

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary; Kahn, Flanders; Touhey; LaBrecque; Harvey, Clerk

Kahn moved, Sorell seconded, THAT WE APPROVE THE MINUTES OF JUNE 10, 2008, AS PRESENTED. Voted unanimously.

APPLICATION SUBMISSIONS

1. **SANDRA LAWTON REVOCABLE TRUST AND BRADFORD FRANKLIN REVOCABLE TRUST** – Proposed Boundary Line Adjustment between Tax Map R08, Lots 73 & 74, located on Corliss Hill Road in the Residential District.

LaBrecque - This Boundary Line Adjustment is located in two districts, Residential and Forestry/Rural. The proposed lot line adjustment is to convey 146,016 sq. ft. from one lot and 16,382 sq. ft. to another. The final lots will be approximately 8 and 2 acres. The BLA and abutters list are on file, filing fees have been paid. Due to the limited nature of the application and the existing development, complete topography and soils data is not supplied for each lot. It is recommended the application be accepted as complete for public hearing this evening.

Sorell moved, Kahn seconds, that we accept the APPLICATION OF SANDRA LAWTON REVOCABLE TRUST AND BRADFORD FRANKLIN REVOCABLE TRUST FOR A BOUNDARY LINE ADJUSTMENT.

2. **WAYNE AHLQUIST FOR ACME CHOPPERS** – Proposed Site Plan to construct a 50' x 80' fabrication shop and a 24' x 20' accessory salesroom with related site improvements, Tax Map S25, Lot 50, located on Waukewan Street and Route 104 in the Business & Industry District.*
3. **WAYNE AHLQUIST FOR ACME CHOPPERS** – Architectural Design Review of a proposed commercial building, Tax Map S25, Lot 50, located on Waukewan Street and Route 104 in the Business & Industry District.*

LaBrecque – This site plan and architectural design review is for the purpose of constructing a 4,480 sq. ft. building for the purpose of fabrication and associated retail. The application and abutters list is on file. Filing fees have been paid. It is recommended that the application for Site Plan Amendment and Architectural Design Review be accepted as complete for purposes of proceeding to public hearing this evening.

Touhey moved, Bayard seconded, THE WE ACCEPT THE APPLICATIONS OF ACME CHOPPERS FOR A SITE PLAN AMENDMENT AND ARCHITECTURAL DESIGN REVIEW. Voted unanimously.

4. **RICHARD COMSTOCK, JR.** – Proposed Site Plan Amendment to construct a 20' x 80' addition to an existing commercial building with related site improvements, Tax Map S23, Lot 56, located on Foundry Avenue in the Business & Industry District.
5. **RICHARD COMSTOCK, JR.** – Architectural Design Review of a proposed addition to an existing commercial building, Tax Map S23, Lot 56, located on Foundry Avenue in the Business & Industry District.

LaBrecque – This Site Plan Amendment is for the construction of a 1,600 sq. ft. addition. This addition will have a loading area. The applications and abutters list are on file. The filing fees have been paid. It's recommended the application for Site Plan and Architectural Design Review be accepted as complete for purposes of proceeding to public hearing this evening.

Touhey moved, Sorell seconded, THAT WE ACCEPT THE APPLICATIONS FOR SITE PLAN AMENDMENT AND ARCHITECTURAL DESIGN REVIEW AS COMPLETE AND PROCEED TO PUBLIC HEARING THIS EVENING. Voted unanimously.

PUBLIC HEARINGS

1. **PUBLIC HEARING** on proposed amendments to the Site Plan Review Regulations and Land Subdivision Regulations relative to Fees, Applications and Checklists pursuant to RSA 675:6, Method of Adoption.

The proposed amendments to the Site Plan Regulations and Subdivision Regulations were discussed. The filing fees for subdivision and site plan are being included as an Appendix rather than in the text. New Checklists and Applications are being provided as part of this amendment process. No questions or comments from the Board or public. The Registry of Deeds will now be charging a \$25.00 L-Chip fee and so as part of our fees that we obtain for the County Registry, we will be collecting the fee at the same time we collect the other recording fees and if it's a document the applicant will pay when they go to record that document such as a deed.

Kahn moved, Sorell scoded, MR. CHAIRMAN, I MOVE WE ADOPT THE SUBDIVISION REGULATION AMENDMENTS AND SITE PLAN REGULATION AMENDMENTS AS PROPOSED. Voted unanimously.

2. **LACONIA AREA COMMUNITY LAND TRUST** – Rep. Bob Reels (Bayard stepped down) Public Hearing 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.

Rep. Bob Reals - I'm joined today by Lisa Merchant from Northern New England Housing Investment Fund, Brian Vincent from Nobis Engineering and Harry Wood of Associated Surveyors. Our request to the Board is the review of the Conditional Approval and the public hearing on the Performance Guarantee review. LaBrecque – I just want to note that this hearing is just for these two items, posting the Performance Guarantee in addition to the approval of the road. When this project came to hearing, there were several comments that surfaced during those hearings regarding the upgrading of the road, a sidewalk was desirable so the Board decided to grant conditional approval, however, to have another hearing to review and approve the layout and design of Boynton Road and all of the upgrades that were going to take place which include extending the sewer and water, as well as acquiring easements from some of the abutters to do some of these road improvements. All of this has evolved and we're here to day with a final design from Nobis Engineering. The unit cost estimate sheets were submitted by Nobis Engineering and sent out for review to the Town's consulting engineer as well as the Water, Sewer and Public Works Departments. They have been reviewed several times and gone back and forth and all of the comments have been made. The final version of the unit cost estimate was received on July 3rd and staff recommends the total amount of the Performance Guarantee be set at \$758,170. Staff also recommends the Boynton Road improvement plan revised 7/1/08 be accepted for implementation with the approved project. Attached to the staff summary are several comments and calculations from both Mike Faller and Bob Hill. All of the comments have been incorporated into the unit cost estimate sheets. Our consulting engineer worked directly with Nobis Engineering and they met on-site several times to discuss the details of the road project. Vadney – inaudible. The changes you see here are actually the same unit costs you would find on Page 2 of 2 of other construction costs. Vadney – Have all of the 14 items at the bottom of Page 44 all been worked through? LaBrecque – They've all been worked through and the DPW has given a final review. Mr. Chairman, I would like to note that number does include guaranteeing service to some of the mobile home units that may be displaced. That number includes a septic system for those mobile home units should they not hookup to the sewer but it is intended for them to hook up. Kahn – How is the guarantee evidenced? Is there a bond? Vadney – This will go to the Finance Director who will organize through the Laconia Area Land Trust the actual bonding of it. Flanders – For the record, we have not done bonds in the past, it's either cash or Irrevocable Letter of Credit. Paul Lavoie – What I heard about was they weren't doing anything for the people existing in the Park as far as septic, there was no guarantee. I have talked with some of the people living in the area and they are expecting to be pushed out pretty much. I thought they were going to run septic all the way to the end of the road and fix those trailers up but apparently they're not. Vadney – The project as approved is still planning to go ahead with all of the changes, modifications and improvements that were approved by the Board months ago, what this is basically saying, if they dig up the road and get a mess up there and then walk away, we've got \$758,000 in the bank to come clean up the mess. Lavoie – That's why I wonder why you

resurfaced the road last year with this project coming. Vadney – That is something that was scheduled outside of that. Flanders – The only thing I'm going to say, Herb, is at the time that road was done; it wasn't a guarantee that this project was ever going anywhere. Lavoie – Then why did Kelly Lane get gravel over pavement and you stop at the end of the road where the pavement was, I'm confused. Flanders – I think those questions would be best answered by the Public Works Director. The Selectmen don't follow all of our Department Heads around everyday to see what they're doing. I know the road got paved or the work got done on Boynton Road because this project wasn't anywhere near close to approval and there was no guarantee that it was going to get done. Vadney – This guarantee has nothing to do with whether or not the project goes through. They have the approval to do the project. Flanders – They are running water and sewer up through there. Carol Cassell – I was just wondering how you are going to be putting sidewalks in as you were talking about. We didn't have enough room for one vehicle to come through there. You can double the road, put in a sidewalk, are you going to take people's lives away from them just so somebody can get a whole bunch of money because they're greedy and also you're putting out low income, you don't care about the low-income that's in there, you're putting in your kind of people. Reels – We are going to be moving the manufactured homes to this area. Currently there are 12 families in the manufactured housing park so we are going to move these onto new slabs, add sewer and water, all the people including the gentleman living in this stick built house will be having a home here. We have to keep this permanently affordable for 99 years, we have Federal and State requirements that our funders will not allow us to relocate anybody so these people will be able to stay here. We are working with several about buying their units and forming a Cooperative so they have ownership of not only their unit but their land and that's what we're driving towards. The Cooperative would allow them to own it. The NH Community Loan Fund is one of our partners and they have already talked to these owners about it. The current owners have decided to wait until we put the road in, upgrade the sewer and stabilize the area before they look at purchasing it and the idea is that they would be funded at a level where their park rents would pay for their mortgage. Carol Cassell expressed many concerns about the entire project and the affordability. Vadney – If you recall, they purchased some land from Ambrose, they assembled the lot and then redivided it so they would have the new apartment buildings and then you would have some of the existing mobile homes and the others that go off to the east would be moved down into that new cul-de-sac but that was all worked out in public hearing, they have the approval to go ahead with the entire project so what we need to focus on tonight is whether the guarantee of \$758,000 is adequate to make sure the project gets built. Flanders – This whole project is about creating low-income housing. Vadney – It's called work force housing. It's part of the Master Plan and we've been working trying to get some more moderate priced housing in Meredith and that project is going to do it for us. The only reason that project's going to get done is there is a whole lot of government grant money. Peter Verrill – I know there are at least 3 of us that haven't signed the easements on that road yet. I'm just kind of curious as to how the Planning Board's accepting it when we've been told by an attorney that we

don't have to sign those easements so I want to know how it proceeds from this point. Vadney – We have given them an approval to go ahead with the project based on meeting a number of criteria. One of the things would be that this guarantee has to be in place. If they were to start work and cut across your lawn without getting the easement, that's a civil matter that you would certainly have a strong case in the courts. This is lining up the paperwork but I think we can trust that these folks have done enough buildings that they are not going to start digging until they have that. Verrill – We've lived there like the lady said about the snow removal and stuff, we don't see any added width to the road other than a proposed sidewalk and I asked the engineer when he was out there, that road is a one-lane road during the wintertime, I've lived there since 1979, it's the same way every year. The Town has not given up any property on the cemetery side to cut that bank back so the snowbanks can be pushed back. They push them up to the fence, it rolls right back into the road. I want to know why the Town's not giving up any width on that road so that can be widened so this snow issue can be taken care of. Until I see results on that, I'm not signing any easement giving them any of my property to come through there. I asked that question a couple months ago, I received a letter back telling me the conditions that they would replant the trees but nobody's widening the road. The cemetery's got a fence on the side of the road, some idiot goes down that road as soon as the Town plows it with a 4-wheel drive and it's right back in the road. If you meet another car, you're on your side and it has been that way since 1979 and I want to know where they are getting the extra room to put the extra for the extra 30 something homes that are going to be down there. Most of the time right now the Town comes out of Kelly Lane and plow the snow right into my yard because I keep the end of my driveway opened up. That's not going to change, there's no other place to put snow. That's one of my big issues and I want to know what they are going to do if they don't get the easements. Ray Korber – I'm with KB Partners and I'm the consulting engineer for the Town on this project. As far as the easements are concerned, we've met with all of the property owners as Mr. Verrill indicated. The purpose of those meetings was to identify what the project was all about and to hear and address any concerns that the people in the neighborhood had so we could move forward with the easements and essentially what we're asking for in just broad terms from an easement perspective is a 10' easement on the north side of the road if you look at your plans and a 5' easement along the south side of the road and it affects about 7 property owners. The purpose of those easements are to facilitate the construction of all the public infrastructure, the sidewalk, the sewer and also the roadway. This isn't just for clarification, this isn't a land taking, this is to get permission to go onto those properties in order to give the contractor sufficient room to actually construct the facilities. Vadney – It is to a degree at least, a taking. Korber – It's an encumbrance. Vadney – Have you or has Mike Faller discussed or considered whether that road can continue to be plowed in a traditional way or will it have to be trucked away. Korber – That's an operational question that Mike Faller is best served to answer. I'm not aware how they currently do their snow removal. Verrill – They don't remove snow. All they do is keep plowing it up and pushing over stone walls, pushing up on people's lawns and pushing it in my driveway. I asked

you that question as to why the road was not getting widened, why the bank along the cemetery that goes up in the air 2-3 feet, why is that not getting shoved back so the snow can get pushed away? Right now the slope is on the edge road, the whole length of that fence by the cemetery comes right to the edge of the pavement and it goes right up hill so when they plow the snow, it rolls up, it rolls down, it does not go anywhere and the Town's not giving up anything to help on that side of the road so everything gets shoved to the left hand side now you want to put a sidewalk in, you're not increasing the width of the pavement at all and you're telling me when we met that the Town's going to keep the sidewalk clean so where are they going to put that snow right back into the street and you haven't given me any answers on that so I haven't given you any answers on the easement. Korber – As far as the widening of the road, the requirements that are set forth for this particular project were dictated essentially by the Town in terms... Vadney – It would seem to me, if you haven't signed the easement; they can't go ahead until you do. There are some extremes, one extreme would be we're going to do it anyway and they come do it and then you sue them. Flanders – What's the width of the road that's on this plan that's been approved? Korber – It's 20 feet. Verrill – That's basically what we have today. Vadney – So its 20' today and will remain 20'. Flanders – Herb, when the approval was done, obtaining the easements wasn't made a condition of that approval? Vadney – I don't believe so. Flanders – I guess my question would be why not? Kahn – It kind of sounds to me like these easements are not permanent easements, it's so the contractors can get in there and work. Korber – They are permanent easements. Flanders – If those easements were a condition of the approval, then the approval can't be recorded and the project can't go forward until that condition is met so that's the answer to Mr. Verrill's question. Flanders – Angela, do you concur that that was a condition of approval? LaBrecque – I believe when this conditional approval was given to this project, there wasn't a road design at that time, is that correct? Vadney – That's true and as I recall, Faller came to at least one of the meetings, discussed what he was planning to do but I don't remember an actual design. Reels – I'm not sure of the dates but as I remember we originally proposed to bring the road in based on Mr. Faller's request. We suggested a sidewalk go on the south side of the road and that's what we presented with the idea we'd go back and work with him. We worked with him, he put it on the north side of the road and made some other adjustments but we did come to the Town with a road upgrade in addition to the sewer extension. Flanders – Based on the last 20 years or so I can't remember a project that required easements where they weren't conditions of the final approval. If they aren't conditions on this one, then we screwed up and if they are, they are not going anywhere until they get these easements. LaBrecque – This hearing is for the performance guarantee but it's also subject to a compliance hearing for the road improvement plan. I don't know that a decision can be given just for that like a conditional approval just for that road plan so I don't know that the road improvement plan could have the Board's consent provided that certain things are met like acquiring the easements. At the time a decision was made, I don't know that it was exactly that all of these easements were necessary.

Flanders moved, Touhey seconded, I'd like to move that this be continued to the next regularly scheduled meeting, July 22, 2008, so we can get this information and know what we are talking about. Vadney – I'd like to add that I think Mike Faller should be here to explain it to us to make sure we know the Department of Public Works is on the latest frequency with the abutters as well as the developer. I thought when we finished this up back in September, I thought we had pretty well reached agreement and if there were some that weren't involved in that, I certainly apologize for that part but I think now we ought to take a look at that road and if we do a site walk, I think we should have Faller there. Kahn – The disconnect seems to be that Mike seems to have been instrumental in moving the sidewalk from one side to the other and that's what I think has resulted in these easements. LaBrecque – We have another site walk scheduled for another project on the 19th at 9:00 a.m. so we could have a second one at 10:00 on this project. Phyllis Brewer – When this meeting took place in September, the road was the way it is now and that was the way they had come across that we're going to need this or that. They have gone back down our road and they marked the center of the road but then they also marked where they plan to move the center of the road so our road isn't even going to stay the way it is right by their new plan which is totally different from what it began in September and I think that's what's frustrating everybody because we are not getting any actual true answers as far as people being up front and honest. Vadney – You live on the south side and your lawn has a little slope. Brewer – I have only 19 feet from the road to my house. Vadney – I thought we were moving the road away from your lawn. Brewer – No, because in September it was 5', the new plan I had gotten, they wanted 11 feet of my 19 feet. They said they only need a foot to the road but we want an easement for an extra 10 feet. Flanders - The site walk is to see what is happening and just a note Bob, that should be identified out there what the centerline is, where the sides of the road are going to be, where the sidewalk is going and you asked about the easements and the last I knew we were in the United States of America and you don't have to sign that easement. Brewer – Pete Verrill had asked people. We do not debate or negotiate positions or anything on a site walk, but the public is welcome to attend with us so if you want to walk the road with us that's fine. Kahn – Mr. Chairman, we not only need Mike Faller but we need to know where the sewer is going to go.

2. **SANDRA LAWTON REVOCABLE TRUST AND BRADFORD FRANKLIN REVOCABLE TRUST**

Carl Johnson – This is a Boundary Line Adjustment between two currently existing lots located on Corliss Hill Road. Part of it is in the Residential District, part of it is in the Forestry/Rural District and currently Mr. Franklin and Miss Lawton live in this located on Tax Map R08, Lot 73, and that's owned in the Sandra Lawton Revocable Trust. There are no mortgages existing on the Franklin property that's getting smaller. Currently, there's an existing driveway that's not being affected for both properties so this is just moving a line between the two to accommodate the owners desires and we're meeting the minimum soils and slopes and we're meeting the minimum density. The other thing that would have to be done pending conditional

approval is to go out and set the pins. We would be setting new rebars delineating the new lots in locations as shown on the plan. LaBrecque – I would like the soils and slopes calculations for the file. As Carl stated, the lot size meets the minimum requirements per the Districts. The correct address for Lot 73 is 86 Corliss Hill Road. The plan shows them both as 92. The usual requirements apply relative to review of conveyance deeds by staff. The executed deed shall be recorded with the mylar. The applicant shall verify in writing whether there exists a mortgage on Lot 73 or 74. If there is a mortgage, there shall be satisfactory release. Bayard – What's the road frontage requirement in that area? Johnson – 50 feet.

Kahn moved, Flanders seconded, MR. CHAIRMAN, WITH RESPECT TO SANDRA LAWTON REVOCABLE TRUST AND BRADFORD FRANKLIN REVOCABLE TRUST, PROPOSED BOUNDARY LINE ADJUSTMENT, TAX MAP R08, LOTS 73 AND 74, 86 AND 92 CORLISS HILL ROAD, I MOVE THAT WE APPROVE THE PROPOSED BOUNDARY LINE ADJUSTMENT SUBJECT TO THE FOLLOWING:

- (1) THE PLAN SHALL BE REVISED TO REFLECT THE CORRECT ADDRESS FOR LOT 73;
- (2) THE APPLICANT SHALL PROVIDE A DRAFT CONVEYANCE DEED FOR STAFF REVIEW. THE EXECUTED DEED SHALL BE RECORDED WITH THE MYLAR. THE APPLICANT SHALL VERIFY IN WRITING WHETHER A MORTGAGE EXISTS ON LOT 73 OR 74 AND IF THERE IS A MORTGAGE ON EITHER, THERE SHALL BE A SATISFACTORY RELEASE RECORDED IN CONJUNCTION WITH THE CONVEYANCE DEED.
- (3) THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO RECORDING THE MYLAR.

Voted 6-0 in favor of the motion.

3. WAYNE AHLQUIST FOR ACME CHOPPERS: (Rep. Carl Johnson)

Johnson – I'm representing Mr. Ahlquist and also the owner of the property, Realty Concepts, Inc. The property is located at the intersection of Waukegan Street and NH Route 104. It's a triangular shaped piece of property that is currently vacant. Over the past 20 years there have been several clients that have come through the office looking to put one type of use or another on this piece of property, but as you can see from the Zoning Map when the Board determined where the B & I Zone would be and where the Residential Zone would end, they put the line along the easterly border of this piece of property quite intentionally leaving this triangular shaped piece of property in the Business & Industry Zone while the property that's located just to the east of that, is located in the Residential Zone and is a residence so most of the problems over the years have been people coming into the office with a use that is not a permitted use in the B & I zone, therefore, it would require at least one variance and that would be a use variance to be able to construct something on that property. This particular use which is a fabrication shop for

custom motorcycle elements is a permitted use in the B & I zone. Mr. Ahlquist currently operates Acme Choppers in the building that's just to the south of Harper's Boat on Route 3 in one of the buildings adjacent to what used to be "My Brothers Golf Course" and is now occupied by "Docks Unlimited". He's been in that building for at least a few years. He now has a P & S Agreement on this piece of property to relocate his business from that location to here. One of the other difficulties with the site is that it's encumbered by a 50' natural or landscaped buffer measured from the edge of the ROW of Route 104. In addition to that 50' buffer is a 30' front setback and while I'm not on the side that agrees with the way that's being administered, as I mentioned at the Zoning Board, I don't have a badge that says Code Enforcement Officer so I lost the argument. The front setback is measured beyond the 50' setback so essentially the structure setback is 80' from the ROW of the highway. Consequently, we had to go to the Zoning Board of Adjustment to get a variance for being within the front setback and being within the natural landscape buffer area and we received that variance because if you take that 50' and 30', it essentially makes the lot unbuildable. The functional problem with getting a Building Permit with getting a building on a triangular shaped lot is you sort of have to put the building on the fat end of the lot, you can't put the building on the skinny end of the lot because the setbacks get worse as you travel in this direction. The setback is 25' in the B & I Zone for a sideline. What we've tried to do is put the building on the fat end of the lot which would be the east end of the lot and the parking associated with the building in the triangular shaped portion of the lot to the west. As you can see, we've ended up with a lot configuration that has, given the small size of the lot, a fairly low amount of impervious surface. By zone, the B & I zone allows 75% impervious and as you can see, we're covering about 44% so we're trying to leave as much of the property unpaved as we can. One of the reasons is that this building although its fairly large in mass, the parking for the type of business in there, the parking is determined largely by the number of employees. It's not a place where you have a lot of people coming and going on the lot, it's largely determined by how many people work there so we didn't want to end up with a plan that has a bunch of parking to meet the parking requirements that never got used for two reasons, one of which is just the landscape issue and the second of which is the lot coverage and the fact that this property is located in the Waukegan Watershed Overlay District. As you can see, the fabrication portion of the building is a 50' x 80' Morton style building and it has attached to it a very small 20' x 24' office and retail space where they display one or two of their custom choppers that they manufacture the parts and elements for. If the applicant were here tonight, he could explain to you much better than I can exactly what they do. It is my understanding they don't manufacture motorcycles; they manufacture and fabricate custom motorcycle elements. In terms of the business, the things I do know about it, there's very little waste associated with the business. In terms of noise, it was pointed out to me by the owner of the business that none of the employees are required to wear any type of ear protection for any things that they do, there aren't any loud banging or loud pieces of machinery going off during the day. It is basically a 9-5 type business, I'm not sure whether or not there will be any operating on the weekends, that's something that came up in the staff review that I

could get a clarification for at the next meeting. The building itself is a Morton style building as you can see and I've submitted the specifications on the building. There were some comments as to how important it is for this building to have some elements that would break it up. The structural elements that I'm aware of is that the building is going to have a green roof and a tan brick wainscoting on the bottom and the building will be manufacturer in earth tone panels. The ZBA granted the waiver of the buffer. Essentially, there aren't significant trees in the natural buffer existing right now. The few trees that are existing are in the bolder print and most of those trees are actually outside the ROW, they are actually off the property, we do not own those trees. I've shown them but they don't necessarily count for the 50' natural landscape buffer because they are not in the 50' but they do help to break up the property to some extent so what we've proposed to do is to plant 5 additional Norway Spruce trees in a manner that breaks up the visual aspect of the property coming down 104. There is a slight amount of vegetation that's on the northwest side of the property which is the borderline of Waukegan Street and those trees are to remain and that kind of breaks up the view as you would either be going down or up Waukegan Street. As you're coming into Meredith from the West, we tried to utilize the existing trees that are located at the very tip of the property. We're not cutting any trees of any significance to build this building, all of the trees that are existing in the building footprint are smaller sapling type trees and we're going to plant these 5 Norway Spruce. We're also going to have a planter in front of the building with flowering shrubs and perennials and also construct one raised planter with 3 juniper bushes and 3 rhododendrons bushes. The business is not a retail business as such, they do display a couple of their manufactured custom choppers but it's not a place where people come to purchase them. The great amount of sales as I understand is done over the internet for the business. The custom parts are ordered; they are manufactured here and shipped elsewhere that's why we want to minimize the amount of parking spaces on the site. We would be connecting to the sewer which comes up Waukegan Street. There's simply going to be an employee washroom so the sewer use would be minimal. Right now there is an existing well located on the property and because they don't anticipate any large water draw, they are going to attempt to test that well and if it produces the minimum amount of water, they are going to use that. There is requirement if you have potable water in the building that you connect to a municipal sewer. There is no requirement that you connect to municipal water. In terms of drainage and storm water management, it's fairly minimal, the lot is very slightly sloped down from the tip to the bottom and we don't anticipate any major grading to be going on with the property. We would hope we would just grade the parking area and the driveway to slope towards Route 104. There is a significant drainage ditch on both sides of 104 that we think would easily handle the capacity of this and, of course, Mike Faller is concerned with any drainage coming out into the road and we would be installing a culvert which would be going across one of the existing entries to the property. Vadney – That would run across Waukegan? Johnson – It would run across the driveway. Vadney – And then the water would continue down on the south side of 104. Johnson – We don't anticipate any of the water from this site entering that culvert, that culvert would be handling the existing

drainage that's coming from wherever it comes from and we anticipate putting the majority of the drainage from this site to be sloped towards 104 which has the large gently sloped swales that go on both sides of the highway. Currently, there are two entry points to the property, one of which comes up here and one of which is what we'd be using as the main entrance and there was a comment from staff because he has a comment in there about potentially using one for trucks only and I'm not sure but I think what he might be getting at is it may be easier to have this as not an exit for the cars but to have this as no entry in but an exit for the trucks so they wouldn't have to do a back around. We've shown an area where the trucks could back around and go out because we figured that he would want only one of those driveways to be utilized. I'll clarify that with him as to whether or not he's talking about potentially making this just an exit only for the trucks because they would be exiting and going toward 104, they would not be going towards town. Vadney – As far as I'm concerned, that's a non-starter, that driveway sits maybe 100' from where you come around the corner, if you're coming up 104 and want to turn down Waukegan Street, you'd come around this corner and encounter a trailer truck. You already encounter some trying to back into the Vutek area and they are further away but this would be right on the inside of the corner and you'd never see them. The staff review also talks about clarifying the floor plan of the building in terms of what gets put where and how much is related to utilities and miscellaneous and basically to come up with the miscellaneous I take everything I know about and then the hallways, walkways, stairways and stuff I just term to be miscellaneous, but we can develop and come up with a better working floor plan. We didn't show a lighting detail because we're anticipating that there will be no bright outside lighting and the cutoff fixtures would be included and I thought that had been included in the Morton building specifications but apparently not. Mr. Ahlquist currently does have existing signs on his business on Route 3 and I think his hope is to try to utilize those signs for this building and we're still working on a sign schedule that would show where those signs would be located. I'm trying to convince him to have the signs on the building instead of a separate sign area in the landscape buffer and we will have details at the next public hearing. We will list on the plan the hours of operation and hopefully at the next hearing, hopefully Mr. Ahlquist can be here and give you some better feeling in terms of the physical nature of what goes on in the building and what type of noises are made and at what times during the day. The building has been designed by Morton Buildings in Auburn, NH and you have the building specifications in your packets, elevations of how the building would look and the only thing I've added are the colors that Mr. Ahlquist has chosen for the building. Flanders – I think I can save us a little bit of time. We do have an architectural design review and a lot of progress has been made out there on the end of Waukegan Street with buildings being upgraded and improved like the Overhead Door Options and so forth. The last one of these buildings of this type that was done when I was on the Board was Production Dock & Trailer and I think you need to take a look at that. The side and the end that face the road are clapboard, the roof is shingles. My first reaction to these drawings is they are not sufficient and second to be politically incorrect, are you nuts to put this building up there? Even when Vutek was expanded and connected to what used to be the old

machine shop, they dressed it up substantially so if you're asking my opinion of what you've shown us here, I wouldn't vote for that. Johnson – Here's the difficulty when you have a property that's zoned B & I and the last 20 people that have come through my office have a use that's not acceptable in the B & I zone and you have a fabrication business come in, the types of buildings that are generally built in those zones like Triumph Auto Glass, like the Lindsey Lu building, like Overhead Door Options are buildings similar to this with architectural features like we've tried to put into the building. If you notice the building plans, the 20' x 24' retail sales and office portion does have architectural elements to make it look like something other than a steel building. Vadney – This is basically the same business that he's been operating down by Harper's right? Johnson – In a previously existing building, correct. When you sold that to us 3 or 4 years ago, it was in a commercial zone so it was a commercial business now it has turned into an industrial manufacturing business but he's doing the same thing, which one is correct. Johnson – I did not do the original presentation but Mr. Ahlquist met with Mr. Edney before I got involved in the process to determine whether or not it was a permitted use in the B & I zone. Mr. Edney made that call, I did not. Flanders – This lot is pretty unique in that it's small and the only boundary line of this lot that isn't extremely visible from the road is the boundary line on the residential side. You can see this from 104 and you can see it from Waukewan Street and these streets wrap right around the end of it so 3 of the 4 faces of this are extremely visible from the roads and the Production Dock & Trailer building is a Morton pipe building with architectural elements. If they were trying to add some architectural elements to the drawings they gave us, they sure didn't work very hard at it. Johnson – I think we can provide some of that information. This isn't an attempt to say what the building's going to look like but that's a Morton brochure and I think the front of it is trying to illustrate that they have architectural elements to make buildings look like something other than just a steel box. Flanders – These companies will provide customized plans, renderings, etc. of what's going there. Don't show me a line drawing or a brochure, I want to see what the building's actually going to look like with the color scheme and if we approve it, that's what it's going to be and that's what we are going to get. What you've got here doesn't tell us anything. Kahn – Carl, this looks like this is a two-story building, how tall is it proposed to be and what's going on the second floor? I remember vividly the previous meetings relating to the Route 3 South site and Mr. Ahlquist was very frank and honest about what he was doing, it was fabrication. It was when his representative came back at the next meeting and he said it was strictly a retail business. Johnson – I'm a messenger at this point. Kahn – And I think you've got the truth. Johnson – I think what's being asked for is a better detail of the building in terms of the building in terms of its architectural elements and also its interior layout meaning its floor plan and what's on the first and second mezzanine. Kahn – My concern is the bulk of this thing, the visibility of it and is it really necessary, you're talking about the placement of a sign and I have a vision there's going to be a sign facing 104 and I'm not going to go for a sign facing 104 on the building and you've also got a variance to build in the 50' vegetative buffer but what you're putting in there in lieu of the buffer is low planters and things like that which I'm not going to buy. You're

going to have to go for bigger trees, I don't want to see planters. Facing 104, I want to see as little of this building as I can possibly see. Johnson – I understand that and the situation that we're in is when the Planning Board drew the zoning line, they chose to draw the line where they drew it and they chose as a result of that specifically to include that property in the B & I zone. I am working within the permitted use on a lot that was specifically intended to be in a specific zone and so it is a difficult process. Kahn – It is not impossible to put some industrial use in there, a lower less bulky building or a building better disguised with vegetation. Vadney – I heard from you just a minute ago that you were planting these Norway Spruce trees to break up the view and screen the building and then you said you're probably going to put an illuminated sign on the side of the building and I have an idea it won't be where there's a tree in front of it. My concerns are a little bit broader than the architectural design review and the actual design and I am concerned about the mass of the building, the height seems out of order, the 4,000 sq. ft. plus the retail section seems a bit out of order so I'm not arguing that it's industrial and it belongs there, I'm just questioning how big of an industry does General Motors want to put on there. There are certain limits as to how much you can put on it just because its an industrial site. I'm assuming the stonewall shown along Waukegan and the stonewall to the residential zone is the boundary and then this red line that runs parallel with 104 makes a Z type jog, is that the boundary line? Johnson – That is the ROW of 104. Vadney – The ZBA has given a variance and what parts of this lot were affected by the variance, its not clear to me? Johnson – There's a line on the plan that's noted 50' vegetative buffer, the printing is inside the building but it's a line that says 50' vegetative buffer which is 50' from the ROW of 104. When you front a highway or a road, the ROW is the boundary so the 50' vegetative buffer is from the ROW of Route 104 and it specifically says that in the ordinance. Anything south of that line associated with this project is in the vegetative buffer. Vadney – What document states that? Johnson – This is the plan that was submitted to the Zoning Board of Adjustment for approval. Vadney – That states that 50' vegetative buffer? The same one that designates this is industrial so I'm assuming the same people did it and they probably had a clue that the 50' vegetative buffer meant something. The Planning Board before me and before most of the members up here for many years we've struggled to make Route 104 a rural type of entry to the Town and probably the prime corner involved is this particular corner. It was done because it was critical in keeping that rural look as you came into Town so I'm totally baffled as to why the ZBA provided a variance on this. That wasn't a mistake, it wasn't like they couldn't do something else with the property. It may not be a 4,000 sq. ft., 2 ½ story building but there's certainly something they could do out there and not destroy this property. Johnson – This is the portion of the structure that I've cross-hatched that exists within the vegetative buffer. The great majority of the structure as much of it as we could fit within the 30' setback from Waukegan Street and the 25' setback from the abutter exists outside of the 50' vegetative buffer. There is a portion of the parking and turnaround that also exists within there but the only portions of the structure within the 50' vegetative buffer are these cross-hatched areas. The 30' setback as you can see on the plan extends beyond the 50' buffer and creates this

magenta triangle, that's the buildable area on that lot. That's where you could locate a 700 sq. ft. building. Vadney – So that's if you don't get a waiver for the lot setback or the vegetative buffer? What would it be if you left the buffer but got a variance on the setback? Johnson – You want to make believe for discussion purposes that the 30' setback goes away? Vadney – They waive that. Johnson – That would then be a triangle that looks like this which would be an area outside the 50' buffer and outside the 30' setback from Waukegan Street and if you tried to get a square or rectangular building in that area, you would have a building that may be 50' x 40' and this is an estimate. Vadney – 2,000 sq. ft. A lot of industries operate small manufacturing in that size building. Flanders – (inaudible, no mike). Kahn – Along the lines of what you were talking about, I think it should be pointed out that the desire to preserve 104 as a rural entry to the Town without a bunch of strip malls and strip shopping centers and whatnot all the way in from the New Hampton line is in the Town's Master Plan and to the extent there are commercial buildings along that strip and as you're coming east there are a couple down by Winona Road, those are pre-existing buildings but they are set well back from 104 even though they have no vegetative buffer. I'm not quite as strong on this as you are Herb because I think this is a difficult lot and somebody ought to be able to use it, I just think that this proposal sort of pushes the outside of the envelope in terms of bulk and sort of failure to screen with what's available so I think we ought to take a look at the site and see what, if anything, we think. Johnson – We're approximately at 50% of the allowable lot coverage. Bayard – You've got a variance for the coverage because you're building in the vegetative buffer and in the setbacks. I don't look at that as too much of an issue; it's also in the Waukegan Watershed. My concern is that this is an area that is outside the central core of the Town and yet they are asking for a parking waiver. Clearly to me it's too big a building for the lot, that's why you need parking waivers. I can't see allowing a waiver in an area like this for that many parking spaces and a building that big, I think we kind of fit as big a building as we can put in a place and then say let's waive the parking. Johnson – If you had a retail building out here more like the core, the parking requirements would be about the same for a building 1/3 the size. The reason we're asking for a waiver has less to do with the mass of the building and more about the function of the building and that it's not driven by anything other than the number of people that work there. I could probably come up with a plan that paves more of this lot because we have almost 30% more lot coverage that we can pave without going over the allowable limit of 75% in the zone and I tried my best not to do that. I think the direction that I've been getting from the Board in the last 25 years is don't build more parking than you need. If that's changed, we can build parking. Vadney – As a general rule we have said, if you're doing something that doesn't require a lot of parking, we'll be loose on it but here it looks like you're looking for a waiver from everybody involved. In reading the ZBA Decision, Realty Concepts, Inc. for a portion of the development to be within the required 50' natural or landscaped buffer zone and structure to be within the front setback, the way I read it, its saying not any of the structure can be within that vegetative buffer, the development can, maybe some parking lot stuff, but not the building. Johnson – That's semantics, it was clear at the meeting because we presented this plan and I

also highlighted at that meeting the portions of the building that were in the 50' vegetative buffer highlighted in yellow, I had 5 different plans that I showed the buildable box, I showed the building on the lot, I showed the portion of the building that was in the 50' buffer, I showed the portion of the parking that was in the 50' buffer and I had a separate plan that showed the portion of the building that was in the 30' setback so I don't know how I could make it any clearer at the Zoning Board.

Vadney – Maybe I'm misreading this English then. Johnson – Well, they are not very good at English but they are better at zoning. LaBrecque – I read the minutes and I read the decision the same way you did. Vadney – Whatever they passed, I think we'll let someone determine what that English means but in my estimation that says "and structure to be within the front setback". It doesn't say "and structure", they could have put structure up at the beginning and said "portion of the development including structure to be within the 50' and within 30'". They didn't say it so maybe I'm splitting hairs but I'm not happy with botching up that corner with a massive building made out of metal.

Flanders – A lot of the projects that are going through now we're requiring that the post development runoff not exceed the pre-development runoff and that's being done by recharge systems. There's no provision for that here. I'm looking at the drawing of the parking area where you show that truck and I can tell you right now nobody ever put a template on that to make sure a tractor-trailer radius would work there, I can probably tell you right now it would probably take you 20 minutes to get that truck in that position that you've got it shown now so there's a lot of things about this project that just don't fly. I'm sure Lou Caron hasn't taken a look at this.

Johnson – I don't think he's employed by the Town anymore. Flanders – If he's not the one the Town's using, then whoever the Town is using is going to need to take a look at this and I can tell you the template for tractor-trailers is not going to work in this parking lot you've got laid out and on most every project we've held fast on recharge so the post development flow off the site does not exceed the pre-development flow.

Johnson – I think that holds true for projects that have a sensitive area of drainage, for instance, in the area around Hart's that's in the Waukegan Watershed, that drains into a very narrow channel. Route 104 has an unbelievably huge carrying capacity for drainage far beyond what this site would ever drain. If the Board is concerned about that and wants some drainage calculations, we'd be happy to provide them but I don't think to self-contain all the drainage on this site is necessary.

Flanders – At a very minimum, we need the drainage calculations and you need to put a template on that because I can tell you right now the tractor-trailer's not going to work in there the way you've got it shown. There's just a lot of things here, Carl, this is a massive building for that small site and it's going to be totally exposed on 3 sides and it just flies in the face of everything we've worked hard to accomplish in this Town for quite a few years. You don't have to look very far on Waukegan Street to see a number of those buildings up there that were nothing looking Morton buildings that have had facades put on them and look decent and it would be a travesty for us to approve something like this when these other people have worked hard to clean that area up. I just don't feel like you're getting the message here.

Kahn – Carl, I assume that tractor-trailer that's parked on the west side of the lot has a big sign on it, doesn't it? Johnson – That's to illustrate the area that we're

providing for deliveries to get into the site. Kahn – The loading dock is going to be way over there? Johnson – That is to illustrate the area that would be designed for that trailer to enter the site, they would drop their deliveries off in the front and then they would have some place to turn around and as I mentioned before we're trying to pave the limited amount of area. Kahn – It's sort of a hammerhead for tractor trailers. We have the ability to put a huge hammerhead, paved turnaround there if we have to, that's not a problem and if that's what we should do for the standards that Mr. Flanders is talking about, we'll do that but what it will result in is additional pavement and additional coverage which I mentioned, we're almost at half of what we are allowed to cover. Kahn Does your client own a tractor-trailer? Johnson – Not that I'm aware of. That's not intended to mean that there's going to be a tractor-trailer parked in that area, that is not what that's intending to illustrate. I will erase it from the plan if necessary. Flanders – Another thing, whenever we look at these site plans you come in and represent what your client's going to do here, the day they finish this building they could sell it to somebody else and we have to have a setup there that would work reasonably in other situations and this just isn't it. Johnson – Many times when we have a site that is geared towards a specific use, we have a very detailed note on the plan that says the site plan approval is granted for this use and does not indicate by necessity that any other use would be acceptable for the site. If this site is developed in this manner, it would be used for similar purposes and probably not much else and that's the problem when the fathers that be drew that line where they drew it, they should have been at that time as concerned as you are about the gateway to Meredith and what this lot's going to look like, they did not draw the line in that manner, they drew it to specifically include this in the B & I zone. Touhey – The building that is 80' x 50' that is being shoehorned into this and Herb has spoken about the vegetative buffer. I think it's clear that the Town wants a vegetative buffer protected on Route 104. If you look at some of the other newer construction on Waukegan Street, let's just take the overhead door place for example, is that building 80' x 50'? Johnson – I would say that building's bigger than that, there's a lot of that building you do not see from the road. Vadney – That's one of the points, this one you are going to see the whole thing from the road. Johnson – I'd love to discontinue Waukegan Street but I can't. Touhey – So I think there is someone out there that would be happy with this site in the B & I District that could come with an attractive building in an appropriate size for that lot. Johnson – Why do you think this lot in Meredith has been vacant for so long? Vadney – Good planning. Touhey – Everything doesn't have to be built on in Meredith. Johnson – I'm sure the owner would be happy to hear that. Vadney – I agree that the property will get built on sometime. If you had come in here with a 2,000 sq. ft., 1½ story building or something that didn't stand out but this 50' x 80' plus a 20' x 24' part and then ask for a parking waiver and to violate all of the setbacks and buffers to me is a real stretch. I'm upset with it. Kahn – What's the size of the building he's in currently? Johnson – I'm not sure, I didn't do that work. Kahn – I see we're going to approve this and he's going to be taking in sub-tenants. Johnson – Not by your approval. Kahn – I know not by our approval and the next guy who buys the place is going to come in and ask for another parking waiver for something that requires a lot more parking. I am troubled by inadequate parking on

the assumption that a business is going to continue indefinitely. We did that up by Annalee's with the huge Morton buildings up there and I didn't like it then and I don't like it now. Johnson – We have in the past shown plans that had parking laid out but not constructed in the event that it became necessary by the function of the building that you needed the extra parking and we could prepare a plan that shows double the parking or sufficient parking and show a portion of it hopefully not to be paved just for the sake of paving it but to have it available at such time as it should be necessary. We did that for Mr. Dearborn's building that he was going to use just for the storage of his own vehicles but at some point down the road could be converted into a commercial use because it's in a commercial zone. Flanders – Everybody's heard the saying about somebody trying to put 10 lbs. in a 5 lb. bag, well you're trying to get 20 lbs. in that 5 lb. bag here in my opinion. Johnson – That may be your opinion but I can also tell you, not that it's germane to the decision that this Board makes, but it's not the size of the building that the client originally wanted. Flanders – That may just be my opinion but I happen to have a vote on this Board and you don't. LaBrecque – Mr. Chairman, can I run through this real quick. Just for the record I want to say the proposed use is Light Manufacturing with an Accessory Salesroom. As Carl mentioned, lot coverage is well under the maximum allowable. As far as the utilities go, you mentioned it would be serviced by a well but you will be connecting to the municipal sewer line. Are floor drains required for this type of use? Johnson – No. LaBrecque – So the typical note stating no floor drains because we are in the Waukegan Watershed and certain things are required if they empty out into the sewer. Final plans will need to be approved by the Water & Sewer Department. Due to the location of the Watershed, the type of regulated contaminants storage and disposal shall be addressed and reviewed by the Water & Sewer Department and appropriate signoff is required. I wanted to clarify that Mike in his memo which is in the packet, was talking about that entrance to be discontinued, he's talking about coming off of 104 and coming in to the site that way not leaving because if you're coming in this way, you'd make a wide turn on the street anyhow and he was concerned about the turning movements and he said it should be wide enough for a WB50 turning movement and that's what he was thinking if they came in this way, then maybe going out the other way would be better. I know it is really close to that intersection and it could be dangerous so a closer look would have to be taken. Final plans and the driveway permit would have to be signed off by the DPW and driveway permit noted. The stormwater runoff, I guess there's been an increasing amount of impervious in this area and in the watershed in general and we're just trying to minimize the stormwater runoff and sediments. I'm sure the drainage given the green area you have could be graded and diverted in such a way even with a type of slotted drain that cut off at the driveway area that went to your green area on the side. I'm sure there are simple solutions given there isn't very much impervious. Mike would like to review that prior to final approval. As far as the culvert goes, the final plans should just note the type and size of that culvert they are proposing to use and I'm sure if you called him, he would be able to suggest something. He didn't note size in his comments. I think it would be helpful to see how the off-street parking space is allocated. How many employees does he have now, four?

Johnson – There are 4 being provided for this business. LaBrecque – Just a clarification on that would be appreciated and we can take a closer look at it. I took a look at the landscaping and final plans should indicate the size of the trees to be planted. Sometimes I've seen that these little things are planted and survival rates are less when they are smaller and obviously it takes a long time to get, as well as the plants in the planter boxes, the size and species of those plants to be planted. Signage – We have to check with Bill Edney to see whether or not a second freestanding sign would be permissible because I don't know that it would be, you may be restricted to that building sign. Mr. Ahlquist spoke to Mr. Edney about that and Bill said to him it was not a problem, I have not confirmed that with Bill. What type of fuel supply and where will it be located needs to be signed off by the Fire Department. We talked about noise and potentially the owner of this building could come in and speak to his operations and what they do. Architectural Design Review – I couldn't really scale out those drawings on the 8½" x 11" so it would be good to have some sort of dimension like the building height. Johnson – I requested that information from Morton Buildings and it was not provided to me. I noticed also in the architectural elevations that the facades having the most articulation aren't the ones facing 104 and that side could quite possibly be the most important side and that's the one with the largest massing because I know it faces Waukegan and usually your building frontage is the pretty side and the back isn't but the back is probably more critical because it is highly visible. Just for the Board's information, there are photographs starting on Page 17 of your packets. I would like to recommend to the Board that no action be taken and that we schedule a site visit and take a look at the additional information that Carl is going to provide and go from there. Roland Kimball – In the spring of the year in a rainstorm, the water runs off that property across my lawn, front and back. LaBrecque – There is no culvert there, you can definitely see a pile of sediment that's settled out on the lower side uphill of that driveway. Flanders – The Fire Department needs to review this and I'm not at all sure if this is a use that requires sprinkling. LaBrecque – I talked to the Fire Department about this building and they said when it comes time to submit for a building application that they would review it but from the size that it is, they didn't see there would be a need for sprinkling. There is a hydrant right here at the top of the property. That may have something to do with it. Vadney – I've spoken about the buffer and the fact that the Planning Board and the Master Plan have tried to protect that zone for years and I hate to see this go in there and chop it up. I would be very hesitant to give any parking waiver and extremely hesitant to open that westerly driveway one-way, two-way or part-time, so to me that does need to be discontinued. I think as many of the Board members have stated, the building's too big, too high, too wide, and too long and any attempt to disguise it would be an exercise in futility in my estimation. I think we could benefit from a site walk no matter what happens out there just to get the feel for the lay of the land and the vegetation that exists. The earliest we could come back to review new materials would be August 12th. Flanders – I don't believe we can do 3 site walks on July 19th. I think we can continue this to a date specific, August 12, 2008, and at our next meeting on July 22nd we can set the time for this site walk. Hearing closed at 9:17 p.m.

Kahn moved, Flanders seconded, THAT WE CONTINUE THIS HEARING TO AUGUST 12, 2008, WITH A SITE WALK TO BE DETERMINED AT OUR NEXT MEETING. Voted unanimously.

4. **RICHARD COMSTOCK, JR.:** (Rep. Carl Johnson)

Applicant proposes a small addition to his existing commercial building located on Foundry Avenue in the Business & Industry District. The current situation is that the building as you see has a receiving area and loading dock and the trucks come in and have to back down through and go down into a hole to try to facilitate the truck being at the same relative level as the finished floor of the building and that hasn't worked over the years so the project quite simply is to box in this corner of the building and the box is about 20' x 80' and you can see on the architectural sketch, they would simply box in the end of that building with a material similar to this portion of the manufacturing facility that's in the back. I've taken some photos that are in your packet because we were changing the footprint of the building and we would go for architectural design review too. It's basically just squaring off the existing building. I took some photos of the entryway to the main portion of the building which is the office and you can see it has some landscaping, the lower roofs and the Comstock sign and then as you turn the 90 degree turn on Foundry Avenue and head down towards the Canvas Shop, I've taken some photos showing the long side of the building and there are some fairly substantial Maple trees on that side blocking the building. The last picture shows where this new addition would be located and you can't really see it from anywhere. It's the portion of the Comstock building that's really invisible from any of the traveled ways so that part in terms of the architectural design review is probably not that significant. Vadney – When the trucks are backing down that ramp, are they backing directly toward Route 104. Johnson – No, Foundry Avenue is out here. If you open up the plan you can kind of see that Foundry Avenue is going this way down towards the Canvas Shop, 104 is way out here so they have to come in here and back down into this hole and there's a drain at the bottom of that hole so really what they would be doing is making the building be more at the same level and the level of the parking lot so you wouldn't be backing down into that hole the way it is now. In terms of the architectural elements of it, I think it's relatively insignificant and they are just boxing off that corner of the building that's not really visible from anywhere but of greater concern is there are some fairly significant culverts that were part of the original engineering plan. They did a detailed drainage analysis and engineering plan to accommodate some of the drainage on this site. If you remember it was kind of a tough site for drainage and they do have two large culverts going into a big detention and retention and siltation area and boxing off that building actually would be going over those culverts so Paul Fluet from Fluet Engineering did the original design and they did hire a structural engineer to determine what effect having the building over those culverts would be and there's a letter here from Reese Construction and also Jeffrey an engineer who reviewed it. Did you happen to get those letters? LaBrecque – No, I spoke to

Paul Fluet and he said it was in the process of the footings being engineered and basically the engineer took a look at the fact that these pipes are deep, they are down greater than 4' below the proposed footing and also the type of footing that's poured has a reinforcement on the frost wall that's constructed in such a way it actually bridges the pipe and it reduces any stress load on those pipes so it won't be a problem structurally putting the building over those pipes. It's pretty much a simple revision to the plan, it's already an area that's covered by pavement so there is no increase to the lot coverage and it doesn't really result in any significant changes to the operation or function of the building in terms of parking and so forth. There are no parking spaces lost so I think that pretty much covers some of the comments Angela had. Bayard – I just want your clarification on this. How is the roof line going to work with that in terms of snow and water drainage? Johnson – It's going to be a little bit of a hip but the runoff is essentially going in the same place that it goes now into the parking lot. LaBrecque – Actually, I thought it was going to be sloped back in and this roof drain was going to catch the additional runoff and go into that existing catch basin. Johnson – You're correct. There is a drain here that they are going to tie into the existing through an interior drain into the drain that goes in and ties into the culvert so the water will be going in and down but there won't be substantial increase to the amount of runoff. LaBrecque – I just wanted to note the addition, I called the engineer and talked to him about it because the DPW had some questions and Bill Edney about the pipes and the drainage and I got some of the history and pulled out the old site plan so just to explain the drainage really quick here. The first is an existing natural detention area for water, the smaller 18" pipe is basically a flow from that area, there was nothing flowing but there was some standing water but the upper portion of the site or the higher portion of the site, this 18" is for water quality drainage so it settles in that pond and then that water goes through that 18" as it rises and the sediments are able to settle out and then it goes into that next area. This larger 36" pipe is basically for those huge storm events that it rains so much basically the outflow to that first detention area can't be accommodated by that 18" pipe and rather than sheet flowing across the property, it goes into that 36" pipe into the next, it was designed and dug out and rocks were placed in there, there are some cattails growing because it has some standing water, it goes into there and then to be able to accommodate more water that's why the "U" shape was built in rather than just having pool, it was kind of able to divert the water and the more the water is able to stand in that one place, the better it is for fine particles and sediments to settle out. For the roof drain, there's an existing culvert there from what I understand from the engineer and that already ties into the 18" pipe and that will remain so what will happen is rather than having the paved area going into either that detention area or this drop inlet, it will be roof runoff going into that drop inlet and currently its impervious right now and it's a rule of thumb that roof water is cleaner than pavement water. I did talk to the Fire Department and this is something that will be dealt with when a building permit is applied for but there will need to be some sort of fire protection whether it's a fire wall between the addition and the other building or it will have to be sprinklered, there will be something that needs to be engineered and put into the addition so adequate fire protection is there. The architectural design review is fairly consistent

with the rest of the building that has some articulation especially in the road frontage and this isn't really visible other than from the parking area at the back of the site. The parking isn't being compromised. The number of spaces that are there today are the number of spaces that will remain. Kahn – On the site you've got this fairly elaborate water dispersal system and I guess it's been operating now for 10-12 years, does it look like its working and does it look like its being maintained? As far as cleaning out sediments, I've seen cattails growing in there and vegetation is growing so the cobble bottom that was originally put in there, some of it has filled in. Vadney – That's the little pond area. Touhey – So sediment has washed in there and probably filled in between the cobbled stones so it probably is not functioning as well as it once did. LaBrecque – It probably doesn't function the same way as it did when it was first installed. It is still a significant area. Vadney – Still plenty of storage? LaBrecque – Yeah, there's definitely a lot of storage. I think Paul Fluet was the person to design this so we could definitely get his opinion on that. Flanders – Vegetation like cattails and so forth is an important part of the filtration function in a lot of these detention ponds so just the fact it has cattails doesn't impede its ability to do its job, it enhances it. Kahn - How long is Paul Fluet going to be on vacation? Could he on Monday go check this out and give us some assurance that it's working the way its supposed to. Johnson – As part of a conditional approval, Yes. Public Hearing closed at 9:36 p.m.

Flanders moved, Sorell seconded, MR. CHAIRMAN, I MOVE THAT WE APPROVE THE SITE PLAN AMENDMENT TO CONSTRUCT A 20' X 80' ADDITION TO AN EXISTING COMMERCIAL BUILDING WITH RELATED SITE IMPROVEMENTS, TAX MAP S23, LOT 56, LOCATED ON FOUNDRY AVENUE IN THE BUSINESS & INDUSTRY DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) THAT PAUL FLUET SUBMIT A LETTER TO THE PLANNING DEPARTMENT INDICATING THAT THE DRAINAGE IS FUNCTIONING PROPERLY AS IT WAS ORIGINALLY DESIGNED; AND
- (2) SUBJECT TO THE USUAL RIGHT TO REVIEW AND AMEND ANY APPROVAL AS PROVIDED FOR IN THE SITE PLAN REVIEW REGULATION NOS. 7 AND 17.

Voted 6-0 in favor of the motion.

Bayard moved, Kahn seconded, THAT WE APPROVE THE ARCHITECTURAL DESIGN AS PROPOSED FOR THE ADDITION TO THE EXISTING COMMERCIAL BUILDING, TAX MAP S23, LOT 56, LOCATED ON FOUNDRY AVENUE IN THE BUSINESS & INDUSTRY DISTRICT, AS THE PROPOSED DESIGN DEMONSTRATES SUBSTANTIAL CONFORMITY WITH THE GENERAL AND SPECIFIC CRITERIA SET FORTH IN THE ORDINANCE AND IT IS IN KEEPING WITH THE AREA IN WHICH IT'S LOCATED.

PRE-APPLICATION DESIGN REVIEW

1. **VANESSE HANGEN BRUSTLIN, INC. (VHB) FOR LAND ACQUISITION, LLC.-** Pre-Application Design Review of a proposed 29-lot residential subdivision on Tax Map S17, Lot 2, located on Upper Ladd Hill Road in the Central Business And Shoreline Districts.

Mark Derby, Attorney representing the applicant here, Land Acquisition, LLC. With me tonight are 3 of the principals of Land Acquisition, LLC and also Mike Leo from VHB, our design consultant and engineer. He will be discussing the mechanics and the engineering of the project and essentially we're here for design review to listen to the Board's ideas, input and feedback and to answer as many questions as possible so the formal site plan/subdivision application can be as smooth as possible and address as many of your concerns as early as possible in the process. There is some legal background to the case and I'm happy to answer any questions you might have about the legal background of this lot, prior submissions, things that happened in front of the Zoning Board either now or at a later. Mike Leo – The property's 19.15 acres, its located off Upper Ladd Hill Road. We have been before the Board a couple of times on this project. We previously had shown a more dense development on the property, we had also been before the Board to review the Watershed for the property. The property's known as Tax Map S17, Lot 2, it's got about 800 feet of frontage along Upper Ladd Hill Road and it does have some frontage off of Mile Point Drive. Upper Ladd Hill Road and the existing Upper Mile Point Drive were pointed out on a composite plan. The property slopes generally from south to north, there are some wetlands towards the center of the property which are associated generally with seeps from the slopes. There is also a small stream that bisects the property. Previously, we had done a watershed analysis to show that this property is tributary to Meredith Bay and not to Lake Waukegan. There is gravity sewer on Upper Ladd Hill Road as well as municipal water and there is also a gravity sewer in Mile Point Drive. There is a municipal water line that crosses the property via an easement and goes up to the water tower. What we're proposing is to construct 2 cul-de-sacs, one cul-de-sac off of Upper Ladd Hill Road which would be about 700 feet in length, there would be 6 lots that would front on Upper Ladd Hill Road and then there would be an additional 16 lots that would have frontage off this cul-de-sac and then off Upper Mile Point Drive, we're proposing a cul-de-sac 500 feet in length that would have 10 lots associated with it. One of the reasons we chose this layout is that it really tends to sit better with the grades of the site as the roads are running along the contour of the ground and it minimizes the wetland impacts on the property substantially. The only wetland impacts we would anticipate is there are 2 lots off the end of the cul-de-sac that are rather long and what we are looking at in that area is possibly having a common drive for both lots with a single wetland crossing of about 400-500 sq. ft. and then the 2 lots located on the back so all total, there are 30 lots on here, 29 would be home lots

with one lot that would be the remainder that we could use if a community water system is necessary. We know there are some ongoing issues in the Town as far as water goes so we are giving ourselves either connecting to the municipal water system if that's feasible or putting a community water system on the back of the lot. We've talked to Bill Edney about using community water systems and in either scenario this would still be considered a Class 1 utility. The lots are all 10,000 sq. ft. or larger and most of them have 100' of frontage but there are several flag lots on the property that have 50' of frontage and widen out to the minimum 100' width. That's generally what we're proposing. Vadney – Where does that driveway come off of Mile Point, I'm trying to picture how that is oriented. Leo – As you go over the top of the hill, you come down, the road veers to your left, there's actually a small water booster pump station, just before the building there's a little patch of pavement, it's right there, and its paved. (Somebody's talking without a mike – inaudible) Flanders – You had mentioned the possibility of putting a well up there to service these lots, where is that well going to be located and do you have the protective well radius that's required for a municipal well. Leo – It would be a community well and this is over 400 feet wide down in here so we would have plenty of room to locate a well in that area. Flanders – I thought you needed a 250' radius on a community well? Leo – Right, and this is 400' right over here so we could put a 200' well radius if we had to in this area. Bayard – You've got that middle area, is that going to be a lot or a community area. I know it's all wetlands but I missed your discussion and I'm wondering what its going to be. Leo – It would either be an open space lot or used for a community water supply. It's not intended that there would be a home on this lot, it's just the way the land laid out. Flanders – Who's going to end up holding the fee interest in that? Leo – I think that's something we need to work out whether that would be part of a Homeowner's Association or whether it would be a remnant lot. Vadney – These are going to be individual lots in private ownership. LaBrecque – This permanent easement is for the water line? Leo – There's currently a municipal water line easement across the property. LaBrecque – And it crosses right in the middle of Lot 2. Leo – The buildable area would be that small rectangle where the 2 is located. LaBrecque – Lots 8 and 9, would they have a shared driveway that crossed the wetland and the buffer, is that how you would access that? Leo – We would come off the end of the cul-de-sac with a single driveway that would probably be about 20-30 feet from the lot line and that would come down through here and access both the lots. LaBrecque – I know the Department of Public Works likes to limit the driveway cuts on the roads so for instance, Upper Ladd Hill, you have lots 18 and 19 that probably potentially could have a shared driveway, 17 and 16 could have a shared driveway, the others front on Road A and then possibly 1 and 2 having a shared driveway minimizing your driveway cuts to be 3 on Upper Ladd Hill Road. Have you guys looked into fire suppression and whether or not it would be a requirement given the size of the subdivision? Touhey – Since the lots are so very small, do you have any idea of what size dwellings might be going on these lots. Leo – They would be appropriately sized for the lots, I don't have an architectural plan for the buildings. We have our own school districts to think

about too and how many children is this development going to generate? Flanders – One thing we've required on projects like this in the past is we get a student generation report done by a professional and I think that would be a reasonable stipulation to place on this project. Vadney – You can go ahead and get that number for Mr. Flanders and get a wag on it but we have done a number of these, my guess is the number will be somewhere between 15 and 20 and as Bill just said, our school system, as most school systems in the state, are actually going down in enrollment so with the latest projections, I wouldn't think school would be an issue. Flanders – In the past we've been told by different traffic engineers that every unit generates 6 trips/day so take the number of lots and multiply by 6 and that's what you're doing to the traffic. Vadney – We were looking at one that had 71 units all going onto Ladd Hill, now we've got 19 units going onto Ladd Hill. The fact that the thing has been downsized doesn't mean that it's not big. I think there's a real traffic issue as to what we're going to do with the conditions on Ladd Hill. Bayard – That doesn't mean that Mike and John or whatever may say there may be some additional improvements needed there or whether it's just a drainage issue, yes, it reduces the problem but it doesn't necessarily make it go away. Derby - I guess to clarify in terms of what you'd be looking for, would the traffic study be something you would want at the time of submission or would we have to clear that with the Planning Department in advance. Kahn – We've been talking amongst ourselves and concluded we can come up with the traffic numbers without you having to pay somebody so the issue for us is not how much traffic there's going to be but what are we going to do with the road and that we haven't figured out yet. The roundabout can definitely handle these additional trips; it's really the condition of Upper Ladd Hill Road. Vadney – I've done a lot of traffic studies and in rough terms, 19 units feeding onto Upper Ladd Hill Road at peak hour which is what they look at, you're looking at probably 18-20 cars in peak hours additional and how many do you have going through the traffic circle now so another 15 cars you won't notice. The capacity of that traffic circle is soon to improve as soon as the people learn how to drive it. LaBrecque – I just wanted to mention the erosion control provisions using low-impact development. Flanders – We've got a Water Study Committee that's working on the water issue now and that report probably won't be out until this fall sometime. They haven't come to any firm conclusions, but it appears we may not be quite as bad off as it appeared we were at one point. Bayard – Check on the flag lots a little bit. LaBrecque – And the minimum lot size too, I think you may have two different zoning districts here. Derby - The short answer is we've dealt with that and I would be happy to elaborate at a later point or answer any questions. Leo – We've designed this based on the Central Business zone and Class 1 utilities. LaBrecque – So Central Business would apply for the entire site. Flanders – On your map that shows the whole project, point out the boundary line between the commercial and the shorefront zone would you please. I thought the minimum lot size in the Shoreline District was 40,000 sq. ft. Am I wrong on that Angela? LaBrecque – It's a non-waterfront Central Business District lots if you have water and sewer, it's 10,000. If you only have sewer, it's 20,000. The greater area dominates and in this case it's the

Central Business District. Derby – Under Meredith’s so-called split-lot zoning provision, if a zoning line divides a piece of property between two districts, the entire lot is treated as if it is in the district that covers most of the lot. In this instance, the CB District is basically from here over so there has been a final and appealed interpretation from the ZBA confirming that the entire lot is treated as if it’s in Central Business.

The Ahlquist application was discussed regarding how to proceed. Flanders – I would like to see the Planning Board appeal the Zoning Board’s decision in this matter. There is some history for this. Since I’ve been on the Board of Selectmen has twice appealed ZBA decisions and did get a reversal on one case. Vadney – A request for an appeal? Flanders – Request for a rehearing I guess is the correct term. We do have time but not much.

Flanders moved, Kahn seconded, I MOVE THAT THE PLANNING BOARD REQUEST A REHEARING ON THE ZONING DECISION IN REGARDS TO WAYNE AHLQUIST FOR ACME CHOPPERS. Voted unanimously in favor of the motion.

Vadney – We have a motion and a second for a rehearing by the ZBA to relook at the 104/Waukegan Street property. I support that. If nothing else, I think we have to get a really clear reading on what that 50’ buffer means on 104 because there are a lot of other properties out there and we don’t want to set a precedent that you can cut into that 50’ buffer and start butchering what has been a 20-year project in protecting the 104 access so I think it’s worth getting a clear legal statement on the meaning of that buffer and its value and point out to them that the Master Plan calls for protection of that corridor. Flanders – Just for clarification, Herb could you take the time to go in and get the paperwork filed on behalf of the Board. Touhey – If you read the statement, it’s very specific in what it says “development to be within the required 50’ natural or landscaped buffer and the structure to be within the front setback” so they are not talking about the structure being in the buffer. Vadney – What’s clear is that Carl said “no, we intend both” whether they all heard that and voted on that is another question. (LaBrecque talking, no mike.) Vadney – If nothing else, the fact that the minutes don’t seem to be congruent with their statement that they voted and if nothing else, we have to get that clarified so I think it deserves a rehearing so I appreciate your (someone is talking – inaudible). Vadney – I think the area is, the minutes are quite different than the way they worded their statement. Flanders – What was discussed doesn’t have to be consistent with what they voted on. They could discuss this for quite awhile and then make a motion and pass something that’s different than the discussion. Bayard – If we get a clarification, my guess is it’s going to be a clarification that’s going to be something we don’t like. Vadney – It could be. Bayard – The other thing is it has to be new material, we can’t say this is not at all in keeping with the Master Plan. Kahn – I would say that failure to consider the Master Plan could be an error. Flanders – This isn’t different than the Faller case. They originally granted his variance and the Board of Selectmen

appealed that based on the fact they made a mistake so the actual process is that we request a rehearing and at the next meeting of the ZBA they decide whether to grant the rehearing or not. If they grant the rehearing, the actual hearing won't take place until the next meeting. If you talk with John and Angela, they could help you come up with the way to word. Kahn – Carl alleges this is an ambiguity but on its face it's not ambiguous and if it's not ambiguous and it is as Carl presented, they didn't consider the Master Plan. (Flanders – inaudible)

Meeting adjourned at 10:33 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant
Community Development Department

The above minutes were reviewed and approved by the Meredith Planning Board at their regular meeting on _____.

William Bayard, Secretary