

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

Also Present: Scott Barthelemy, Marghi Bean, Tim Lavelle, Bill Gregsak, Mike Rislove, Anders Ragnarsson, Marc Bernier, John Ratigan, Ben Glass, Peter Eliopoulos, Sheri Palazzo, Joseph Ryan, Dan Tatem, and Josh Yokela.

Mr. Hunter opened the meeting at 7:01 pm. Mr. Barham was not present at this time.

I. MINUTES

Mr. Karcz made a motion to approve the minutes of November 1, 2017. Mr. Downing seconded the motion. The motion passed 4-0-0. Mr. Kohlhofer made a motion to approve the nonpublic minutes of November 1, 2017. Mr. Downing seconded the motion. The motion passed 4-0-0. Mr. Karcz made a motion to approve the minutes of November 15, 2017. Mr. Downing seconded the motion. The motion passed 4-0-0.

II. NEW BUSINESS

Preliminary for Scott Barthelemy who seeks to host the New Hampshire Renaissance Fair on his farm on Martin Road at Map 6 Lot 34 in May 2018

Mr. Barthelemy explained that the event is scheduled to take place during two weekends in May, the weekend of 12th and the 13th and the weekend of the 19th and 20th. The event has outgrown the old location in Kingston and they wish to host the event on his lot. Ms. Rowden stated that currently the lot is not zoned for the use and that he would need both a variance from the Zoning Board of Adjustment and a Site Plan Review with the Planning Board. Because there are no buildings proposed, most site plan regulations would not apply. Mr. Bernier introduced himself as a representative for the New Hampshire Renaissance Fair. He explained that they are a business recognized by the State and that they give a portion of their profits to local food banks and Meals on Wheels. This event will be about one tenth the size of the "grass drags." The biggest day they ever had brought in 3,000 people, however, their average is 1,800 people per day. This year will be their 15th year in a row putting on the event. Mr. Meade emphasized that he would want everything to be safe and to code. Mr. Bernier explained that the only vendors with electricity are the ones with food. Ms. Wolfe will get in touch with Mr. Barthelemy about the variance application process.

Altaeros Energies to discuss the surety and construction monitoring estimated by Stantec

Ms. Palazzo summarized that on October 4, 2017, the Planning Board granted Altaeros Energies a conditionally approved site plan. On November 28, their engineer Bill Gregsak submitted plans to be signed and recorded. She explained they still need to post a surety amount and stated that they brought a whole team of people for this discussion including Mr. Ryan, Vice President of business development. Stantec has estimated that \$324,754.10 needs to be posted with the Town for surety purposes. Ms. Palazzo explained that they are a start-up company and not cash-heavy. She asked for help from the Planning Board to reduce the surety amount estimated by Stantec.

Attorney John Ratigan, representing Altaeros Energies, stated that he has been practicing law for about thirty years and has read a lot of performance bonds. He felt that if this were a subdivision, this would be acceptable. However, these are private improvements. If the applicant does not follow through, the Town is not going to finish the project. He stated that the applicant should be required to post a reclamation bond instead to make sure the environment and the neighbors are protected. This kind of bonding would look at slopes and disturbance grading, loam, and seed. He stated that the area in question is flat and that we are merely talking about someone going out there with a grader, loam and seed. He talked to other engineers and stated that \$5,000 to \$7,000 per acre would be more appropriate. As the work is done, the bond should be released periodically.

Mr. Kohlhofer concluded that if the site were abandoned, the owner would be stuck with the land. Mr. Ratigan agreed and stated that this is different than a subdivision. Building issues happen through the building department. Ms. Rowden explained to the Board that different towns have different thresholds of what they want to bond. She stated that the site certainly needs to be bonded to address the environmental impact of an incomplete project. Mr. Ratigan stated that he agreed with a reclamation bond. Mr. Meade asked if the road was intended for anything else. Ms. Rowden stated that at this point the road is just a driveway. Ms. Palazzo said that the goal is to resolve this issue tonight and that they are already behind on their project. Mr. Meade stated that the Town does want this project to go through, but the applicants need to understand that this is a small town and can be slow at reviewing projects. Ms. Rowden said that once the surety issue is resolved, this is not a Planning Board issue anymore. Mr. Meade stated that he needs a clearance letter from the Land Use Department. Mr. Barham arrived to the meeting and suggested requiring surety that covers everything but the buildings. He stated that he wants to protect the Town in case the applicant goes bankrupt.

Mr. Tatem stated that different towns require different thresholds of surety. He has seen \$5,000 per acre and far on the other end of the spectrum. His firm has dealt with unsafe sites and that reclaiming the land is not just loaming and seeding. Some towns bond by percentage of construction costs, some towns do it by loam and seed. Mr. Tatem felt that he could reduce the bond estimate by half. The Town of Hooksett does 30 percent. Unsafe structures would need to be removed. Ms. Rowden stated that the sections of the original estimate that protect the environment and the abutters come close to 30 percent. Mr. Ryan asked why the Town would include items in the 100 percent that they are not going to bond. Mr. Gregsak said that this is private land and it will stay private land. He stated that it is not fair for the Town to ask for all of the money up front. Mr. Ratigan stated that the buildings cannot be bonded. The applicant is under economic restraints to get this done. Mr. Glass stated that even \$110,000 is very limiting for his company and that it would decrease their ability for long-term success. Mr. Kohlhofer stated that if Altaeros Energies walks away, we would never get another start-up in this town again. The Board needs to consider this. After looking at the specific regulation, Mr. Ryan felt that Stantec estimated the bond amount beyond what the regulation requires. Mr. Tatem argued that if he took the regulation more literally, the bond estimate would have been even more than what he originally calculated.

Ms. Palazzo asked what the Board was comfortable with. Ms. Rowden felt that a reasonable compromise would be bonding the drainage, grading, seeding, and loam. She asked if the Board

would be comfortable with a surety bonding scheme that is based on the stage of construction. Mr. Ratigan asked the Board to ask the applicant what they are happy with. Mr. Barham could see a scheme where the Town releases the money as the work is done, if the developer works with the Town Engineer. Ms. Palazzo agreed that she would like the firm to build a strong relationship with Mr. Tatem. Mr. Barham suggested bonding the site at \$25,000 and to adjust that number based on the phase of construction. Mr. Ryan stated that this option might limit their ability to work on multiple things at once. Mr. Tatem suggested that rather than having the bond amount limit the amount of work that the applicant can do, to bond the area based on the average NHDOT number for stabilizing the site with loam and seed. He multiplied 10,810 square yards by \$3.50 and came up with \$37,835. He explained that this would allow the applicant to do whatever they wanted with the site and that it would be better for their construction schedule. Mr. Rislove asked if the bond amount would get reduced after the detention ponds are constructed. Mr. Tatem felt that a partial release would be more appropriate, perhaps 25 percent rather than 50 percent. If the surety is done in cash, reduction is easy.

Mr. Ryan asked about the construction monitoring amount that has previously been estimated at \$11,510.40. Mr. Tatem stated that this estimate will not change is a result of the surety amount changing. Mr. Meade stated that he still needs a letter from the Land Use Department to notify him that the project can go underway. Ms. Wolfe stated she can try to record the plans tomorrow, however, it is unlikely that the Registry will accept the plans on the first try. There was some discussion about scheduling a construction meeting. There was an agreement on having the meeting early Friday morning. Mr. Kohlhofer made a motion to require \$37,835 for surety and \$11,510 for construction monitoring. Mr. Karcz seconded the motion. The motion passed 5-0-0. After some discussion about the logistics of getting the plans recorded, Mr. Glass submitted the checks to the Town. The applicant and its team left at 8:17 pm.

Tim Lavelle – application for open position on Planning Board

After a short recess, Mr. Lavelle explained to the Board that he has had an interest in being a Board member after many years of the Town Administrator asking him to join. He explained that he would recuse himself if the application involves any of his survey work. Mr. Barham felt that he would be a valuable asset to the Board because of his profession. After some more discussion, Mr. Barham made a motion to suggest that the Board of Selectmen appoint Mr. Lavelle to be a full member of the Planning Board for a period of one year. Mr. Karcz seconded the motion. The motion passed 5-0-0. Mr. Lavelle left at 8:30 pm.

Public Hearing for proposed amendment to Article XII Section 1202 of the Fremont Zoning Ordinance, the Floodplain Development Ordinance

Ms. Rowden explained to the Board that the Office of Strategic Initiatives goes through municipalities' zoning ordinances and regulations to make sure they comply with the standards of the National Flood Insurance Program. Mr. Karcz made a motion seconded by Mr. Kohlhofer to open up the discussion to the public. The motion passed 5-0-0. There was some discussion with Mr. Yokela about flood insurance premiums. Mr. Meade stated that the flood maps are often wrong and that many properties have been granted Letter of Map Amendments. Ms. Rowden explained that FEMA is starting to go through the floodplain maps and that they may be

amended over the next couple of years. Mr. Karcz made a motion to close public discussion. Mr. Downing seconded the motion. The motion passed 5-0-0. Mr. Karcz made a motion to move the proposed amendments to Article XII Section 1202 to the March 2018 Warrant Article. Mr. Barham seconded the motion. The motion passed 4-1-0.

Public Hearing for proposed amendment to Article XIII Section 1301.B of the Fremont Zoning Ordinance

Ms. Rowden summarized that with this zoning ordinance change the cap of designated elderly housing units would be 15 percent of the housing stock in Fremont rather than 10 percent. She explained that the rationale is to encourage economic development by allowing reasonable elderly housing development. Ms. Rowden felt that this is a small enough change that it should not reach a tipping point. There was a discussion about ambulance companies. Mr. Kohlhofer stated that people are having smaller families and that some people are not having kids. He felt that this change made sense. Ms. Rowden commented that she has had at least three inquiries in the last couple of years for elderly housing. Mr. Karcz made a motion to open the discussion to the public. Mr. Hunter seconded the motion. The motion passed 5-0-0. Mr. Yokela asked how many units are allowed currently. Ms. Rowden stated that there are 1,623 units in town. Currently, only Blackrocks Village can count toward the percentage. Mr. Yokela asked if the Board would consider a higher number like 20 percent or 25 percent. Mr. Kohlhofer stated that he would like to see other types of housing. There was some discussion about changing the number again in the future. Mr. Karcz made a motion to close the public discussion. Mr. Hunter seconded the motion. The motion passed 5-0-0. Mr. Kohlhofer made motion to move the proposed amendments to Article XIII Section 1301.B to the 2018 Warrant Article. Mr. Barham seconded. The motion passed 5-0-0.

III. CIRCUIT RIDER BUSINESS

Ms. Rowden stated that two or three months ago she talked to the Board about making some amendments to the use table. She has created a contract so that she can do work to review existing uses prohibited and permitted in Fremont, review existing definitions in the zoning ordinance, and create a subcommittee made up of Planning and Zoning Board members to determine where clarity is needed in the ordinance. A lot of the work would be done outside of Board meetings. She has estimated 95 hours of technical assistance and suggested that the Board pay \$3000 this year and \$3,000 next year. She estimated having a draft done of the changes by June 30. Mr. Barham stated that he will look at the budget and suggested that the Board signs the contract at the next meeting.

Mr. Karcz made a motion to adjourn the meeting at 9:02 pm. Mr. Kohlhofer seconded the motion. The motion passed 5-0-0.

Respectfully Submitted,

Casey Wolfe
Land Use Administrative Assistant