

JONES & BEACH ENGINEERS INC.

85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885
603.772.4746 - JonesandBeach.com

RECEIVED
DEC 29 2020

BY: 

December 17, 2020

Fremont Zoning Board
Attn: Doug Andrew, Chairman
295 Main Street
PO Box 120
Fremont, NH 03044

**RE: Special Exception Application
Scribner Road, Fremont, NH
Tax Map 1, Lot 82
JBE Project No. 19175.1**

Dear Mr. Andrew,

Jones & Beach Engineers, Inc., on behalf of the applicant, Haus Emily, LLC, respectfully submit a Special Exception Application for the parcel referenced above. The intent of this project is to construct an 8-Lot Open Space Preservation Development on the above listed lot on Scribner Road, Fremont. The Special Exception Application is required for the impact of Wetlands and Watershed Protection District for the construction of a roadway and drives for access associated with the subdivision.

The following documents are provided in support of this application:

1. Special Exception Application.
2. Planning Board Notice of Decision.
3. Letters of Authorization.
4. Current Deed.
5. Abutters List and 3 Copies of Mailing Labels.
6. Tax Map.
7. Fee Check.
8. Six (6) Full Size Plans.

Thank you very much for your consideration. If you have any questions, or need further assistance, please contact our office.

Very truly yours,
JONES & BEACH ENGINEERS, INC.



Barry W. Gier, PE
Vice President

cc: Gary Densen, Densen Construction, Inc. (application and plans via email)



APPLICATION FOR SPECIAL EXCEPTION

Zoning Board of Adjustment
Town of Fremont
P.O. Box 120
Fremont, New Hampshire 03044

Do not write in this space.

Case # 021 - 002

Date filed: 12-29-20

Hearing Date: 1-26-21

Total Fees Received: 541.62

Signed: [Signature]

ZBA

Name of applicant: Haus Emily, LLC

Address: 56 Westville Road, #4, Plaistow, NH 03865

Phone: 603-765-8995

Owner: Heritage Farm Trust, Stephen L. Bassett, Trustee

(if same as applicant, write "SAME AS")

Location of property Map # 1 Lot # 82

Scribner Road

(street address)

Zoning District of Property: Residential

Is the property in the Aquifer Protection District? Yes No x

Is the property in the Flood Zone? Yes No x

NOTE: This application is not acceptable unless all required statements in the appropriate section have been completed. Additional information may be supplied on a separate sheet if the space provided is inadequate.

APPLICATION FOR A SPECIAL EXCEPTION

Description of proposed use showing justification for a special exception as specified in the zoning ordinance Article 12 Section 1201.8

Special Exception required for impact to Wetlands & Watershed Protection District for the construction of a roadway and drives for access associated with an 8-lot Open Space Preservation Subdivision.

Explain how the proposal meets the special exception criteria as specified in article 12 section 1201.8

Of the zoning ordinance: (List all criteria from ordinance)

Criteria 1- Is the use one that is ordinarily prohibited in the district?

No. Residential use is allowed in the district.

Criteria 2- Is the use specifically allowed as a special exception under the terms of the ordinance

Yes. See Section 1201.8, Paragraph 3.

Criteria 3- Are the conditions specified in the ordinance for granting the exception met in the particular case?

Yes, Project has been designed to minimize any detrimental impact by locating impact at narrowest point of wetland and providing erosion and sedimentation measures.

Signed:

Danny W. Lin
(Actual property owner)

Date

12/22/20

SPECIAL EXCEPTION:

Certain sections of the Zoning Ordinance provide that a particular use of property in a particular zone will be permitted by Special Exception if specified conditions are met. The necessary conditions for each Special Exception will be granted if you can show that the conditions stated in the ordinance are met.

If you are applying for a Special Exception you will probably also need a determination from the Planning Board (relative to subdivision or site plan review). Even in those cases where no Planning Board approval is needed, presenting a site plan to the Planning Board will assist in relating the proposal to the overall zoning. This should be done before you apply for a Special Exception.

**SPECIAL EXCEPTION
APPLICATION and PROCEDURE**

PROCEDURE – To apply to the Zoning Board of Adjustment for relief, you must follow these steps:

- a. Obtain a letter of denial from the Board of Selectmen or Building Inspector.
- b. Compile a typed list of the names and addresses of all current abutters. This is to be obtained from the Fremont Selectmen's Office. An abutter is anyone whose property physically abuts the subject property or is directly across a street or river. Please include the subject property, applicant, and anyone whose seal or stamp appears on the plan.
- c. All requests for required reports or other correspondence (such as indicated in Article IX Section H) must be sent by the applicant via certified mail with return receipt requested. This is for proof and record of mailing. The hearing will not be scheduled before the 30-day time frame has lapsed from the date of mailing requests to pertinent officials.
- d. Applications can be left at the Town Hall at 295 Main Street in Fremont; or Mailed to the Town at the address above. Submit a check made payable to the Town of Fremont with your application for the fees due.

CHECKLIST FOR APPLICATION

This Application Includes:

- ☒ Letter of Denial
- ☒ 6 sets of plans
- ☒ cover letter of intent
- ☒ current abutters list
- ☒ proper check amount
- ☒ letter of approval to allow representation

FEE SCHEDULE

SPECIAL EXCEPTION

For the first request, and \$50.00 for each additional request if a separate Zoning Article

\$200.00 = \$ 200.00

ADVERTISING

(current rate of expense)

\$115.00 = \$ 115.00

ABUTTER NOTIFICATION (per abutter)

(See (B) above for definitions of an abutter. This covers two certified mailings.

\$ 12.59 = \$ 226.62

TOTAL FEES SUBMITTED \$ 541.62

**Mail Recorded Document to:
Leanne Miner, Land Use Dept
Town of Fremont
PO Box 120
Fremont, NH 03044**



**TOWN OF FREMONT
PLANNING BOARD
PO BOX 120
FREMONT, NEW HAMPSHIRE 03044**

NOTICE OF DECISION

You are hereby notified that at a Public Hearing, held on December 16, 2020 at the Fremont Town Hall, the attending members of the Fremont Planning Board did unanimously vote to approve a Subdivision Application submitted by Haus Emily LLC of Plaistow, NH. The proposed subdivision is located on Scribner Road in Fremont NH at Map 001, Lot 082 and was approved including all waivers, to allow an 8-Lot Open Space Preservation Development with the following conditions:

1. Mylars of plan sheets A1, A2, and A3 and this Notice of Decision be recorded at the Rockingham Registry of Deeds.
2. All conditions of approval be noted on the approved plans and on the recordable Mylar sheet(s).
3. All licensed professionals whose names appear on the approved plans and Mylar sheet have original stamps and signatures.
4. All required state permits are received, and permit numbers noted on the approved plans and recorded Mylar sheet(s).
5. Approved waivers and date they were granted be noted on the approved plans and recorded Mylar sheet.
6. Any Town Engineer comments in response to the Applicant's response letter dated December 10, 2020 be addressed to the satisfaction of the Town Engineer.
7. Project plans be expanded to include a mix of evergreen and deciduous trees in the buffer along the front of the site.
8. If relocation is necessary, the new location for site electric utilities be reviewed by the Town Road Agent.
9. Applicant must obtain a Special Exception from the Fremont Zoning Board of Appeals for impacts to the wetland and its buffer.

**Mail Recorded Document to:
Leanne Miner, Land Use Dept
Town of Fremont
PO Box 120
Fremont, NH 03044**

10. Applicant must provide a performance guarantee, in an amount and form acceptable to the Town of Fremont, to serve as a financial surety for full and final completion of public improvements pursuant to applicable provisions of Article IV – Section 1 of the Subdivision Regulations
11. A Development Agreement by and between the applicant and Town of Fremont shall be executed prior to construction.
12. Applicant shall submit a declaration of covenants, easement and restrictions for consideration and review by Town Counsel. Approval shall be granted upon receipt of favorable review of this document by Town Counsel. The declaration of covenants shall establish a requirement for designation and maintenance of an External Buffer around the perimeter of any Open Space area.
13. Declaration of Covenants and its exhibits shall be recorded at the Rockingham Registry of Deeds.
14. Four paper copies of the final plan set shall be signed and a digital copy of the signed plan set be provided for Town Land Use files.
15. Escrow has been posted with the Town for site compliance monitoring under SPR 1.19 prior to construction.
16. All conditions of approval are met within 365 days of this approval date. The Planning Board may grant an extension of its original approval with good cause.
17. Any significant change to the approved subdivision plans made to meet state fire code, building code or state or federal permit requirements must be reviewed by the Planning Board.
18. All fees incurred by the Planning Board, including but not limited to consulting, engineering and legal fees, have been paid by the applicant

SIGNED:

Andrew Kohlhofer, Vice Chairman
Fremont NH Planning Board
Dated: 16 December 2020

Letter of Authorization

Haus Emily, LLC, 56 Westville Road #4, Plaistow, NH 03865, applicant of property located in Fremont, NH, known as Tax Map 1, Lot 82, do hereby authorize Jones & Beach Engineers, Inc., PO Box 219, Stratham, NH, to act on my behalf concerning the previously-mentioned property. The parcel is located on Scribner Road in Fremont, NH.

I hereby appoint Jones & Beach Engineers, Inc., as my agent to act on my behalf in the review process, to include any required signatures.

Witness



Haus Emily, LLC

5.5.2020
Date

Letter of Authorization

I, Steve Bassett, PO Box 212, Newfields, NH 03856, developer of property located in Fremont, NH, known as Tax Map 1, Lot 82, do hereby authorize Jones & Beach Engineers, Inc., PO Box 219, Stratham, NH, to act on my behalf concerning the previously-mentioned property. The parcel is located on Scribner Road in Fremont, NH.

I hereby appoint Jones & Beach Engineers, Inc., as my agent to act on my behalf in the review process, to include any required signatures.

Cathy Spaulding
Witness

Steve Bassett
Steve Bassett

6-14-18
Date


JONES & BEACH
ENGINEERS INC.

Letter of Authorization

I, Gary Densen, Densen Construction, Inc., 56 Westville Road #4, Plaistow, NH 03865, developer of property located in Fremont, NH, known as Tax Map 1, Lot 82, do hereby authorize Jones & Beach Engineers, Inc., PO Box 219, Stratham, NH, to act on my behalf concerning the previously-mentioned property. The parcel is located on Scribner Road in Fremont, NH.

I hereby appoint Jones & Beach Engineers, Inc., as my agent to act on my behalf in the review process, to include any required signatures.

Deborah L. Densen
Witness


Gary Densen
Densen Construction, Inc.

4-1-2020
Date

JONES & BEACH
ENGINEERS INC.

MAIL TO
 Stephen Bassett
 P.O. Box 212
 Newfields NH 03856

CORRECTIVE QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that Scott W. LaPointe, Trustee of Heritage Farm Trust, with mailing address of 128 Main Street, Town of Epping, County of Rockingham, State of New Hampshire 03042,

FOR CONSIDERATION PAID, GRANT TO Stephen L. Bassett, Trustee of Heritage Farm Trust, with mailing address of PO Box 212, Town of Newfields, County of Rockingham, State of New Hampshire 03856,

WITH QUITCLAIM COVENANTS, the following described premises:

Two certain parcels of land, with any buildings thereon, situate in Fremont, County of Rockingham, State of New Hampshire, more particularly bounded and described as follows:

PARCEL I

Easterly by the highway leading from the dwelling house now or formerly owned by Clifford W. Anderson to the railroad depot in said town, Southerly by land of above said Anderson, and land now or formerly of the heirs of Ezia Currier, Westerly by land now or formerly of Joseph P. Bassett, and Northerly by land now or formerly of Horace H. Wood's heirs, to the above mentioned highway,

Said parcel contains four (4) acres, more or less.

PARCEL II

BEGINNING at the Southwest corner of said tract land at a point near the South side school house (so-called) and old road on the East side of the school house yard, line running East by a stone wall, bounded by land now or formerly of Fred E. Bishop formerly French land, to Southwest corner of bound; from last names bound line running North to land now or formerly of Joseph P. Bassett, bounded on East side of land now or formerly of Wood heirs, Almira F. Smith, Olivia Clark from last name bound, (Northeast corner) line running West to old road so-called

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ROCKINGHAM COUNTY
REGISTRY OF DEEDS

bounded by land now or formerly of Joseph P. Bassett and Eugene D. Sanborn, line running from last name corner bound (Northwest corner) to point of beginning South bounded by old road.

Said parcel containing twenty (20) acres, more or less.

Meaning and intending to describe the same premises conveyed to Scott W. LaPointe, Trustee of Heritage Farm Trust by Quitclaim Deed of Stephen L. Bassett, dated January 27, 2000, recorded at the Rockingham County Registry of Deeds at Book 3451, Page 2746.

A certain tract of land, situate in Fremont, in the County of Rockingham, State of New Hampshire, in "Spruce Swamp", so-called, containing twenty-one (21) acres, more or less, bounded and described as follows:

Beginning at the southwesterly corner of said land at a stone monument; thence about N 29 1/2° E, one hundred twenty-nine (129) rods by land of E.B. Wood's heirs and land of Abram F. Brown (two stone monuments on this line) to a stake in the swamp adjoining land of Daniel E. Burley; thence S 74° E twenty-six and one-third (26 1/3) rods by land of said Burley to a stake in the swamp, adjoining a rangeway and land of Samuel M. Marston's heirs; thence S 29 1/2° W one hundred twenty-nine (129) rods by land of said Marston's heirs and said rangeway and other land of said Abram F. Brown, to a stake in the swamp adjoining land of said E.B. Wood's heirs; thence N 74° W about twenty-six and one-third (26 1/3) rods to the point of beginning.

Meaning and intending to describe the same premises conveyed to Scott W. LaPointe, Trustee of Heritage Farm Trust by Quitclaim Deed of Florence C. Turner, dated December 13, 2004, recorded at the Rockingham County Registry of Deeds at Book 4414, Page 1269.

Subject to Current Use Taxation of record.

Four (4) tracts or parcels of land situate in the Town of Fremont, County of Rockingham, State of New Hampshire, being more particularly bounded and described as follows:

Tract I:

A certain tract of woodland situated in the said Town of Fremont, containing twelve acres more or less, bounded as follows, viz: Beginning at the Southwesterly corner of said land at a stone monument adjoining land of George A. Bassett, formerly E.B. Wood's heirs and land of Earl F. Turner, formerly E.S. Whitcomb heirs, and thence northerly by said Turner land fourteen rods and twenty links to a stone monument, thence N 54° W, nine rods by land now or formerly of Myron Brown heirs to a stake; thence northerly by said Brown land to land of Spaulding & Frost Co., thence westerly by said Spaulding and Frost Co. land to land of Andrew J. Brown heirs, thence southerly by said A.J. Brown land and land of Charles W. Follet Estate to a stake in the swamp; thence easterly seventeen rods by land of the aforementioned Bassett to a stone monument; thence N 29° E, thirteen rods by said Bassett land to a stone monument; thence easterly seven rods by land of said Bassett to the point of beginning, this being the same land as taken by the Town of Fremont by tax collector's deed dated September 22, 1951 and recorded at the Rockingham Registry of Deeds at Lib 1387, Vol. 63.

Meaning and intending to describe and convey the same premises conveyed from the Town of Fremont to George A. Bassett, by deed dated March 17, 1956, and recorded with the Rockingham County Registry of Deeds at Book 1392, Page 140.

Tract II:

A certain tract of land situate in said Town of Fremont, containing two acres and thirty seven rods it being the same set off to Elijah Bean Jr. of Gilmanton, County of Strafford and State of New Hampshire out of the Estate of Jeremiah Bean, his father, bounded and described as follows, viz: Easterly by land of David Jewell; northerly by land set off to Anna Mudget; westerly by land of Aaron Bartlett; and southerly by land set off to Moses Bean. Being the same premises deeded to Eliphalet B. Wood B. Wood by Hosea B. Bartlett by deed dated August 25, 1854 and recorded in the Rockingham Records Lib 362, Vol. 77.

Tract III:

A certain tract of land situate in said Town of Fremont, containing fourteen acres more or less, bounded and described as follows: Beginning at the southeast corner of land of E.B. Wood and running northerly by said Wood's land to land formerly owned by David Jewell and now or formerly owned by Abram F. Brown; thence easterly bounded by said Jewell's land formerly owned by Israel Brown Jr.'s heirs and now or formerly owned by Abram F. Brown; thence southerly bounded by said Brown's land to land of Jeremy Burley; thence westerly bounded by Burley's land to the bound first mentioned. Being the same premises deeded to Eliphalet B. Wood by Abram F. Brown by deed dated August 25, 1873 and recorded in Rockingham Records Book 446, Page 224.

Tract IV:

A certain tract of woodland situate in Poplin in said County of Rockingham, being about a half a mile northerly of Clough's corner, so called, in said Poplin, bounded and described as follows, viz: beginning at the southeast corner of said piece at a stone in the ground marked "ST"; thence N 4° E seventy one rods and fifteen links to a stone standing in the ground marked "ST" binding on land of Moses Sanborn; thence S 85° W eight rods and sixteen links to a stone marked "S.T." binding on land of David Jewell; thence N about 23° E fifteen rods and twenty two links to a stone marked "ST" binding on land of said Jewell; thence N about 79° W sixteen rods and twenty-three links to a stone marked "S.T." binding on land of the Aaron Bartlett; thence S 26° W thirteen rods to a stone marked "ST" binding on land of the said Bartlett; thence S 85° W 25 rods to a stake on land of Bartlett; thence South 4° West eighty rods to a stake and stones bounded on land of the heirs of Freeman Fossett; thence N 85° E fifty one rods to the bound begun at, containing twenty-five acres and thirty five rods, be the same more or less. The last named course is bounded on land belonging to the heirs of Moses Burley. Meaning to convey the same premises deeded to Eliphalet B. Wood by Samuel Taylor by deed dated October 31, 1848 recorded in said Rockingham Records Lib 332, Vol. 263.

Meaning and intending to describe the same premises conveyed to Scott W. LaPointe, Trustee of Heritage Farm Trust by Warranty Deed of Elizabeth J. Stanley, individually and as Trustee of the Nellie P. Bassett Revocable Trust, dated February 18, 2005, recorded at the Rockingham County Registry of Deeds at Book 4450, Page 0358.

This deed is intended to correct deed dated August 29, 2016 at Book 5748, Page 1267 at the Rockingham County Registry of Deeds to include parcels of land and that were inadvertently not included.

This is a non-contractual transfer, see RSA 78-B:2.

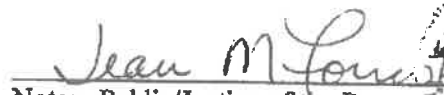
This is not the Homestead Property of the Grantor.

WITNESS our hands this 3 day of January, 2018.


Scott W. LaPointe, Trustee of
Heritage Farm Trust

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this 3 day of January, 2018, personally appeared Scott W. LaPointe, Trustee of Heritage Farm Trust, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained. Before me,


Notary Public/Justice of the Peace
My Commission expires:


JEAN M. FORREST
Notary Public - New Hampshire
My Commission Expires October 5, 2021