

SELECTMEN'S WORKSHOP
Minutes of 11/26/07
4:10 p.m.

Selectmen:

Frank S. Michel, Chairman
Peter F. Brothers, Vice Chairman
Robert C. Flanders
Miller C. Lovett
Colette Worsman

Town Manager:
Recording Clerk:

Carol M. Granfield
Karin Landry

The Workshop was opened by Chair Frank Michel at 4:10 p.m. The Chair introduced the Selectmen and Town Manager Carol Granfield and announced that public input will be taken at the discretion of the Chair.

W 07-29 Request to Discontinue a Class VI Highway (a portion of Happy Homes Road)

The Town Manager presented a Staff Report regarding the discontinuation of a portion of Happy Homes Road in connection with development that is taking place in the area. Attorney Steve Nix and various department representatives were in attendance to offer their input and answer questions. If the Board wishes to move forward on the matter, it requires a petition at Town Meeting for a Warrant Article.

Attorney Steven Nix presented a proposed agreement on behalf of his client, Vatche Manukian, Harris Cove Estates LLC, for a means of accessing a proposed subdivision on Meredith Neck Road. The agreement includes a boundary line adjustment that will allow for widening of Cushing Road in order to connect with Cattle Landing Road. It also provides for the discontinuation of a Class VI highway that is a portion of Happy Homes Road. Discontinuance of the Class VI Highway will allow the project to move forward. The road will not be discontinued unless the Planning Board approves the subdivision. Mr. Nix asked the Board for their support of the proposal at Town Meeting.

Community Development Director John Edgar highlighted a previous proposal for access to the subdivision that presented a quality of life issue in terms of public safety and traffic for abutters of the property. The new proposal provides for quicker access to the lots in the subdivision from a fire safety and emergency services point of view. The development will pay for 100% of the costs of improvements to the intersection. Although there is a clear public benefit to the proposal, the Board needs to consider if that benefit outweighs whatever loss the public has by giving up the right of way. It is important to hear from abutters in a public hearing regarding concerns about implications to their neighborhood. The Town should consult with legal counsel Tim Bates relative to procedural aspects of the discontinuance. If the project is favorably reviewed by the

Board and at Town Meeting, it will go to the final design stage with another application to the Planning Board.

The Chair sees the proposal as a middle-of-the-road option that will not affect the quality of life for those on Happy Homes Road and Harris Road. If the road is discontinued, anyone can have access to the road as private property.

Director of Public Works Mike Faller expressed safety concerns with giving up the right of way and creating three dead end roads; Cattle Landing, Happy Homes, and the road that would access the subdivision. He believes the design could be adjusted so that it does not require the discontinuation of the right of way.

Selectman Flanders thinks the proposal is a middle-of-the-road option, and pointed out that two of the dead end loops have been in existence since the roads were built. The Town does not own the land on Harris Road to make improvements to the existing intersection, so the proposal is dependent upon the private agreement with the abutters.

Selectman Worsman shared the struggles the Planning Board faced in considering the proposal. A number of abutters do wish to discontinue the road, and the developer has done it's best to put together a development that is sensitive to the environment. The community will benefit from improvements to the intersection of Cattle Landing and Meredith Neck Road. In response to a question posed by Selectman Lovett, she told the Board that residents on Cattle Landing Road are clearly in support of the discontinuance. She is in support of presenting the discontinuance to the voters for their input.

Selectman Brothers acknowledges that there are strong proponents both ways, but thinks the proposal looks like a compromise position and would support it, based on what has been presented. He would like to hear from owners of property on the lower end of the Neck that will be affected by access for safety vehicles.

The Chair Directed the Town Manager to speak with Attorney Tim Bates to discuss the legal issues associated with the proposal. The Board was in general agreement that the Town Manager should let the Board know what steps need to be taken if they choose to move forward with a public hearing.

07-30 Waiver Request for Shared Drive Access B&N Designs

The Town Manager introduced the matter. Jeff Burd, P.E. on behalf of B&N Design, is requesting a waiver for a revised design for shared drive access to three lots located on property in the Waukewan Watershed protection zone. The property is located between Waukewan Street, Birch Hill Road and NH Route 104. The revised design minimizes wetlands impacts and secondary impacts to the watershed area. Instead of crossing the intermittent stream that runs through lots 1 and 5, a shared drive off Birch Hill Road will access lots 2, 3 and 4.

The Conservation Commission is in support of the waiver. The waiver is required because more than 2 residences are accessed by one private drive, the cross-section is 10' as opposed to the typical 26', the road length exceeds the 1,000 foot maximum, and the turn around is a hammerhead as opposed to a conventional turnaround. With the support of the majority of the Planning Board to recommend the waiver to the Board, the project went into final design. That design got the unanimous support of the Planning Board for conditional approval. The private nature of the driveway will be incorporated in the Planning Board decision, on the plan, and on the deed. It will be very difficult for it to be considered a public road in the future. The design has the support of the Public Works, Water & Sewer, and Fire Department. There is a stipulation that there will be no further subdivision of the lots.

The Board was in general agreement that the design is the most plausible solution for accessing the three lots with the least impact on wetlands. The Chair directed that the matter be put on the agenda for an upcoming meeting.

07-31 Senior Housing of New Hampshire Development Agreement

The Town Manager provided the Board with a Joint Agenda Staff Report and proposed Development Agreement for Senior Housing of New Hampshire. The Agreement is in draft form and has been reviewed by legal counsel. Additional discussion has taken place. This is the first request for water under the new Water Ordinance.

Ben Sanders, the owner of the property, believes that it lies within the Existing Service Area and should be connected to the existing distribution system based on a Recapture Agreement he entered into in 2003. In that Agreement, he granted an easement to facilitate the construction of the pump station for the 18-Mile Point Drive development.

Ray Korber of KV partners highlighted the terms of the new Water Use Ordinance as they apply to allocating remaining available capacity.

Attorney Steve Nix represented 18-Mile Point Drive Realty Trust in the negotiation of the easement with Mr. Sanders. He explained that when the pump station was designed to supply water to the development, a pipe was extended to Mr. Sanders' property that connects to the existing distribution system. Bob Hill, Superintendent of the Water & Sewer Department, told the Board that the line cannot be used unless a pump station is built. The existing water main is adequate in size to supply the proposed units with water including water for fire suppression.

The Chair read a fax dated 11/20/07 from resident Jim Hughes:

Peter Russell and I negotiated an agreement with Ben Sanders and Walter Harmon regarding water lines crossing his property in order for Harmon to develop and not have to drill wells. We met at Goldenview and then presented it to the Board, who agreed to it. The basics were Sanders would give an easement for the water line to cross his property. He would not spend a nickel of his money in laying of the pipe, etc. If and

when he sold the property or developed himself he would pay Harmon \$50,000 and also retain all rights to connect to the line and would pay normal fees to the Town of Meredith. He was not giving up his rights to be able to have Town water even if he had to provide a pump station. Peter Russell could confirm these. There should be records at Town Hall and at the Registry of Deeds.

Selectman Worsman is in favor of the Board giving the matter further consideration. Ray Korber sees a challenge because a connection is defined as a 2" line, which is not sufficient for fire suppression. The intention is to go on the property with an 8" water main.

The Board must consider the Recapture Agreement and what took place in 2003. The Town benefited from the easement Mr. Sanders granted, and the Board must come to an agreement based on 2008 standards. Selectman Flanders expressed concerns with making access to water that is not available. He is in favor of further dialogue on the matter.

The Chair directed the Town Manager to make copies of the Recapture Agreement and letter from Mr. Flanders for the Board's review. Based on Tim Bates' review of the Recapture Agreement, it does not stipulate that a connection to the property be granted to Mr. Sanders. The matter will come back before the Board prior to them making their recommendation.

W07-32 Laconia Area Community Land Trust Workforce Housing Development Agreement and Waiver Request

Bob Reals came before the Board on behalf of the Laconia Area Community Land Trust. The Trust is requesting waivers in connection with the workforce affordable housing project located on Boynton Road. Mr. Reals presented a design of the housing project which includes an existing 13-unit manufactured housing park, some of which are rentals; and 4 buildings, each containing 8 units, of permanently affordable housing. The Trust is making approximately \$400,000 worth of improvements including sewer, sidewalks, and upgrading and improvement to the road. The Water & Sewer Department recommends the waiver of water and sewer access fees in the amount of \$42,850. The Trust is requesting additional waivers for sewer access and connection fees in direct support of affordable workforce housing in the amount of \$39,700. The waiver is requested as a partial offset to the \$307,500-plus contribution to Boynton Road sewer and road improvements. The Trust intends to contribute \$56,705 towards water fees and meters in addition to the costs of sewer, sidewalks and road improvements. Mr. Reals also requested a waiver of the land use change tax on 5 acres of land that is part of a 55-acre parcel purchased from Bob Ambrose. The purchase was necessary to meet the town's 10-acre requirement for a manufactured housing park. The Trust is working to keep the overall cost of the project as low as possible in order to offer housing that is affordable.

Dialogue ensued regarding a covenant that would keep the 5-acre parcel private land for hiking and snowmobiling with no option for further subdivision. Selectman Flanders cautioned that waiving a current use fee has not previously been done and could set a precedent for future requests for waivers. Selectman Brothers pointed out that the improvements that will be made at no cost to the Town should be considered. Those living in the project will pay water and sewer fees, as well as taxes on the units. The housing is for the greater good of the community and he leans towards waiving the land use change tax. Selectman Flanders suggested reducing another contribution in lieu of waving the land use change tax. Selectman Worsman pointed out that taxpayers will be supporting the project on other levels including impacts to local schools and use of federal tax credits that they contribute to on the federal tax level. She supports the project as an individual and Selectman, but does not think the community should be asked to financially support it as far as subsidies. Selectman Brothers pointed out that a tax base will be created, as well as a place for service-based workers to live. Selectman Lovett would like to address the broad issue of the will of the Board to make grants that will help this cause. He believes there is merit to granting all the waiver requests proposed by the Trust. He would like to arrive at a dollar figure based on the Board's will. The Board was in general agreement that workforce housing is high on the 2002 master plan update and the Town's ten priority goals. They must investigate whether a reduction of another fee in lieu of a waiver of the land use change tax is legal.

Bob Hill told the Board that his rationale for not recommending a waiver of \$40,000 in sewer fees is based on the fact that the money that will be put into roads and sidewalks does not impact the Sewer Department. Additionally, the money for the sewer access fees is coming from grants as opposed to the Trust. Public Works Director Mike Faller told the Board that whether the Town or the project is making the improvements to Boynton Road, the CDBG grant money would be pursued.

Dialogue ensued regarding the Development Agreement. Ray Korber told the Board that although the Town is responsible for improvements to Boynton Road, they will be paid for by the Applicant. It is hoped that a change order can be added to the bundled project to include Boynton Road so the project does not have to go out to public bid, saving engineering dollars. Negotiations are in progress with the contractor on the bundled project to see if they will hold their unit pricing for last year. The Development Agreement is structured so that money is put into an escrow account and the Town uses those funds to pay contractors. There is an RFP out for a grant administrator, who will oversee the grant. Nobis Engineering are the consulting engineers on the project. Ray Korber would be the engineer supervising construction of the work if it is change-ordered into the bundled project. The Agreement is in the process of being reviewed and is subject to further revision. The Board will have the final document when it comes before them at one of their regular meetings.

Dialogue ensued regarding what authorization is necessary to change-order the project into the bundled project. The Selectmen are agents to accept grants and funds and are authorized by Town Meeting to expend those funds. The work of Boynton Road would

not be paid for by the funds designated for the bundled project. The Chair would like to be sure the Board is compliant with the water article.

Mr. Korber told the Board that the project will allow for a reduction in blow offs of 8,400 gallons per day. In terms of available capacity, the project will draw 1,500 – 1,600 gallons per day. The senior housing project that was discussed by the Board in the last agenda item could also result in a significant reduction in blow offs. Reductions in blow offs results in a substantial savings from the operational standpoint, lowering pumping and treatment costs. He is comfortable that allocation of water for the two projects will keep the Town within a safe area.

Selectman Flanders moved that the Board take a short recess at 6:00 p.m. before moving into a non-public session on personnel matters. Seconded by Selectman Worsman. Selectmen polled. 5-0. All in favor. Motion passed unanimously.

Respectfully submitted,

Carol M. Granfield, Town Manager

Frank S. Michel, Chairman

Karin Landry, Recording Clerk

Peter F. Brothers, Vice Chairman

Robert C. Flanders

Miller C. Lovett

Colette Worsman