

Present: Chair Brett Hunter, Vice Chair Jack Karcz, Jack Downing, Roger Barham, Andy Kohlhofer, Paul Powers, alternate member Mike Wason, alternate member Leanne Miner, Building Inspector Greg Arvanitis, Senior Planner Jenn Rowden, and Land Use Administrative Assistant Casey Wolfe

Also Present: Cynthia S. Feeley, Edward Feeley, George Cowan, Gordon Muench, and James Lavelle

Mr. Hunter opened at 6:59 pm. He appointed Mr. Wason to vote on behalf of Mr. Tim Lavelle.

I. MINUTES

Mr. Kohlhofer made a motion to approve the minutes of November 28, 2018. Mr. Karcz seconded the motion. The motion passed 7-0-0.

Mr. Karcz made a motion to approve the non-public session minutes of December 19, 2018. Mr. Downing seconded the motion. The motion passed 7-0-0.

Mr. Powers made a motion to approve the minutes of January 2, 2019. Mr. Hunter seconded the motion. The motion passed 5-0-2.

II. CONTINUED BUSINESS

Public Hearing for a site plan application for two proposed manufacturing and assembly buildings for Ragnar Original Innovations, Inc. to be located at 662 Main Street (Map 2 Lot 151-2). Application submitted by Fremont Land, LLC.

Mr. Hunter stated that the applicant has requested a continuance on this application. Mr. Rowden stated that the applicant is still working on addressing comments from the Fire Chief. The applicant also agreed to extend the Board's deadline to make a decision on the application. Mr. Barham commented on an email that was sent from Mr. Ragnarsson accusing the Town of holding the project up. Mr. Barham stated that any hold-ups on this project are the applicant's own making. The applicant was advised to talk to the Fire Chief back in October and they are only doing so now. **Mr. Karcz made a motion to continue this project to February 6th. Mr. Kohlhofer seconded the motion. The motion passed 6-0-1.** Mr. Powers abstained as an abutter to the project. The Board decided to table the discussion about the applicant's conduct towards the Consulting Engineer to another meeting.

Public Hearing for an application to consolidate the parcels at Map 2 Lots 144, 145, 146-2 & 147 (33.45 acres) and then to subdivide the land into six lots for residential purposes. Each of these lots have frontage on Copp Drive.

Mr. Powers recused himself from this discussion as an abutter. Mr. James Lavelle explained that they have changed some of the proposed property lines, as recommended by the Planning Board at the last meeting. Mr. James Lavelle stated that they have corrected one of the abutter's names listed on plans. He explained the original plan was to subdivide the property into four lots for

multi-family housing. The new proposal is to subdivide the land into six lots for single-family homes. They have not yet submitted the subdivision for NHDES approval. The test pits have already been done. Ms. Rowden stated that the plans still meet all dimensional requirements. She felt that the proposed lot lines are a little clearer than last time, however, there could still be some property boundary disputes in the future. Because the back of these lots are so wet, she was not overly concerned. **Mr. Karcz made a motion to accept jurisdiction. Mr. Kohlhofer seconded the motion. The motion passed 7-0-0.** Mr. Hunter opened the discussion up to the public. Ms. Cynthia Feeley asked if there was some kind of process to make sure the proposed subdivision would not harm any endangered turtle species. Ms. Rowden agreed that there are probably endangered turtles in the vicinity, however, this application does not trigger the need for Fish & Game to do a review. She stated that the proposed buildings cannot be in the 100-foot wetland buffer. Mr. Edward Feeley stated that he is glad that the new proposal is for single-family homes. Mr. George Cowan agreed that he was not against development, only against multi-family housing on this road. **Mr. Kohlhofer made a motion to conditionally approve the proposed subdivision with the following conditions:**

- 1. All necessary local, State, and Federal permits are obtained.**
- 2. A recordable Mylar, three paper sets, and an electronic file of the final plans are produced.**
- 3. Monumentation of the new lots is certified by the land surveyor.**

Mr. Karcz seconded the motion. The motion passed 7-0-0. The applicant left at 7:25 pm.

III. OTHER BUSINESS

Discussion about Altaeros Energies (Map 2 Lot 151-2) ongoing construction

Ms. Wolfe passed out a letter written by Consulting Engineer Dan Tatem on January 3rd. This letter was in regards to some missing reports and deficient site work in relation to the ongoing construction of the Altaeros Energies site at 662 Main Street. Mr. Arvanitis stated that Altaeros Energies does not have their Certificate of Occupancy (CO), yet they have been flying their balloon. He explained that initially the company asked if they could begin operating under a generator, but did not specify that they would be flying the balloon. He stated that he cannot issue a CO until the deficiencies that Mr. Tatem found are corrected. He does have the ability to issue a temporary CO, but it does not seem like the builders want to correct what is wrong with the site. He noted that he did do a final electrical inspection. Mr. Arvanitis was under the impression that he would be notified before the balloon started flying, but he never was. Ms. Rowden stated that the Board can write another letter seeking voluntary compliance. They could also write a letter to the Board of Selectmen recommending that they issue a cease and desist. She reminded the Board that they have the ability to revoke a site plan, however, she was not necessarily recommending this.

Mr. Hunter asked if the actions listed on Mr. Tatem's letter are achievable. Mr. Arvanitis stated that some of the items are achievable while some others are not. They should at least have a plan of how they plan to stabilize the site in the spring. He confirmed that Altaeros is aware that they do not have a CO. Mr. Kohlhofer stated that they should not be hosting an Open House without a

CO. Mr. Barham felt that the Board needs to take action. He suggested sending the landowners a letter stating that they need all of their documentation in place by the end of January or they will be issued a cease and desist by the Board of Selectmen. Mr. Arvanitis reiterated that they certainly need a CO to fly their balloon. Mr. Wason stated that there is not much the builders can do for stabilization until the ground thaws in the spring. The best they can do is spread hay to prevent erosion. Mr. Kohlhofer suggest having a seven-day deadline for the landowners to get the missing reports, as listed in Mr. Tatem's letter, submitted to the Town. By the close of business next Wednesday, the landowners need to issue the outstanding reports, submit a remediation plan, and get the Consulting Engineer to sign off on these reports and plan. Otherwise, the Board will request the Board of Selectmen to issue a cease and desist.

Mr. Kohlhofer felt that these reports should already be in existence. Mr. Hunter asked what the Board will do once the site is in compliance. Mr. Arvanitis stated that he can issue a thirty day temporary CO. He noted that there are certain things that cannot be done on the site until the spring. There was some discussion about getting the site back into compliance. Mr. Barham emphasized that the project engineer needs to be willing to work closely with the Town's Consulting Engineer. The letter should state that if they do comply, the Board will recommend that the Building Inspector issues a temporary CO. Altaeros Energies should be copied in this letter. **Mr. Kohlhofer made a motion to send a letter to Fremont Land, LLC stating that all outstanding reports and a remediation plan to the satisfaction of the Town's Consulting Engineer needs to be submitted to the Town by the end of the business day on Wednesday. If they do not comply, the Board will recommend that the Board of Selectmen issue a cease and desist. If the requirements are met, then the Building Inspector will issue a temporary Certificate of Occupancy. Mr. Barham seconded the motion. The motion passed 6-0-1.** Mr. Tatem's January 3rd letter should be attached to this letter.

Regarding a recent invitation to an Open House that the Board received from Altaeros, Mr. Barham stated that this event is premature given the circumstances. He suggested for a letter to be sent to Altaeros thanking them for the invitation, but due to the circumstances, the Town cannot entertain the offer. **Mr. Barham made a motion to send this letter. Mr. Karcz seconded the motion. The motion passed 7-0-0.**

Mr. Karcz asked if Mr. Arvanitis had the authority to issue a cease and desist without the Board of Selectmen. Mr. Karcz wants to expedite the Building Inspector's ability. Ms. Rowden recommended that they talk to the Town's attorney about this. There was some discussion about avoiding compliance issues during construction in the future. They would like to receive weekly reports from Mr. Tatem during the construction of the next project.

IV. CIRCUIT RIDER BUSINESS

Ms. Rowden stated it would be a good idea to have some Planning Board members at the Deliberative Session in February to speak to the proposed zoning amendments. She offered to provide some verbiage to help with this. She also stated that she can do another presentation at a Planning Board meeting. Mr. Barham stated that he can do this at Deliberative Session.

Mr. Kohlhofer made a motion to adjourn at 8:07 pm. Mr. Powers seconded the motion. The motion passed 6-0-0.

Respectfully Submitted,

Casey Wolfe
Land Use Administrative Assistant