and comments that were addressed have been removed.

Per the November 15, 2017 Planning Board conditional approval, the Applicant must address the engineering comments related to the cross-section detail for the emergency access road. We have the following comments relative to the detail:

1. *The proposed 6" of crushed stone fine surface be replaced with 6" of reclaimed asphalt, creating a more durable surface, less susceptible to erosion.* **Comment not addressed.**
2. *Add rip rap and fabric to the swale along the right side of the access road (and a detail specifying the swale dimensions, fabric, stone size, and stone thickness).* **Comment not addressed.**
4. *The proposed retaining wall is significant and in close proximity of the existing residential structure. It is imperative that the wall be P.E. designed, with supporting calculations, prior to construction of the wall. The Designer agreed to talk to his client regarding adding a note, specifying that P.E. stamped retaining wall design shall be submitted for review and approval prior to the construction of the wall.*



November 28, 2017  
Mr. Brett Hunter  
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**Reference: Governor's Forest Residential Site Plan – Lot Line Adjustment  
Route 107, Fremont, NH  
3rd Review**

**Comment not addressed. In addition, the detail must be revised to show the proposed retaining wall, located to the right of the access road.**

5. *Considering the top of the wall is adjacent to the residence, the wall design must include a 42" (min) tall pedestrian barrier, such as chain link fence. **Comment not addressed.***

#### **New Comment**

6. **The line styles showing property lines and easement lines are the same. In addition, there are several easement labels that incorrectly point to property lines. As requested by the Designer, we have attached a marked-up portion of the easement plan, showing the recommended changes to correct the plan.**

Considering the significant safety-related concerns noted in several of our comments, we do not recommend that the Planning Board approve and sign the above-referenced plans until these comments are addressed.

Please call if you have any questions.

Sincerely,

**STANTEC CONSULTING SERVICES INC.**

J. Daniel Tatem  
Project Manager  
Tel: (603) 669-8672  
Fax: (603) 669-7636  
[dan.tatem@stantec.com](mailto:dan.tatem@stantec.com)

Attachment – Marked up portion of easement plan

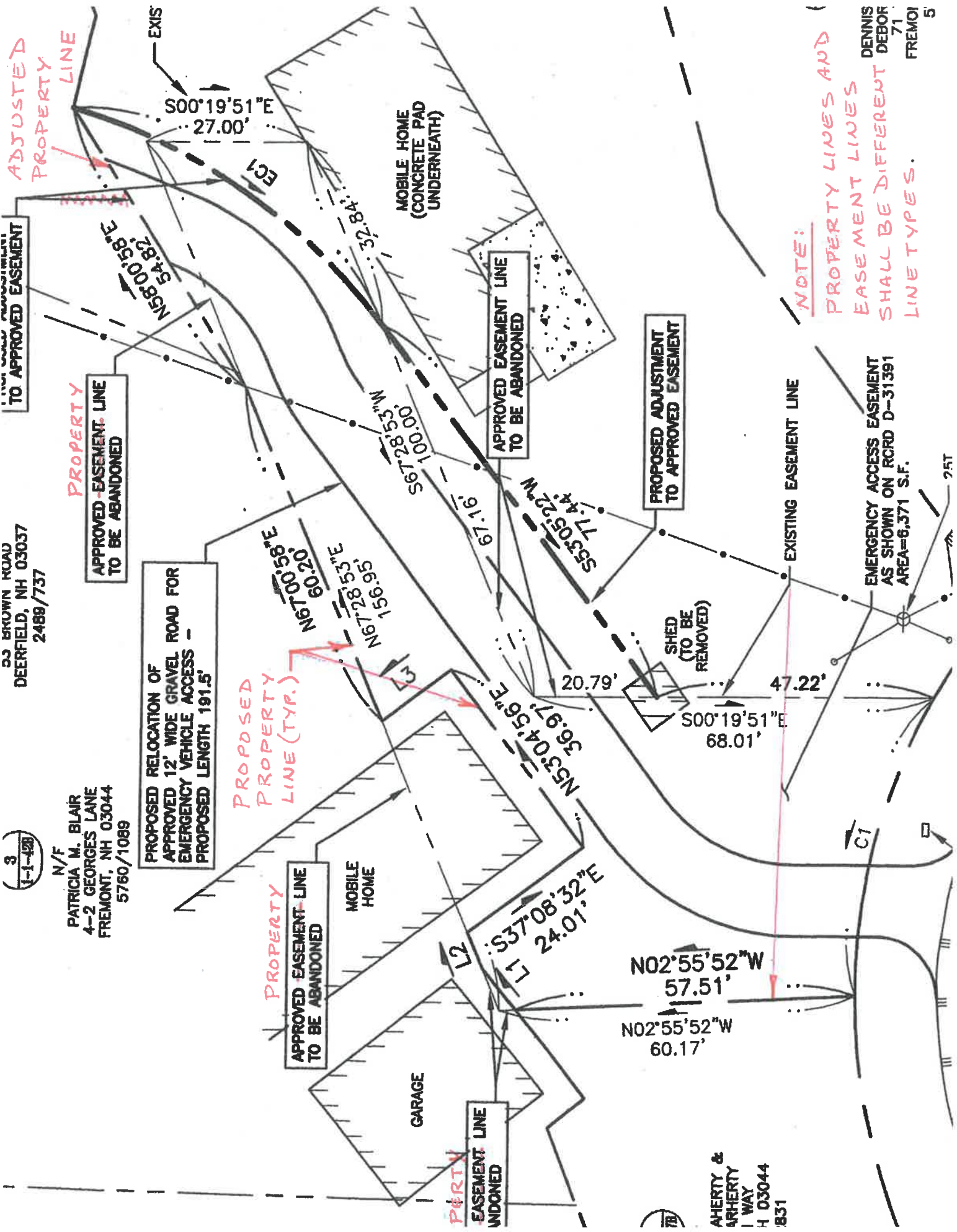
c: Marty Ferwerda, Owner  
Heidi Carlson, Town Administrator  
Casey Wolfe, Planning & Zoning Administrator  
Rick Foye, Building Inspector  
Rene LaBranche, Stantec

3  
1-1-420

33 BROWN ROAD  
DEERFIELD, NH 03037  
2489/737

N/F  
PATRICIA M. BLAIR  
4-2 GEORGES LANE  
FREMONT, NH 03044  
5760/1089

PROPOSED RELOCATION OF  
APPROVED 12' WIDE GRAVEL ROAD FOR  
EMERGENCY VEHICLE ACCESS -  
PROPOSED LENGTH 191.5'



ADJUSTED  
PROPERTY  
LINE

PROPERTY  
EASEMENT LINE  
TO BE ABANDONED

APPROVED EASEMENT  
TO APPROVED EASEMENT

PROPOSED  
PROPERTY  
LINE (TYP.)

PROPERTY  
EASEMENT LINE  
TO BE ABANDONED

EASEMENT LINE  
TO BE ABANDONED

APPROVED EASEMENT LINE  
TO BE ABANDONED

PROPOSED ADJUSTMENT  
TO APPROVED EASEMENT

EXISTING EASEMENT LINE

EMERGENCY ACCESS EASEMENT  
AS SHOWN ON RCRD D-31391  
AREA=6,371 S.F.

MOBILE HOME  
(CONCRETE PAD  
UNDERNEATH)

SHED  
(TO BE  
REMOVED)

GARAGE

MOBILE  
HOME

NOTE:  
PROPERTY LINES AND  
EASEMENT LINES  
SHALL BE DIFFERENT  
LINE TYPES.

DENNIS  
DEBOR  
71  
FREMONT  
5

ARHERTY &  
ARHERTY  
1 WAY  
H 03044  
831