

PRESENT: Vadney, Chairman; Bayard, Secretary; Flanders, Selectmen's Rep.; Kahn; Dever; Touhey; LaBrecque, Town Planner; Harvey, Clerk

Vadney – I would like to take a minute to recognize a special guest, it's nice to have Bea Smith with us tonight, so welcome Bea.

Bayard moved, Kahn seconded, THAT WE APPROVE THE MINUTES OF AUGUST 12, 2008, AS PRESENTED. Voted unanimously.

PUBLIC HEARINGS

1. **LACONIA AREA COMMUNITY LAND TRUST:** (Bayard stepped down) Continuation of a Public Hearing held on July 8, 2008, to determine compliance with conditions set forth in the Conditional Approval granted on September 25, 2007 and to set amount of the Performance Guarantee for site stabilization, connections to municipal mains, road restoration and restoration of services for the mobile homes, Tax Map U11, Lot 63 and S14, Lot 29, located on Boynton Road in the Residential District.

Herb Vadney – The only thing we have on the schedule tonight is the Boynton Road issue and basically we're looking at the road improvements and any financial guarantees to make sure the work gets done and if it doesn't, the Town has encumbered it well enough to get the work done itself. There's been a lot of discussion on this project and a good number of excellent letters to the local newspapers, letters that looked at the project from every angle. Those letters and the ensuing discussions really helped raise awareness of this project and for that I'm grateful for the public involvement. I want to take a minute to do a brief summary of the project and cover some of the things that have occurred over the last year and a half or so and how that got us to where we are tonight. Well over a year ago the applicant came to the Planning Board to discuss the idea of building some small apartment buildings on the Boynton Road mobile home land. They would like to have had more units than they are getting but the rules didn't allow any more. The original piece of land that the mobile home park sits on wasn't big enough to justify even the 32 units they are asking for. They did not ask for or receive any special favors from the Planning Board, instead when they realized they didn't have the land, they contacted the Ambrose Company and bought approximately 5 acres of land from them which they then added to the original land and that brought them up to something in the vicinity of 14 acres and that gave them enough to do the project in a way they thought would work. When they had the total amount of land under agreement, they came to the Planning Board for a routine Boundary Line Adjustment to align the land into 2 parcels, one big enough to hold the proposed 32 units of new rental housing and the other big enough to support the realignment of the existing number of mobile homes. I said the existing number that's to differentiate it from the actual physical mobile homes in some cases. The applicant felt because of the age of some of the mobile homes that it would be difficult if not impossible to crate them up and move them to put them in

the new locations where they would be so they took this opportunity to basically move the grandfathered rights for those mobile homes and those are the ones as you drive into the existing park, the ones on the left, the one stick built plus the 5 or 6 whatever it is going down on the left. All of those will be removed or destroyed but at any rate they will be replaced with new mobile homes off to the right approximately 500' south of where those homes currently sit. All of what I just told you did not require any special favors or arrangements with the Planning Board, they didn't require any deviations from our regular ordinances. As a matter of fact, any one of you or us could have purchased the land and done the same thing. Basically, it's the law. Based on the public hearings that were held last summer and last fall, the Planning Board in public hearings offered a number of suggestions to help make the final product a bit nicer and I think, for the most part, the applicant would agree and they were basically thankful for most of the suggestions, although some may have raised their costs a little bit, but the suggestions were things we felt would work better and in some cases they argued us out of them and in some cases they took our suggestions but we worked with the applicant to do such things as align the buildings and the layout of the roads within the mobile home park and the new rental unit area and to try and optimize things like parking, snow storage and the like so that was all done over the last year and a half or so leading up to last September when we gave the conditional approval. Unfortunately, maybe even fortunately, the last thing to be done was to engineer the road, Boynton Road, and make provisions for utilities such as water and sewer and the last part of that engineering of the road was to evaluate and to ask for abutting property easements to facilitate the placement of the utilities and to allow for construction and maintenance. That, of course, is where the applicant recently ran into a fairly large buzz saw, but along with that buzz saw the Planning Board had to evaluate the road situation for a number of criteria. In rough terms the new development will just about double the number of bedrooms currently at the end of Boynton Road. In other words, the existing houses out there now, the new apartments and the realigned mobile homes and stuff, the difference will be just about a doubling of the number of bedrooms. I use the term bedroom because that gives you a little better idea of the number of citizens that will be out there. I for one and several other members of the Planning Board I know concurred with this and felt that the additional traffic, both vehicular traffic and foot traffic to be generated by 70 new bedrooms if you will, the current road would be inadequate and along with that a number of residents pointed out to us, loudly and clearly, how poorly the winter maintenance had been done on Boynton Road for many years. We've met a couple of times and the Selectmen and Town Manager have made arrangements and one of the improvements will be the moving of the cemetery fence just a couple of feet just to give a little more plowing space. Due to the limited ROW on that roadway and because of some additional requirements of the Americans with Disabilities Act, we concluded that narrow driving lanes with one foot paved shoulders so there will be a 20' paved area for the vehicles and then a designated raised sidewalk the full length of the reconstructed roadway would enhance pedestrian safety. So that roadway plus the sidewalk would be a good solution to ensure safety out there. So, why are we here tonight? To review the final road

and sidewalk layout, discuss the latest easement situation and to see how to proceed with the additional easements to see how much better, if any, the situation would be if these additional easements are forthcoming or not and then to set a monetary figure for the guaranteeing of the work to be done on the road because they are now messing with a Town facility. I just gave you that summary to kind of give you a quick run as to how this has proceeded and to possibly dispel some misconceptions that have been discussed around Town. Seriously, as far as I know, none of this has required any special treatment, favors or anything else by the Planning Board. I don't speak for any other Boards in any way but for the Planning Board as near as I can tell, we've done nothing that would be the least bit out of the ordinary. These folks have followed the law and I know its an uncomfortable situation for some of you residents but I wanted to make clear that we have had a very open discussion all the way along and they have pretty much followed the rules every way we've asked them to. Ignatius McLellan - I work with the Northern New England Housing Investment Fund, a non-profit that helps finance and develop affordable housing in Maine and New Hampshire. We are working with the Laconia Area Community Land Trust, Bob Reals, who is here tonight and I just wanted to give you an update on the status of the MOU's for the easements to briefly tell you what we've done to try to obtain those easements. I read the staff memo tonight and I agree there are basically 2 issues which is to get the approval in terms of the road and utility plan and then also to set the Performance Guarantee amount. In terms of the road plan, you're going to receive a request to approve both an A and a B depending on what easements we are able to secure based on our efforts. We have met in the community in July, we had a community meeting right on the street last week to try to let folks know what the plans look like. Ray Korber from KV Partners is here and he's been working on the Town's behalf pretty vigorously to try to get easements and after tonight in conjunction with Carol, the Town Manager a final letter will be sent out to the abutters who have not signed asking them one more time if they are interested in signing the MOU. The goal has always been to go with the best plan which is the best for the Town and the best for the community but we have limited control over who is willing to provide easements so that's why we have to spend additional time and money to plan something else that meets the criteria of the Town but also respects the rights of citizens who say we don't want to provide you an easement. I want to be clear, this is people's individual choice about whether they provide an easement or not. In terms of the process, we tried to make sure when you look at the value of the easement, the compensation that's being provided for that easement is pretty significant in terms of an easement may be a \$1,000.00 in value and the work that's going to be performed may be \$10,000.00 because the agreement is the Town is waiving the access fees which are about \$1,700.00 and the applicant, LACLT, will be paying for the sewer connection and doing restoration of landscaping and the like and each one of the MOU's has an appendix that lists the value of the easement and the value of the compensation. I will be clear, the MOU's are where we say we'll do the work, we're not paying money to citizens we're merely promising to do the work. We currently have 5 signed MOU's, we need 8 to do what we're calling Option A which is the original road plan, we have 5

of those so we went to Option B which would require us to go forward with just those 5 and we can go forward with Option B if that's the way we go. We have been engaged in discussions with the remaining abutters and again we don't know at this point in time if they are going to sign. We are going to give them one more opportunity to sign and we were asked by the Selectboard to provide that opportunity and to do so in writing so we've provided a draft letter to the Town Manager that says here's the final offer and if you don't sign, which is your right, here are the costs. In other words, we will not be paying for the sewer hookup and folks will have to carry that on individually so that's the status of the MOU's. I want to thank the Planning Board and the Town; it's been a very interesting process. I've only been involved for about a month, they wanted somebody more local since we were expecting more meetings and it has turned out to be true. Brian Vincent, Nobis Engineering – The purpose of my discussion today is to briefly go over the differences between the road designs. Option A was the original design we came up with months ago and the Planning Board has seen as of our last meeting and prior. Town staff has also reviewed that option as well. Option B is illustrated here which is something we came up with in recent weeks based on comments received from the Town and others. The Chairman touched on the road design and in general terms its 9' travel lanes, 1' wide shoulders on either side with a 5' sidewalk that's all for Option A. With that option we do require some easements from abutting landowners along Boynton Road as illustrated on this drawing in green and those easements would be required on either side of the road for most of the length of the road. With Option B its identical pavement widths, the largest difference being that we're proposing a section of the sidewalk be 3 1/2' wide for about 200' along the farther edge of the road along the curve. There's also a slight adjustment in the horizontal alignment of that curve in order to keep utilities within the central area of the work to keep it within the ROW. That's really the difference in the two designs; they are not that different to speak of. They are very similar front to back only that one section is with the narrower sidewalk and a slight adjustment in the roadway alignment. One thing I did want to touch on based on comments we've gotten is to discuss the intersection with Route 3. What we've done there is generated a cut sheet that shows how that would be striped when we go to construction. Basically, we're showing a radius that puts traffic coming off of Boynton Road in a perpendicular position with the Route 3 alignment and that provides the motorist the opportunity to look in both directions in a perpendicular direction and be able to see traffic that's traveling along Route 3. We've estimated the sight distance in either direction to be over 400', probably 500' in most cases or better so that's really it. I have some photos that show the current sight distance and an illustration of how that intersection will be striped. We do show a stop bar and a Stop sign in that area. Vadney – Both Option A and Option B alignment at Route 3 will be identical? Vincent – Correct. Vadney – Both will give you full reconstruction of the road for the full length until you turn into the mobile home park at the new location. Vincent – Correct. Both projects extend about 1,200 linear feet. Vadney – Both will have 20' of pavement for the vehicles, basically 9' and 9' for the car and 1' of shoulder on each side and both will have curbed and drainage improvements for the full length and both give sewer stubs to each resident.

Vincent – Correct. The main difference would be at that one point for about 200' in front of 18 Boynton Road, Option A would have a 5' sidewalk the entire length of the newly constructed road, Option B would have 5' except for the 200' where it would be a 3 1/2' sidewalk which would still meet the Americans with Disabilities Act rules. Vincent – Correct, their minimum requirements are 3 1/2' wide. Vadney – There's one spot where there's an alignment difference. Vincent – Correct. Flanders – Option A is a full gravity system, is that correct? Vincent – Gravity sewer, yes. Flanders – Option B is a low pressure force main. Vincent – Both will be gravity all the way now. Chris Perry – I wrote a letter in the paper yesterday and I wrote a speech tonight because I live in the mobile home park that's in question tonight and I just feel I need to get the rest of my feelings out as far as somebody that lives in the park and I'm going to be affected probably more than anybody because its going to be my environment too. Everybody else's back yard as well I understand. I have been reading letters submitted regarding the middle income housing proposed by the LACLT and I must say the lack of foresight, human decency and common sense is astounding. Contemplating at no point in your future would any misfortune befall you either financially, physically or legally to either yourself, a loved one or a close friend is not only ignorant but naïve. I will never need a handout or a little help break in my housing or my health care, that will never happen to me after all ignorance is bliss and as long as I don't see it or hear it, it doesn't really happen. Living in times when middle class is now poverty, inflation, fuel costs, heating oil and gasoline rises and the job market declines, government strong arming taxes and reluctant to aid its citizens, we are left to our own sources and as far as I can see the other places in Meredith have been getting a facelift with taxpayers funds, a new Police Station, a new Fire Station, the Community Center, the Post Office stairs and not being tax funded but the new Hannaford in downtown Meredith, wedged between a cemetery and an excavation company, our neighborhood could use a facelift too. LACLT can provide this facelift, save the taxpayers \$450,000.00, offer abutters easements to connect to the sewer and supply working class people with affordable housing. It appears to be a win/win scenario. Not in my back yard might work for a high security prison or toxic waste dump, but stop and listen to your own words and realize these are human beings and in the United States we stand up for human rights overseas and in our own back yards so you may want to check your ideologies and find a country suits you. Thank you. Peter Verrill – On this new plan B, how far apart are the water and sewer lines? I've heard you went to the State for an exception so you can stay 7' away from the sewer line, is that true? Vincent – Yes, we did get a waiver from the DES to have the proposed sewer line within 6 or 7 feet of the existing water line out there. Verrill – Why can't it meet the code, you have a 25' ROW, they only have to be 10' apart, why do you need an exception? Vincent – It was our feeling due to the location of the water line being down the center of the road. Verrill – I thought the water line was getting replaced and it was all going to be new. That's the understanding I had from Thursday night. Vincent – There's a section of it that will be relocated. Verrill – I was under the impression by you, Ignatius, that the water line had to be replaced. The Town talked about replacing sections of it but then they came back and said the whole water line would be replaced. Ignatius – Mr.

Verrill it's not my recollection that you and I discussed the water line. Bob Reals – I may have said we were going to replace the whole water main for the section where the Town didn't want us piecing it together, I'm sorry if I led you to believe we were replacing the whole water main. In the other part of the street, we don't have to replace the water main because the sewer can be 10' apart, it's just the section in front of the homes where there's no easements that we have to move the water main closer to the south side so we can put the sewer on the north side and at some points it may be less than 10'. Vincent – There's a couple sections in there where the initial design is to relocate the water line to maintain some separation from the sewer line. There are other alternatives we can use, pressure pipes what have you but at this point we propose a relocation of the water line for 150 or 200 feet. Verrill – But there is a way you can meet the codes by replacing the water lines so you can meet the specs. There's no hardship here other than money that you're not meeting the codes. Vincent – I don't see it that way. I think the issue is with the depth of the sewer construction and the relative narrowness of the ROW, we would be challenged to get that constructed maintaining the distance 10 feet from the water line because we would be pretty close to the north edge of the ROW and that would cause us difficulty with getting that installed. Verrill – But you also have an option for the sewer line. You can go with a low pressure system which means you wouldn't have to go the depth but your company does not want to do it because its going to cost you money all the way down the road and you're going to have to maintain a pump station so you want to go the cheapest way. Vincent – No, we selected a gravity line because it makes sense, I think most people including the Town would agree that if you can use gravity, use gravity. Vadney – The sewer line is going to be at what depth? Vincent – It varies but anywhere from 6' to 14'. Vadney – How about the water line? Vincent – That's already there but it's normally 6' down. Verrill – This easement issue on Justin Poehler's lot, we all have Warranty Deeds on this property down through there and they've been passed on and I followed back to 1940 last night, stating where the pins are and the property lines and according to Harry Wood, there's an error, the Town has a piece of paper from 1881 that says the road ROW is not where the road is so either the Town was illegal when they went down through there with that road as it exists today or there's something else wrong. I have a Warranty Deed that states where my property pin is, he has a Warranty Deed, the people before them had a Warranty Deed that states where the pins are on that property and basically what Harry Wood is saying is the pins are wrong, we have no rights, they are 15' off on one corner where you're putting this big curve into his property, you have the Town road way over here which isn't where it belongs so what gives you the right to change that road now, it's been there for 100 years where it is and now all of a sudden because it doesn't suit you, it's going to move and although we have Warranty Deeds that say we purchased this property and the pins are here, it doesn't belong to us and we've been paying taxes on that property based on where those pins are now and all of a sudden it doesn't belong to us anymore, it belongs to the Town so who's in the wrong here? I asked a surveyor to go out and flag out the easement, the actual easement, not this line of crap that's been going on with the centerline of the road changing back and forth, I asked you personally and you

said that was a reasonable request but it has not been done. Ignatius – In our discussions with Mr. Verrill, he also indicated he would not sign the MOU and he's selling his property to close Thursday. The purchaser of the property contacted Bob at Laconia and asked us if we could meet with the purchasers on site to the extent there was not going to be permission to get the MOU signed, we didn't get a chance to do that and I apologize to you. Now we are trying to deal with the reality as the property is being conveyed, we are going to talk with the new purchaser with the physical location to see if we can work with them. Verrill – That closing could fall through because of financing or anything else, what gives him the right to go behind my back, I don't even know who the people are purchasing my property. How did you find out? Ignatius – I just want to respond to the Board and for the public record, we did not contact the prospective purchasers, they made a call to Bob Reals based on what they had read in the newspaper. We had made the decision that we would not be contacting the prospective purchaser because we didn't think it was our right it's your property, we were not going to interfere with that, they contacted us. Verrill – As far as the Warranty Deed and stuff goes, does anybody have any answers for that because I haven't been able to get one anywhere? Dever – Do you have the document that says the road is wrong? Verrill – We haven't been able to obtain the document that says the road is right. We were at the Town Office yesterday and met with the secretary in there and she was talking to Harry Wood and they were trying to come up with this piece of paper. I had to leave so I don't know the outcome of that. You're saying you've got a 25' easement down here; it can't be 35' wide there if you only have a 25' easement and supposedly the Town should have put the road on the Town's property when they put that road down through there. Dever – So you're saying that's a 35' easement through there? Verrill – I'm saying this piece of property gets pretty wide right here from where it exists now, they are saying its over here which puts this whole corner of the road not even on Town property as it exists. Vadney – That's actually not too uncommon of a situation, these old roads were laid out hundreds of years ago, the travelled way encroached on this corner or that corner and became paved after awhile and I think the normal term is by prescription if the Town has paved it and its been used like that for "X" number of years, that is the road regardless of what deeds say by prescription. The strange thing about it is even if they use their 25' totally on somebody else's property and time passed and it became by prescription, its now the Town's and land that used to be the Town's is still the Town's. Verrill – There was a house on that property that sat 6' off the road, I don't understand when you do title searches and you have Warranty Deeds, the Town had to approve those subdivisions at one time, I don't understand where all this crap comes from. Kahn – I would say if the house was located on what you say was the Town ROW. Verrill – It wasn't Town ROW according to the deed. Kahn – Forget about the deed, if it was the Town ROW and the house was situated in it, you don't get any rights to Town property by setting a house on it. Verrill – At one point the Town approved these subdivisions and they had to have had a road in order to come up with pins for a Warranty Deed and some surveyor had to put them in there. Kahn – The subdivision process is relatively modern compared to the title process that's been going on for 200 years around here. Dever – What did you want to know,

Peter? Did you look at the Road Book? I've got a book by someone that researched every road in this Town going back to the founding of this Town. Flanders – It's not uncommon especially back around the turn of the century and before for a subdivision to get laid out and then the road get put in by the developer, excavator or whatever and they weren't very careful about surveying in those days when putting in roads and sometimes the roads got put in completely off the ROW. It isn't always the Towns that put the roads in, it's the developers. If a developer makes a mistake, they didn't get picked up back in those days. A lot of communities now require a certified plot plan when a project is completed to verify that things got put where they are supposed to be but that wasn't the case years ago. Kahn – Mr. Chairman, I think we're getting off the mark here, we are getting into title issues that I don't think are before us. The question that's really before us tonight is how much should the bond be for the improvements that are being made to the road, the sewer and the water line and I don't think any of this other discussion is relevant to us. Vadney – I agree with Lou that the basic subject here tonight is if Option B can be done with what's in hand, they will do it that way. They already have permission to do it, now the question is what the performance guarantee is going to be. The only really other option is Option A and that requires some additional easements and agreements. Flanders – It was my understanding from the Selectmen's meeting we had last night that the guarantee amount would be established for both Option A and Option B and the decision would be made in the next few days by the developer based on whether those other easements are forthcoming so we actually have two guarantee amounts to establish here. Vadney – I thought we were going to approve the higher number and they would live with it. Kahn - Option A is the higher number and we're approving a number for Option A and if they can do it for less, it's up to them. Holly Tetreault – I have a lot of faith in Mr. Verrill's knowledge of what he's talking about here and asked how the road goes right now. I don't understand why it has to be changed and they have to cut into people's property. Verrill – In order to get the depth for the sewer line, they've got to go 14' deep. They need the easements in order to do Option A because of the depth and they want to put the sewer lines and stuff under the sidewalks and they can do it under Option B without any easements. Tetreault – Is there any option here that is adequate for the people on that road? Verrill – I can't answer that. We don't want it but that's just us. Vadney – The issue isn't really to the people living there whether this road is adequate for what they think their purposes are and I don't mean that wisely or anything, I'm saying that's not the purpose of this meeting. The Planning Board and a number of engineers and others have laid out a road, Option B, which meets the rules, meets the Americans with Disabilities Act, meets the highway criteria necessary so whether one or five hundred people stood up, it basically doesn't matter. LaBrecque – As far as all of the abutters go on the road, there's going to be a full reconstruction so the structure of the road itself will be better, there will be a sidewalk down the full length of the road, the intersection at Route 3 will be improved and there will be sewer that goes down the entire length of the road with sewer hookups provided to the abutters so from my perspective having those additional things would make it a better road for everyone. I don't know if it's really about the road design as much as it is the larger picture.

Tetreault – It will set a precedent. Vadney – It will not set precedent from that standpoint. One thing Option A will do, it will make it more convenient for you folks who live there during the construction. If they go to Option B, you're going to have a narrower area to work in and the construction procedures will tie up traffic more.

Ignatius – In terms of the easements that are being requested, some of them are just construction and maintenance easements, some of them are slivers of land and one of the purposes was under Option A because the easements give us a wider area to work within, there will be less impact on the traffic during the construction.

Option B, we have to work within the ROW which then will result in a little bit more traffic delay during the construction process. (inaudible-no mike)

Bob Reals – We approached the Town with a design and we worked with the Town to come up with this final plan.

Glenn Rollins – I have a question pertaining to the sewer hookups and with regards to the easements. Does the Board of Selectmen have the authority to waive the connection and hookups to a sewer?

Flanders – The technical answer is, they do. The reality is that we have almost never done that. Sewer projects are usually done where a sewer line is extended where one hasn't been before, it's done as a betterment assessment. What that means is the cost of the project is divided amongst the number of people that it serves and the Town takes advantage of the municipal bond rate and spreads that out over a period of time (10 or 15 years) and the people pay a 10th of that cost each year with their tax bill so we've done betterment assessments in a number of places in Town to provide sewer where it wasn't before but the cost of the actual sewer line and the connections have been borne by the individuals and we've made it more acceptable financially by utilizing the Town's borrowing power and spreading it out over a period of time.

With respect to that, who would bear the cost of the abutters who do sign a waiver or an easement, who would pay their connection fees.

Rollins - Would the Town do that or would that be the developer.

Flanders – The Town and developer are working together on this and the answer is those who sign the easement will get connected at no charge to them.

Rollins – Why would the people who exercise their constitutional right to oppose this be penalized for exercising that right in opposing this in regards to the people who do grant an easement and it sounds to me like, I'm not accusing anyone of anything, but it sounds to me like a form of intimidation where if you don't sign the easement , you're not going to get to connect to this free where those who do sign the easement, we're going to butter your bread for you and you will get it free and Mr. Selectmen I can't believe you would sit there and say and put in the minutes you don't expect the people who don't sign an easement to get the same rights that those who do sign the easement.

When the Board of Selectmen has the right to waive the connection fees and you just said so, there are Selectmen on the Board who don't think the people who do not sign an easement should have to pay if nobody else does.

Flanders – If you have a piece of property and you give an easement across part of that property, then you have to some extent diminished the value of that property so when an easement is given, it's purchased so the people that sign these easements are essentially selling the right to that easement for the price of the sewer connection. If you've got 10 people giving up some property rights in exchange for the sewer connection and you've got 3 others saying I'm not

going to give it, should we compensate them the same way as the people who gave up property rights. Rollins – Yes, because that's their right to oppose it and why should they be penalized for doing that. Flanders – You have a right to oppose it, Glenn. If somebody wants to buy your property and they make you an offer you don't think is reasonable, it's you're right to not sell it but you can't collect the money from the people. If you're not giving up some property right, then you shouldn't be compensated and I don't see how anyone can not understand that if they're not giving up a property right in exchange for the easement, how they can feel they should be compensated. Rollins – That's your opinion, Colette Worsman has a different and opposing opinion. It's right here in the minutes so if the Board can't agree, that's your opinion and you're negative and opposed to the people who don't sign the easement getting connected and she is for it. Flanders – I disagree, I'm not negative to the people who don't sign, I'm just against people getting something for nothing when other people give up some property value. Rollins – I've heard that before, people getting something for nothing and you're thinking the people who don't choose to sign that easement expect to get something for nothing; they are not getting something for nothing. Flanders – They're not but under your scenario what you're asking for would be giving the people that don't sign something for nothing. Rollins – They have the same rights as those that do sign and those who don't sign should not be penalized for exercising that right. Kahn – There's another issue here and that is by signing the easements you're facilitating the project, you're making the project less expensive for the developer. If you don't sign the easement, you're making it more expensive for the developer. Rollins – So they are going to penalize you for making them pay through the nose. Kahn – The developer isn't inclined to give you a favor if you won't give him a favor and that's the nature of a bargain, it's not the Town, it's you and the developer. Rollins – To me it's a form of intimidation, it should not be allowed and the Board of Selectmen have the right to grant that waiver so what I'm saying is the people from the developer who send out the letters with the proposals for the last ditch effort for the people to sign an easement, if they don't sign the easement, they are not going to get connected, they are going to pay their own connection fees, however, Selectmen Flanders has just said the Board of Selectmen has the right to waive those connection fees so what I'm asking, is there any way to get a postponement on this whether it's approved or not tonight until the Board of Selectmen have a chance to vote as to whether or not the Board can agree that those who do not sign an easement will not have to pay along with everybody else. It does not affect me I don't think and I don't know because another question I have is with the 250' distance from the sewer line, you're required to hook up within 90 days and a waiver can be granted anywhere from 5 to 10 years, where does the sewer line end? This project will end at the end of the newly constructed road going into the mobile home park. Rollins – So is that 250' requirement from the property line to the stub or is that from the abutting property owner's septic system to the line. Vadney – I believe it's the property line. Rollins – So that will affect me, I will be closer than 250' and I haven't been given any letters or anything as an abutter to ask me for any waiver or easement. Flanders – You asked a question earlier, Glenn, about postponing this tonight and that's not going to happen. The Board of

Selectmen had a discussion where a Board of 5 people and as I recall and maybe Peter can help me out here, the Chairman of the Board, but in our discussion about this specific issue, I believe it was 4-1 in favor of not giving people a bonus if you will for not giving up any rights and making the project more expensive so the Board of Selectmen has already considered this issue and made a decision and that is if there's no easement, then the connection fee and so forth is not going to be paid for. Rollins – Can I see that in writing and the names of the Selectmen who voted for and those who voted against? Flanders – You can go to the minutes of the meeting, it was one or two meetings back I believe. Peter Brothers can help us out here. Peter Brothers – As far as Bob's recollection, we discussed that in a workshop and I think part of that was to respond to questions from people in the crowd so they could help make a decision as to whether or not it was in their best interest to sign an easement or not. There was conversation and consensus, I do not believe a formal vote was taken but the purpose of the discussion was to set the direction in terms of if and when that request came in front of the Board, at that point it was my recollection that 4 of the 5 thought that, similar to Bob, if there was a property right given up or values were diminished slightly by granting the easement that those who took advantage of that would have the hookups and the costs covered in this case by the developer, those that did not would then have a stub and have to pay for the connection at a later date. Some people will be impacted by the 250' rule and I believe that's a State ordinance and not a local ordinance so it's there but it does pose a question if we have people who are in fact within 250' and they may be subjected to that, perhaps there needs to be some sort of opportunity for them to take advantage of it. Rollins – I haven't been requested to grant an easement and yet I'm still going to be required to hook up to it. Vadney – There would be no easement because your land is not being specifically encroached on. Rollins – No, but it's within the 250' where the State mandates I have to hook up to it. Vadney – That's a different issue, the easements are only for what we're doing with the road. Rollins – I just want to hold the Selectmen's feet to the fire to find out who voted for what and have it in writing not a consensus, not just a workshop, I want to know who voted for this by name and have it in writing so the people when they receive their letters that say either you grant us an easement or this is going to happen and have the Selectmen say to those people, yes we are not going to waive because we have the power to, but we're not going to waive the connection fees for you because you didn't sign the easement. That's what I want these people who receive these letters to know, either yes the Selectboard is going to grant the waiver for them to connect or the Selectboard is not going to grant the waiver so they will know what the alternative is and the ultimatum, either you sign or you pay the waiver. Flanders – As Peter said, this was discussed in a workshop and the question came up and was discussed at length amongst the Board, we normally don't take formal votes in a workshop, we usually reserve those for the regular night meetings but in order to give the people a consensus of the Board's thinking, everybody weighed in on it and 4 people on the Board agreed that if an easement wasn't given, this should not be a free hookup. Rollins These people getting those letters don't know what your standing is on it and I see people out here shaking their heads. You're not working for the people and I can't believe,

Bob, that you will not commit yourself to say yes the Board of Selectmen has determined by vote we are not going to waive this and you will pay the connection fee if you don't sign an easement. Vadney – If the Laconia Land Trust had not come forth with this project, in about 3 or 4 years the Town was planning to run a sewer line up Boynton Road and there would have been no waiving of fees, everybody would have been paying up front. Rollins – And that's fair, but it's also unfair for people who oppose this project to be penalized because they won't sign an easement. Brothers – Let me clarify a little bit on the workshop. The reason that was brought up is there was a concern by some of the individuals in terms of whether there would be a waiver or not. There has been some history where someone has a relatively new system so on an individual basis there have been instances where the waiver to not hookup for some period of time typically 3-5 years is granted depending upon what the remaining life of that septic system is. If it went by today and somebody's system was 1 year old, you would probably get a longer term waiver for the hookup but the other piece of it too is I have difficulty waiving something on a carte blanche basis without a specific individual request so my guess is if we have somebody that comes to us after the fact and asks for a waiver, then we have a request, that in my mind and would be acted on, but to carte blanche state that we wouldn't charge anybody on this or any other sewer project, water project or any other reasoning in advance without reviewing the specific circumstances and the individual request and the individual factors to me is not good judgment. I would much prefer to have a specific request and then make a decision based on the facts and whether it warrants that consideration or not. That was my reason for not calling for a formal vote. Rollins – I think that's very viable and I also think the people who have easements requested from them deserve the same consideration. They need to know exactly what their alternatives are and what the consequences are for not signing this. Brothers – Again, it's only a matter of my opinion as one Selectman, you've asked the question, you've made a statement so let me answer. My response is basically that I don't believe we should be making a decision in advance to waive if we are in fact trying to offer some sort of an inducement for them to act ahead of time to be more cooperative. Somebody always has the right not to do that, I don't think there's any argument here whatsoever but think of it from the perspective of those who have participated, they have done so in good faith. The Land Trust as the developer in this case, in good faith has said we'll make sure that there's some value in return for that easement. I think the construction easement too, another piece of it is that's a temporary disturbance, that's to expedite the construction and then once that construction's completed, that land would be restored to its original condition so it's different than you're giving it up and its taken away. There is a value to it, it's been assessed at approximately \$1,000.00 or more depending upon the extent each neighbor was impacted and each individual who signed an MOU negotiated in good faith and there were certain things that were given in exchange that had a value to them. LaBrecque – Mr. Chairman, could I clarify a couple of things really quickly. When they are talking about waiving fees, it's a connection and an access fee and it's approximately \$1,700.00 and the 250', correct me if I'm wrong, I believe its 250' from the sewer main to the structure. Paul Lavoie – It's made out like a bunch of

people have waived their rights to have this project put in and I think most of the people haven't so I'm not sure... Vadney – Whether you live out there is immaterial to this decision, the question here is, is the road modification going to take out your front lawn? If your front lawn is being impacted or they have to work in your driveway in order to put the sewer line in that requires an easement. If you live where the road is wide enough, they can do it without bothering your specific property; you do not basically have a dog in the fight. The ones we're talking about are the ones who, if they would sign an easement, would simplify what these folks are trying to do and probably make a better project for the Town.

Luann Breen – Mr. Chairman, I have a quick question, about waiving the sewer access fees, my concern is that those are special revenue funds for the Sewer Department for capital improvements so isn't that money they are not going to receive from these waivers. Vadney – That's true, but I believe the rationale was to a degree these folks coming in as developers were running the sewer line from Route 3 all the way up into the mobile home park and that was a huge savings from the Town's capital investment program which was going to do it in 2 years anyway so the fact that they are doing it is saving the Town probably \$400,000.00 or something like that.

Flanders – Between \$450,000.00 and \$500,000.00 is what the Town is saving by this being done so waiving a few access fees at \$1,700.00 apiece is a pretty good investment, if the maximum number of easements were 8 and $\$1,700.00 \times 8$ is a whole lot less than \$450,000.00 so I thought that was pretty good judgment on the Selectmen's part.

Dever – Brian, if you could do Option A, how many more feet of easement off that curve does it require than Option B? How wide are those easements? Brian – With Option A, we're asking for easements on the north side of the road of 10' generally speaking and the south side of the road 5'.

Dever – Those on the north side are primarily to ease construction and the majority of that will be put back the way it is. Brian – The green will remain green lawn and the reason its 10' on the north is primarily due to the depth of the sewer work that drives the work beyond the property line and that's why we need more on the north because the sewer has been designed on the north side as opposed to the south side. Again, the existing water line goes down the middle so we had to make a decision and went to the north side. The red is where we are requesting property for additional ROW so to speak.

Richard Juve – Will the Town receive tax revenues on property taxes in this development, so there's no special assessment. Ignatius McClellan – It's an interesting question about whether the taxation or non-taxation is an issue before the Planning Board but nonetheless I'll answer the question. In the last legislative session, the Legislature passed a statute concerning how these properties would be taxed. It includes both a formula based on the income and if it doesn't generate enough value, it is a minimum tax that these properties have to pay so the answer is yes they are required to pay taxes based on this formula or whatever the Town values are depending on whether the taxpayer elects to be treated under the statute. It's a little bit of a complicated answer, but the answer is they pay taxes based on the fair value of the property.

Juve – You mentioned sewer and I think someone mentioned bonding power, the power of borrowing, will the Town have to borrow to put in the sewer and water lines? Flanders – Not on this project. Vadney – It is

being paid for by the applicant in this case. McClellan – If I could again, the applicant is paying for the road construction, the sewer and the water and one of the issues before the Planning Board tonight is what is the, in essence, performance guarantee for that amount to ensure that the work gets done even if it ends up that we can't pay for it. The Town is not on the hook for this. Juve – Can anybody buy one of these units for an investment? LaBrecque – They are rental units, there will be 32 rental units so they are not for purchase. The entire project will be owned by the LACLT. Vadney – Let the applicant comment on the ownership because you are proposing the sale of the mobile home portions to a cooperative, right? McClellan – That's correct. There are two distinct developments, one is the manufactured housing park which will be owned by LACLT until there is a conversion hopefully into a cooperative ownership where the residents of the park will own the park. They currently will own their homes when this is done, but they won't own the park. They will lease from the LACLT. The goal is to do the improvements so the park can eventually be sold to the residents so that's the only sale that is going to occur. The 32-units are rental properties that will be owned by an affiliate of LACLT is probably the best way to look at it. Juve (inaudible) Flanders - A waiver was granted on the road width because they didn't have the ROW to do the standard layout which would have been 10' lanes and 2' shoulders on each side so a waiver was granted. Other developers have gotten waivers too. Juve – That is correct. McClellan – In response to the question of sewer costs, as you heard the Selectmen talk earlier, in the normal case when a sewer line gets put through, there are in essence 3 charges, one is the actual charge to put the sewer line in, the assessment to do the hookup and then the physical hookup. In this particular case, because LACLT is putting the sewer in, it's my understanding any abutter will not be paying for the betterment assessment that would normally be charged. They will still be responsible for the sewer access fee unless the Selectboard decides to waive the physical hookup. The reason we are paying for those who give us an easement is because they are giving the Town a legal right in their property that they did not have before, in other words, they have surrendered a legal right to the Town for which they should get paid and in response and I'm only saying this for the record, I don't want to start the whole conversation again, if we get approval tonight, letters are still going out to people who opposed us to give them the opportunity to grant us the easement and I tell you that because we are not trying to punish people who have been in opposition to us, we would like the best plan to go forward but we do not control legally whether or not folks grant us the easements so from the Land Trust perspective even though its costing us more money, we're willing to go with Exhibit A even after we get approval for B if folks will just give us the easements. I want you to know we're trying to act in good faith to the best extent that we can. Phyllis Brewer – Back in September of last year when I stood up in front of you and I was explaining to you I'm probably one of the closest ones to the road, they were going to take 5', then when I talked to Ray and it was 11' and tonight its back to 5' so when you send out your letters, what footage are you going to have on these letters. McClellan – The document that will be sent out with the MOU for the easement will include the easement as shown on the plans that we hope to get approved tonight so whatever

the width of the easement is on the plans approved tonight that is what the Memorandum will state. Dever – I just asked him this question, on the north side of the road it will be a 10' easement they are asking for and on the south side it is a 5' easement. Vadney – You are on the south side so 5' appears to be right. McClellan – I also want to make clear that Laconia made a business decision that when those letters go out even if we don't get all of the signatures required for A, we will still honor the physical hookup and the like for folks who sign the easement. In other words, if we go with B, Ms. Brewer, and it turns out we didn't need your easement, we would still go forward and do the work. They may ask for an easement just to get the work done but just so folks know, we could have said all sign or nobody gets anything, but we made the decision if anybody signs because it will aid in the construction we'll go forward with our end of the deal. Brewer – Basically, what you are telling me is if I don't sign it, Mr. Reals had told me last year that my hookup was for nothing. He told me this on Thursday when you guys came, he had promised me and he had promised the Blaisdell's because our impact was greater. Bob Reals – Yes, that's still correct, Ignatius was talking in general for the last MOU's, he was not contradicting what I agreed to a year ago. Brewer – If I'm going to get something right, I would just as soon talk to you because I've gotten different answers. I have not returned calls to Ignatius because we left on a note of "you don't get something for nothing" and I'm sorry but that was a bad feeling as far as I was concerned. Brewer – A year ago it was 5' and it changed a couple months ago to 11' and now it's back to 5'. Vadney – Chances are the physical spot on your lawn didn't change, it was where they were measuring from would be my guess. Whatever it is, they will clarify it for you. Kahn – I think it would be helpful if it were clarified whether these 5' and 10' easements are for access purposes or are they going to be paved in each case on the north and south side of the road. Are they for construction purposes or are they permanent access, is somebody's lawn going to be paved over or is it just going to be dug up and restored. LaBrecque – That's what's shown on the plan, where you see red is the only part that will be impacted and won't be restored back to lawn. Everywhere there is green on either side of the gray road, that's for maintenance and construction and it will be restored. Kahn – For people who can't see where the red is or who don't know what lots are red, could you list what lots you're talking about that are red. Brewer – I know for myself they said the first foot was going to be pavement and the rest was going to be lawn originally. Vincent - S15 – 51 has red, U11 – 64 has red, S15 - 63 has red and that's it. Vadney – The red on Option B, you have red but you already have an agreement on that one? Correct. Brewer – Back in September because of my home being so close, you had told me that with this project coming through you would speak to the developers and have some type of barrier set forth so I wouldn't have to worry about anything coming through the front of my home. Vadney – You have the embankment that goes uphill, right? Brewer – Just a little. What I'm saying is if I decide not to sign the easement, you're mention of this as far as my concern, no word of the easement was even spoken. Did you plan on backing down on what you had said about putting a barrier up? Reals – LACLT, in addition to connecting you to the sewer, agreed to put boulders and now its granite posts in front of your house and I believe it's shown on the plans

and that's something we're paying for and has nothing to do with the Planning Board. The only thing we would get from you if you were to sign the easement is the right to do construction on a portion of your land which would make it easier for us to do construction, that's the only thing we're asking for in exchange for you signing the easement. We incorporated it and we agreed to do it because it made sense and we had talked about it on the road when I talked to you over a year ago. It's on the plans in both cases. Carol Cassell – One thing I wanted to bring up is Peter was up here at one of the other meetings and asked what would happen if they did not sign and he could not get an answer from anybody. They did not know and were passing the buck. Now all of a sudden they've known it all the time and it seems they forgot they had said that. We're not exactly getting straight answers. We are still on this dead-end road, what's going to happen if there's a fire? Why can't you make an entrance on the other side? I would say probably Circle Drive or something to go around and it seemed like that could be a little helpful to have that happen. Vadney – Did you look into any kind of a continuation road or anything? No. Vadney – At the last meeting if there was some hesitancy on what could be done is because nobody knew and what we basically charged them with was to go back and say how much can you do without any additional easements or whatever it was. That is what Option B is tonight, that's what they came back with. We didn't know at that time, they've engineered Option B and that's what they can do without any additional easements so, in effect, they will go forward with the project using Option B if they don't get the required easements and the 32 units will be built, the mobile homes will be moved, there will be new people living out there using Option B. The question is will the abutters who need to sign the easements do so to give Option A a chance which would give you a nicer sidewalk and a couple of other amenities as we talked. McClellan - As I understand it, the request for the vote from the applicant tonight is the approval of A & B as shown on the plans with the Performance Guarantee set at whatever the higher amount is and if we end up going with the lower amount in working with the Town, then we can get the Performance Guarantee adjusted if that's possible and we do intend to seek the additional easements on Option A in a very short period of time. (inaudible) Vadney – We didn't know at the time, they had to go do the engineering to see how they could align the sewer, the water, the sidewalk and what would meet ADA for the sidewalk and a whole bunch of things. They've now done the engineering, it's Option B. We didn't know that at the last meeting. The Fire Chief has signed off that he can handle that situation on the access road. (inaudible) Duncan McNeish, 88 Water Street – This question may be best suited for Angela, but having sat here tonight and listened to this and having been through the file in the office, can someone here tell me why Boynton Road is the best option for this in the Town of Meredith and why Boynton Road was selected for this project. Vadney – It wasn't chosen by the Town, it was chosen by the applicant. That's what they wanted to do, they met our rules, whether there's a better place in Town, there could be 75 better places, I don't know. McNeish – You had options on Philbrook Avenue and several other locations. Vadney – It's not my decision. McNeish – This was totally up to the Trust people to make a decision where this was going to happen. Vadney – It was their decision to buy that piece of land and come to us

and say can we do this project. McNeish – Can anyone here answer for me whether you think the voters of the Town of Meredith support this thing solely as it has been presented in the history to date. There's a lot of contention here, you've got people from Boynton Road upset about this project. I've been through the files and I've found contradiction upon contradiction from minutes in the last several meetings. It doesn't seem to me tonight based on what I'm hearing that it's clear and the other thing I think is being questioned, you've got some issues that they brought to you tonight that I think you need to iron out and get answers to them before this thing goes forward. I'd be very disappointed if this went forward before Glenn Rollins had his situation taken care of and also Mr. Verrill as well as Ms. Brewer. Justin Poehler questioned the realignment of Boynton Road at the intersection with Route 3 and the difficulties the proposed realignment will cause. Vadney - That is why they are realigning it at the end but there are engineering standards on how you measure back and I'll let Brian or someone speak to that. Vincent – The design intent here was to develop a sidewalk on the north side of the road that has a tip down for handicapped access and at some point, there is no crosswalk here but in the future there may be so we had to establish room for pedestrian movements in front of the Stop bar that was established 4' behind that pedestrian movement. The Stop bar is designed to stop for pedestrian movement and then from that point if you don't have a clear view of either side of the road, you can creep forward slightly with both directions at the same time and look both ways and see where you are going. Vadney – You are realigning the actual throat onto Route 3 slightly to the north to make it more perpendicular and also move it further from the barrier. Vincent – It's really the same visibility but how you approach it is more controlled now with striping. We could move the Stop bar up higher but Mike will have to move it later. It's actually a very good intersection. (inaudible) There is no crosswalk proposed. Kahn – When you realign the intersection is that going to present a better view for motorists coming out of Boynton Road looking to the south because you do have that pillar on the cemetery and you do have the telephone pole? If you realign the intersection further to the north, will you be able to see beyond that pillar and that telephone pole? Vincent – The design is to approach the road in a perpendicular fashion which is optimum design for any traffic movement, if we move the Stop bar forward, we would probably have better vision for the initial stop but it wouldn't give you a provision to put a crosswalk in there in the future and it would have to be redesigned at that point in time but either way is OK. Poehler - Right now when you pull out, you kind of pull out perpendicular and your nose has to be right on the white line to look, how are you going to put a 4' crosswalk there. Vadney – They are moving it further to the north, what you are doing now my guess is, you're coming out too close to the south. Poehler – I'm not on the other side of the lane. Vadney – But the whole road is offset, what they are going to do is put a curve in that end of the road to bring it out further north toward The Mug and that will set you out in a way that you can see down the road. Kahn – You'll be further from the pillar and the telephone pole, you'll be able to see around them. Poehler – Can the whole road, easements and everything be surveyed to show everybody where everything's going to be? Vadney – The diagram right there is for the end of the road. There's a limit to what we can do on

this, the engineering drawing shows it, experience in reading those things says that's a good option. Poehler – Just because an engineer says it's a good option doesn't mean anything. Mike Faller – With the relocation of the intersection slightly north, State law requires under the driveway regulations that you measure 10' back from the travelled way which is the fog line so in essence if you did put your bumper on the white line 10' back, 3' 9" in height like you were sitting in a car, that would give you adequate sight distance. It might be slightly tight looking to the north but according the survey plans and engineering plans that were done, it appears to be adequate. Poehler – Can the post be removed? Vadney – With this realignment that post shouldn't be a problem, that's one of the reasons they did this realignment. If the Selectmen want to take out the post, it wouldn't take long. Poehler – My next question is the fence, they are moving it back 2'. Vadney – Closer to 4'. Poehler – You guys said 2' earlier. LaBrecque – There's a Memo in the back of your packet. Faller – We anticipate moving the fence back between 3' and 5', I can't go further back because there is a road there and the trucks that go in and out of there for cremations and burials we have, they have to be able to make the turn and at 3' – 5' its going to be tight because its already tight now so we have to kind of split the difference. Vadney – 3'-5' should give you much better snow storage. Faller – It's going to improve snow storage we're going to do the best we can. Kahn – Are you going to grade that gradient that leads from the road to the fence? Faller – Right now the fence is between 5' and 6' off the edge of pavement. Kahn – But there's a fairly steep grade there leading to the fence, if you graded that back you've got much more room for snow. Faller – It would help a little bit but we'll take a look at that at the time of moving the fence. Poehler suggest the fence be eliminated altogether. Vadney suggested he take that up with the Selectmen at any time, we don't deal with cemeteries. We went to the mat for you on moving the fence, it should give you much better snow storage for that 800' than you've had in past years because right now in effect there is no snow storage in that small area. Mike just said 3-5'. Faller – We do the best we can and this year is the first year I heard there were issues with snow, You won't have those issues again. Kahn – Let me point out, Duncan, as I understand it, they did consider Philbrook Avenue on the Town's property found it was much too rocky and ledgy to build in there but that wasn't the Town's call and it wasn't the Planning Board's call, the call was made by the LACLT and my own personal view is there was a crying need for work force housing in this town. People who work in this town need to be able to live here and this provides 32 units of work force housing. We do not take a vote of each neighborhood as to whether or not they want to have a development there. The developer comes to us and says I would like to develop this land. We take the neighborhood's comments into account, we've taken into account that this is a really crummy road and we've done our level best to improve it. This road was going to get a sewer at Town expense and at the expense of the homeowners on the road and they are now going to get a sewer at the expense of LACLT. We think we've made a real improvement for the Town and for the neighborhood. I understand there are a lot of people in the neighborhood who don't like it, but that's not the way the law works. The way the law works is the developer chooses where he wants to go and then we do the best we can with it for

the Town and for the community and I think we've done that, we made that decision back in the fall, we discovered the engineering hadn't been done on the road so that had to go back and redone and now they've come back. The decision before us tonight is to decide how much they should have to put up as a bond in order to get the road, the sewer and the water mains done. We are not reconsidering whether or not the project should go forward, that decision was made in the fall and it's done so all we're doing is looking at a bond to see whether or not they've done their engineering right. The last time they came to us, they did not have the engineering right.

Kahn moved, Dever seconded, THAT BOYNTON ROAD IMPROVEMENT PLANS OPTION A AND OPTION B BE APPROVED FOR IMPLEMENTATION WITH THE APPROVED PROJECT. (1) OPTION A SHALL BE IMPLEMENTED IF ALL EASEMENTS ARE OBTAINED. (2) THE PUBLIC WORKS DEPARTMENT, WATER AND SEWER DEPARTMENT SHALL SIGN OFF ON FINAL PLANS. (3) THE APPLICANT MUST OBTAIN AN EXCAVATION PERMIT FROM NHDOT PRIOR TO CONSTRUCTION. (4) PRIOR TO FINAL APPROVAL AND ROAD CONSTRUCTION, THE BOARD OF SELECTMEN MUST ACCEPT THE EASEMENTS ASSOCIATED WITH THE ROAD IMPROVEMENTS. (5) PRIOR TO CONSTRUCTION, A PRECONSTRUCTION CONFERENCE SHALL BE HELD WHERE A CONSTRUCTION SAFETY PLAN WILL BE REVIEWED. (6) WE UNDERSTAND STAFF HAS RECOMMENDED THAT THE PERFORMANCE GUARANTEE BE SET AT \$758,170.00 AND I SO MOVE THAT THE GUARANTEE BE SO SET. THE FORM OF THE GUARANTEE SHALL BE EITHER CASH OR LETTER OF CREDIT. THE FORMAT OF THE LETTER OF CREDIT OR CASH AGREEMENT SHALL BE APPROVED BY THE FINANCE DIRECTOR. Voted 6-0 in favor of the motion.

Meeting adjourned at 8:51 p.m.

Respectfully Submitted,

Mary Lee Harvey

Secretary

Planning/Zoning Department

The minutes were reviewed and approved at a regular meeting of the Planning Board held on _____.

William Bayard, Secretary