

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary;
Flanders; Finer; Kahn; Bliss; Granfield, Alternate; Touhey, Alternate;
Edgar – Town Planner; Harvey, Clerk

APPLICATION SUBMISSIONS

1. **LINDSEY LU, INC.** – Proposed Major Subdivision (cluster) of Tax Map R09, Lots 19, 19A and 21 into 8 lots (16,465 s.f., 19,464 s.f., 19,842 s.f., 20,016 s.f., 23,118 s.f., 24,063 s.f., 32,760 s.f. and 33,006 s.f.) located on Corliss Hill Road in the Residential District.

This is a proposed major subdivision cluster for 8 lots on Corliss Hill Road. The application, subdivision plan and abutters list are on file. Filing fees have been paid. Technical review fees have been paid. Recommend the application be accepted as complete for purposes of proceeding to public hearing and the public hearing be scheduled for 1/24/06.

Bliss moved, Sorell seconded, THAT WE ACCEPT THE SUBDIVISION APPLICATION OF LINDSEY LU, INC. FOR A PROPOSED MAJOR SUBDIVISION AND SCHEDULE THE PUBLIC HEARING FOR JANUARY 24, 2006. Voted unanimously.

2. **JONATHAN D. & PAMELA MELONE HALSEY** – Proposed Major Subdivision of Tax Map S01, Lot 4, into two (2) lots (23.656 ac. and 16.233 ac.) and Boundary Line Adjustment between Tax Map S01, Lots 4 and 5, located on Tuttle Road in the Forestry/Rural District.

Mr. Chairman, for those of you who are not familiar with Tuttle Road, this is up off Keyser Road on the Center Harbor town line. It's a major subdivision by virtue of the resubdividability of the lots of the acreages involved. Because the property is on the boundary in Center Harbor, the access is gained through Center Harbor. The statutes kick in that would necessitate dual approvals from our Board as well as the Center Harbor Planning Board. Application, subdivision plan and abutters list are on file. Filing fees have been paid. Recommend the application be accepted as complete for purposes of proceeding to public hearing, the application be referred to the town of Center Harbor in accordance with RSA 674:3 for their review and approval and that the public hearing be scheduled for January 24, 2006.

Sorell moved, Finer seconded, THAT WE ACCEPT THE SUBDIVISION APPLICATION OF JONATHAN D. & PAMELA MELONE HALSEY FOR A PROPOSED MAJOR SUBDIVISION AND BOUNDARY LINE ADJUSTMENT AND SCHEDULE THE PUBLIC HEARING FOR JANUARY 24, 2006. Voted unanimously.

1. **JAMES AND JANET WALDRON** – Proposed Major Subdivision of Tax Map R09, Lot 15, into three lots (2.66 ac., 9.1272 ac. and 16.6669 ac.) located on Corliss Hill Road, in the Residential District.

This is considered major not because of the number of lots but because of the acreage involved. Applicant proposes to subdivide approximately 28.3 acres into three lots ranging in size from 2.6 to 16.6 ac. This lot currently includes one dwelling, septic and driveway. The application, subdivision plan and abutters list are on file. Filing fees have been paid. Recommend the application be accepted as complete for purposes of proceeding to public hearing. However, there may be a Boundary Line Adjustment application involving this parcel that Mr. Wood has indicated he would like to coordinate with a public hearing on the subdivision. Harry's here this evening if we could identify the hearing date for purposes of coordinating the two public hearings. In all likelihood I believe it probably would be the February 14th meeting.

Finer moved, Bliss seconded, THAT WE ACCEPT THE APPLICATION FOR A MAJOR SUBDIVISION FOR JAMES AND JANET WALDRON AND SCHEDULE THE PUBLIC HEARING FOR FEBRUARY 14, 2006. Voted unanimously.

4. **MARDIS PARTNERS, L.L.C.** – Proposed Site Plan to construct professional office space and related site improvements, Tax Map U06, Lot 113, located at 290 Daniel Webster Highway in the Central Business District.*

Applicant proposes to demolish and replace the existing non-conforming structure located immediately adjacent to the central Fire Station on Route 3. The purpose of this redevelopment project is to establish a real estate office there. Application, site plan and abutters list are on file. Filing fees have been paid. Recommend the application be accepted as complete for purposes of proceeding to public hearing later this evening.

Sorell moved, Bliss seconded, THAT WE ACCEPT THE APPLICATION FOR A SITE PLAN FOR MARDIS PARTNERS, L.L.C. AND PROCEED TO PUBLIC HEARING THIS EVENING. Voted unanimously.

PUBLIC HEARINGS

1. **DONNA AND ALBERT DUCHARME:** (Rep. Carl Johnson, Jr.) Continuation of a public hearing held on November 22, 2005, for a proposed major subdivision (cluster) of Tax Map R30, Lots 3 & 4, into fourteen (14) lots (1.9 ac. –17.1 ac.). located on New Road in the Forestry and Conservation District. Application accepted October 25, 2005.

The Board is familiar with this project. This is a 14-unit cluster subdivision on New Road. We were before the Board previously and there were several discussions regarding certain elements of the plan. Since that time there has been some additional work done, there's been some additional investigative studies done, there's been some revision of the covenants and some feedback from both the Town's consulting engineer and the State of New Hampshire Department of Environmental Services, Alteration of Terrain Division. I'll briefly bring the Board up to speed on what's taken place in terms of the applicant's progress in the development of the project and then I will be happy to entertain any further questions. I know that John has a staff review, I haven't had a chance to look over the details of it, I've skimmed through it a little bit and there are some items in there that I'm sure he's going to want to address as well. From the engineering standpoint, I spoke to Paul Fluet this morning. Fluet Engineering is the registered professional engineering firm that's in charge of designing the roadway and the cistern and doing the grading and sediment control plan for the project. That work is being reviewed by Lou Caron, Lou Caron is the Town's paid consulting engineer, paid for by the applicant's engineering review fund and Mr. Caron had reviewed Mr. Fluet's plan, had several comments, suggestions regarding some minor tweaking of a few of the elements of the drainage and the grading. Paul Fluet has made those changes as per Mr. Caron's recommendations and has mailed the revised plans back directly to Mr. Caron for his comment and review. He also was contacted by the State of New Hampshire DES regarding the alteration of terrain application. Again, the lady that was reviewing that had a few minor suggestions regarding the drainage on the project. He has incorporated that into his plans as per her recommendations and has submitted that back to DES for approval. Additionally, at the last meeting there was some concern raised about the area of the roadway where there was going to be a cut in that and at that time there was no indication as to the depth to ledge at the cut and when the Town came to the point where they would be approving a bond amount for the bonding of the road, he would have to know whether or not there was a sufficient amount of contingency in there for ledge. Ambrose Brothers went through the centerline of the road in the area of the cut and dug several test pits similar to what we did for Mr. Paquette's subdivision at Clover Ridge and has submitted to the Town a table showing the stationing at which the test pits were dug and the depth to resistance or no resistance. Generally speaking, 5 or 6 feet down, no ledge, no resistance so apparently there's not going to be a need for blasting any ledge in the area of the cut. Vadney – How deep a cut was it? Johnson – I don't have that information off the top of my head. I can tell you that the existing grade of the roadway is about 14 to 15% and it's being made to 10%. As I recall, it's approximately 5 or 6 feet on one end of cut and 5 or 6 feet on the other end of fill. John does have the engineering plans in a few seconds he would have that answer. Edgar – Approximately 5 feet. That's to finish grade. If you factor in the depth of the

structure box it's a little bit more than that. Dale Wilkie is the person at N.H. Electric Co-op that's in charge of reviewing utility plans for proposed subdivisions and has prepared a utility layout plan for the project and has submitted it as part of the information that was submitted to John for review. I'm not sure if Lou Caron gets involved in reviewing that as the Town consulting engineer or not, but that plan has been submitted. I don't know a lot about the details of utility plans, but I'm sure that Mr. Caron does and he would be the one in charge of reviewing that. Essentially, the entire length of the utilities to be serving the interior of the cluster subdivision will be underground. I have added a few elements of the plan to show some prospective well locations. They were absent from the original subdivision plan. Again, what we are showing here is possible home sites, possible areas for septic system disposal and possible well sites. These are primarily shown on the plan to demonstrate that within each cluster unit, there is one area sufficient for a building unit. The Covenants are going to fairly restrict the location of each of these houses on these units because as I mentioned previously, essentially the cluster units were designed after the home sites had been selected by the applicant. Occasionally, we just identify the buildable areas of a development and then the homeowners are at their leisure to determine where they want to build on each particular home site. That is not normally a problem if you get a good test pit, you get a state approved septic system, you can build on the lot. The Town of Meredith is moving towards analyzing access to each lot from a fire and safety standpoint such that the home sites shown on the plans, I'm assuming from now into the future will have more applicability as a functional matter in that any deviation from that may require additional review by the Fire Department in terms of access. I did meet with Mr. Edgar and Chief Palm to go over the access driveways for each one of these units, the Town is primarily concerned with two aspects, one of which is the length of the driveway, the second is the physical structure, nature and grade of the driveway. What I've included on the plan is generally the minimum typical that the Town Fire Department is going to require for a driveway to provide adequate access. If you take a look at the typical, it shows an 11' traveled surface with 2' functional shoulders to give actually a 15' wide surface for the driveway. That is the driveway typical with a 6" of crush, 8" of bank run, that's the typical that the Chief would require as a minimum for safe access to each lot. We reviewed the grades to each one of the parcels. There are no problems in the interior here; these two were a little bit steeper than the ones accessing the main road. We relocated the access driveway to Lot 13, there's actually an old logging road that goes up, sweeps around and is very gently sloped to get up to the home site that's on Lot 13. At the Chief's request at the intersection of the common driveway on Lot 13 the applicants will create a turnout for an emergency vehicle. If you remember in the Convex subdivision on Batchelder Hill Road, we had a similar situation where the concern being that one vehicle would be able to get in and park at the intersection such that another vehicle could get by it and it minimizes the

length of hose that would have to be laid in the event that the driveway was made somehow impassable by a falling tree or other obstacle. The applicants have taken the covenants that they have developed and worked on them both with their attorney and also have received input from a wildlife biologist in terms of what the actual intent and purpose of the covenants would be, how the green areas would be managed and have come up with a document that is called "Landowners Guide to Wildlife Habitat, Forest Management for the New England Region. That's going to be used by the Association as its primary guide in managing the open space. In speaking with Mr. Edgar about that document, we will probably be slightly revising the covenants to make it a bit clearer as to how the Association would deal with a particular circumstance that may arise within the green area. John will speak to this probably more in his comments. But its definitely a big step in the right direction in that now we don't have an ambiguous, we want to preserve it, we don't want to cut it into specifying a document that has forest management techniques laid out and most probably any of the functions that are going to occur within the green area will have to be performed by a licensed Forester. Those are some of the tweaking in the documents. One of the other comments that was made at the meeting was regarding the difference between common area and green area. John's opinion is that if there are any drainage structures that they should be outside of the green area and if those drainage structures are going to be held somehow in common, they should be in a separate common area of their own. There's really only one area on this property that that happens and that's in the area here where the roadside drainage is being collected and treated in a treatment area located approximately here so what I've done is I've created Common area A which again is an area that's held in common by the Association but it's treated differently from the green area in that it does have a structure of some kind in it. That structure being not a building but a drainage structure and that the maintenance and operation of that would be handled by the Association until such time and if the road was taken over by the Town and at such time if Common Area A and the structures within it were taken over by the Town. That would be entirely up to the Department of Public Works whether or not they wanted to have the maintenance of that treatment be their responsibility or not. That would be up to them and it's neither here nor there for the applicant how the Town wants to proceed on that. It could remain a part of the Association and be a function of the Association or not. Additionally, since the last meeting there was a discussion and review of some of the off-site roadway improvements that the Town of Meredith would be looking at as part of the general nature of this cluster subdivision and essentially I'll give you a brief rundown of those areas and Mike Faller has produced some documents that I believe are in your packet. There is a ledge outcrop near the outlet of Randlett Pond that sticks into the roadway slightly and Mike suggested that it would be a great improvement to the roadway if that ledge was blasted away to improve the sight distance in both directions. There's also an area by what I'll call the

schoolhouse, but there's an area in there where evidently some roadway improvements would be necessary between now and sometime in the future to improve sight distance from the crown in the road at that point. There is an amount of work that would have to be accomplished at the intersection of Higgins Road, the "Y" intersection if you will, to reconfigure that somewhat and that was part of Mike Faller's package of road improvements to be made and maintaining some sight distance features from the intersection of the road, we actually went over that prior to making application in terms of removing some trees and giving the Town the right to maintain sight distance in both directions there. There are some trees that would be taken down immediately and then probably some type of an easement issued to maintain the sight distance looking both towards Higgins Road and looking south on New Road. And then I believe there was some discussion regarding the general upgrade of the gravel situation on New Road. Mike is also here and he could be helpful probably in being more specific on some of those issues if you should desire that to happen but that's my general understanding of it. He did come up with a number for the road improvements. The number was approximately \$135,000. with factoring in some contingencies and so forth, it bumped it up to just shy of \$180,000. The applicant is now entering into discussions with the Town in terms of whether or not that amount of money is an amount they are to bear solely talking a little bit about two aspects of it whether or not it represents a fair proportionate share of the work and so that's a number that's going to be worked out. I believe in my discussion with John, it probably will be a number that ultimately is determined by the Planning Board, but it will have to be brought before the Board Selectmen because the work to be done is not the applicant's property, it's within the ROW that's owned by the Town of Meredith and the Board of Selectmen is the party that deals with the roads. We also have to appear before the Board of Selectmen for a request as we have mentioned all along called the reduced standards roadway. We want a slight reduction in the width of the roadway, the cul-de-sac is in excess of a thousand feet and that's another waiver that the Board has granted on other projects in Town and we believe that's a reasonable request. The idea is that the full blown paved 24' wide roadway is a little bit of overkill for subdivisions of moderate to small size so at some point in time the applicants after and I guess I'll use the word negotiating or after discussing with the Town will actually be coming up with a number and that number will be their commitment towards providing monies towards the off-site road improvements. There will also be a second number that Mr. Fluet will generate. That number is a unit cost estimate to build his road regardless of any off-site improvements and that's the number that's the bond it or build it number. If you decide to build the road ahead of time, you go ahead and build the road but can't sell any lots; you bond the sediment & erosion control portion of it and proceed to build. If you blow Town and move to Tijuana, the Town pulls whatever the sediment & erosion control contingency is to stabilize the roadway and the site. If you build it to the town specifications, then they sign off and essentially you can start

selling lots at that point. The alternative is to bond the full amount. You set that bond at the amount the Planning Board determines in a manner that is determined by the Finance Department and as soon as that bond is in place, you can sell the lots because that is the guarantee to the prospective buyer that the road will get built and that's an option that's generally left to the applicant. I've made a couple of revisions as you can see based on the green space because we now have Common Area A of 1.68 acres. There was a slight reduction in the overall green area to 109.38, but it still represents 52.1% of the total area, 50% being required. So because we added that green area did not make us go under the amount of committed green space that we're required to have. One of the other elements that was discussed at the meeting was whether or not you could get as many or nearly as many conventional subdivided lots should you decide not to do a cluster subdivision and what I said to the Board then and I'll have to say it again is that there is no requirement to demonstrate that, there is no requirement to demonstrate that there are 10 buildable acres within each unit on any subdivision in the Town whether its in the Forestry & Conservation zone or the Forestry/Rural zone. If you're in the 3-acre net density zone of Forestry/Rural, you do not have to demonstrate that each lot has three buildable areas. You have to demonstrate that the density is one unit per 3 acres and that you have a buildable area sufficient to meet the soils-based lot sizing so without going through an extensive entire redesign of the subdivision, we will not be able to demonstrate that yes you can have 14 conventional subdivided lots, but what I have done and what the applicants have agreed to pay me to do is do a rough analysis of the general topography. I basically used the same road layout which we're not obligated if we did a conventional subdivision, we may have a different roadway. The other thing that I did that we are not required to do is I tried to use generally the same home site locations that they have pre-identified. That doesn't always hold true, but I tried to generally keep the same so what I've done here is I've laid out 14 lots, they are a minimum of 10 acres apiece and I believe we could demonstrate on each one of these 14 lots that you have the minimum amount of area from soils-based lot sizing based on the numerous test pits that were done throughout the subdivision and whether or not I can stand here and say yes, you can get 14 conventional lots on this subdivision, I can't do that. What I can say is probably, most probably. We are required to show a sufficient amount of soils-based lot sizing within our cluster subdivision to equal the number of units, which is what this chart is. From a density standpoint, we can have 20 lots. From a soils-based lot zoning standpoint just on the areas that we've mapped and we have not mapped the entire 200 acres, we can get 16 so the question is are we getting as many lots as we could possibly get if we cluster subdivided and the answer is no. We are not getting as many as we could. We are not asking for as many as we could. We could right at this instant ask for 16 because we have that amount of useable land area. Had we had a developer that says I want to get as many cluster lots as I possibly can, we would be shooting for

this number and would be doing additional topo and additional soils-based lot sizing to try to get to the 20 because we could without a variance apply for 20 units and as a matter of fact there is a provision in the ordinance for a 10% bonus for cluster subdividing if you can demonstrate that you used proper planning so you could potentially throw in another couple lots. So we are not and never have been asking for the maximum that we can get. There are many instances of my company doing subdivisions in this area of Town where we did not have to demonstrate during a conventional subdivision that we had 10 buildable areas. We had to demonstrate that we had at least 10 acres per net building area for net density and that we had sufficient area on each lot to demonstrate we met soils-based lot sizing. One of the other aspects of the development that we had looked at was how many of the lots in the zone were under 10 acres, how many of those lots had houses. This is a sheet that was prepared by the applicants for each one of these yellow areas, there's a lot that's under 10 acres, there's 156 of them according to the applicant in the zone and then each one of those that has a house on it is identified by a red dot and there has always been the discussion at these meetings about density and how this is a dense subdivision and I've always responded by saying the net density is one unit per 10 acres. We have one unit per 15 acres so we're 50% bigger than what is required in the zone. What I've done is, not as an official document, I took our 200 acres parcel at this scale and you can move it around in this zone and you can tell a lot of things. You can see that there are some areas that you can put this 200 acres in and there aren't many lots within that 200 acres, there's only 2 or 3 or 4, but there certainly are many areas in the Forestry and Conservation zone that if you stick this 200 acres, you not only get the 14 lots that we are proposing, but you get many, many more. The most prolific case is the area that's up here, which was primarily subdivided in the '70's and before prior to the zoning, but there are many areas that you can see and what I'm trying to demonstrate... Vadney – That part you just pointed to, what road is that on? Johnson – This is the intersection of Tucker Mountain Road and Chemung Road and this is the intersection of Chemung Road and Camp Waldron Road and there's a proliferation of lots in that area. This is the subdivision that's on Hermit Woods Road and then, of course, around Randlett Pond, but for instance, if you took this at the intersection of Chemung Road and Roxbury Road, then you put that 200 acres, you can see depending on where you laid this out, you could very easily get 14 home lots, 14 places to build a house which indicates that the density there is not different than the density that we're proposing. The other thing to remember that is function of density in relationship to closeness of the houses is that you can have two roads, I'll have to draw this sort of not to scale, and you can have a 200 acre piece of land that fronts on both of these roads and you can subdivide that property into four 50-acre lots. The density would be one unit per 50 acres and without going to any zoning board, without going to any Planning Board and by simply going and pulling four building permits, you could build four houses right here in about an acre of

one another complying with the setbacks in the zone. That doesn't change the density of that subdivision. The density of that subdivision is still one unit for 50 acres so you have to kind of disassociate yourself from the closeness of the dwellings to the density issue, but the Zoning Ordinance doesn't tell you how close you can have your houses other than the setbacks on the lot. Basically, that's my update of the project to this point, I know John has several things to go over in the staff review and I would be happy to answer any questions. Vadney – One quick question from the audience. Freeman – Has this already been approved? May I bring my drawing up? Vadney – Not just yet, let me get the staff review from the Town staff. We'll have plenty of time for your comments. Freeman – That's good and Mr. Johnson will still be here? Vadney – Oh yes, we are not going to let him leave. Freeman – I need to get educated. Edgar – Jim, we're in the public hearing process so we are taking testimony so no decisions have been made at this point. Edgar – Kind of following up on what Carl was eluding to about the ordinance. The ordinance does not prescribe minimum lot sizes in cluster subdivisions. We heard a lot of testimony at the last hearing that suggested that the clustered lots being as small as some of those that are proposed, I believe there's one at 1.9 acres, there was one at 2 acres and one at 3 acres. In the view of those providing testimony, I believe the feeling is inconsistent to the land use patterns in the area, in other words, it may meet density but at the end of the day, you would have lots grouped together or houses grouped together that would suggest a land use pattern that would be inconsistent with the purpose and intent of the district so I think that, the way I interpreted some of the testimony, that was the concern. Carl is correct in stating that the ordinance does not prescribe minimums and it has been brought to the Board's attention in terms of what the purpose and intent of the district is and I think it's the view of some of the folks that the smaller lots in the project might be inconsistent with the purposes of that district. I am not going to reiterate all of the things that I covered at the last hearing but I will try to point out some highlights. There have been concerns raised in some of the correspondence and testimony regarding the possibility of a business relocating to this subdivision and what the implications would be. Bill Edney, our Zoning Administrator, has met with the applicants to review the status of the non-residential activity known as The Sanctuary of Universal Light, currently occurring at 45 Roxbury Road. The applicants believe that a Home Occupation approval was granted by the Planning board in the mid to late '80's, however, neither the applicant nor the Town can locate the approval. Consequently, the applicant has indicated that they will apply for a Home Occupation approval at the Roxbury Road location. The Zoning Administrator would review the application at the time for determination of compliance with the zoning and it would also require Site Plan approval by the Meredith Planning Board. With respect to the open spaces as Mr. Johnson indicated, the Declaration has been amended with respect to the green area with an emphasis being placed on wildlife management and has cross-referenced a technical document that is on file

with us that would be used as a basis to guide the Association regarding activity in the dedicated green area. The existing ordinance does not require specific features within the dedicated open space requirement or at the last meeting it didn't refer to several non-regulatory documents that the applicant could have used to seek additional guidance in terms of the ultimate layout and design of the open space requirement. Specifically, I refer to the Natural Resources Inventory completed in 2005, as well as work that was incorporated in our Master Plan prepared by Tom Kokx which is referred to as the Visual Resource Inventory and Assessment and a follow-up document prepared by Mr. Kokx dealing with Management Practices for Hillside and Ridgeline Development and these could be used to guide future fine tuning of the nature and location of the dedicated open space and related documents. I want to point out to the Board and the audience that a portion of the subject property is located within the "Critical View Area" as depicted in the Kokx report. Basically what Mr. Kokx did was to inventory about 90 views within the community, went through a qualitative exercise in terms of the nature of the views and as a result of those views created a map that highlighted some of the significant land forms that would be worthy of further protection and consideration by the Board. This is not a regulatory document; it's a planning document. There are highly significant viewpoints, #'s 81 and 82, located up by the Freemans on Saddle Hill Road near their property that face I believe in a southeast direction towards the subject property, however, they are located some distance away and by my estimate, it's just inside a two mile straight line distance. There are as many as ten (10) Best Management Practices identified in the Kokx report dated February 2001 that really have some limited applicability to the subdivision. I would be happy to identify those later. With respect to the open space, I think that I had mentioned it at the last public hearing and would just reiterate that the Conservation Commission in Meredith, although not having expressed an interest in being the stewards of the open space are very experienced with respect to assessments of natural resources and how they might be viewed in the context of permanently protected property. They certainly could be consulted with for purposes of input relative to the open space and how they might be managed. As Carl indicated, the electrical utility plan was submitted by the Co-op and it appears that there will be three (3) additional poles located on New Road and from that point underground service would be provided in the subdivision road and the plan does not appear to address the two standalone lots further down New Road. Higgins Road, Eastman Road and this portion of Chemung Road and this end of Chemung Road are designated as Scenic Roads by the Town Meeting and there's a map that I've placed in the file and in your packets which basically just maps out the designated scenic roads in the community. DPW has recommended various road improvements that would affect each of these roads and a little further into the discussion on the roads, a determination needs to be made as to whether or not the improvements, if they are to be required, whether or not the Scenic Road statutes become invoked by virtue

of impacts to either stone walls or trees of the regulatory dimension as specified in the statutes. At this point, we don't know. Mike has followed up on his initial memo and estimated the cost of the four (4) improvements which are gravel base upgrades to New Road and Higgins Road, improvements to the "Y" corner area section and widening and ledge blasting in two locations on Chemung Road. As Carl indicated, the estimated base cost of the improvements are \$135,000. When factored up for contingency, mobilization and inflation, the cost increases to approximately \$179,000. This estimate does not include any of the potential upgrades to the roads in Sanbornton that have been suggested by the Sanbornton Planning Board. Today, we received a copy of some draft easements from the Town of Sanbornton and there appears to be some ongoing dialogue between the Planning Board and the Board of Selectmen in the Town of Sanbornton with respect to the road issues in Sanbornton in their view warrant upgrade. I don't have anything definitive to share with you on that. As Carl indicated, to the extent that any off-site road improvements are required, the Meredith Board of Selectmen would be, their concurrence would be necessary, as these improvements will be made to a public ROW. I want to point out and I have placed a copy in the file that the 2006 to 2015 Capital Improvements Program for the Town of Meredith that was adopted by the Planning Board in November of last year does not include or anticipate any major road upgrades or reconstruction in the areas I just mentioned. Additionally, in support of the CIP process, Mike Faller creates a schedule of smaller road projects that serves as a basis to support an aggregate amount of roadwork that is carried in the CIP. There's a copy of this Memo in the file dated June 8, 2005. Likewise, this document does not identify any anticipated road reconstruction in the foreseeable future. I'm pointing out, however, that that Memo is subject to change on an annual basis. Lou Caron's initial review letter was prepared on the November 22nd and we discussed it at the last meeting, but I've placed a copy of that in your packets. The engineers have since met to review some of the outstanding issues. Today, we received a revised set of engineering plans that have not yet been reviewed. As I mentioned, the Town of Sanbornton Planning Board took up the issue again of their recommendations on the 20th of December and we received draft minutes today (1/10/06) that are in the file. As part of the discussion that we had between the two engineers and myself and Mike Faller, it was suggested that Mr. Pernaw estimate the splits of traffic being generated by the proposal. This information would not be definitive. In other words, on such a relatively small project, you won't really know how much traffic on the peak days are going to go into Sanbornton vs. Meredith or if it goes into Meredith, does it turn left on Carleton Road and does it turn left again on Hermit Woods Road or does it turn right on Chemung Road and so forth so it's not precise and probably for anyone who suggests they go to the left, someone else could make a case that they go to the right. However, as part of the overall assessment process, this information may assist with the determination of off-site improvements, their location and the assignment of

costs for those improvements. As Carl had indicated, there are at least two issues that need to be reviewed by the Board of Selectmen with respect to road issues, one being the length of the cul-de-sac and the second being a slight reduction in the cross sectional width of the proposed subdivision road. The draft Declaration of Covenants was submitted initially with the application and there have been two re-submittals of that document, most recently on January 6th. Each document refers to a date of October 5 so I've numbered them 1, 2 and 3 to try to keep my mind reasonably straight as to what I'm looking at because they all look very similar. But the third version dated January 6th, my date January 6th, does cross reference back to a technical document, which has also been placed in the file entitled Landowners Guide to Wildlife Habitat, Forest Management for the New England Region dated 2005. The concern that Carl was mentioning was that this is and we have the document here if anybody wants to look at it, the document's pretty technical. It looks like a very thorough document, but is pretty technical and one of the concerns that I would have that if there were to be forest management activity that would take place on the property, I don't know if a typical homeowner's association would have the technical wherewithal to look at a document like that and retain sufficient guidance the way it is intended so the question is whether or not if and when there were to be any cutting in the green area, then perhaps maybe it needs to be prepared and then supervised by a licensed forester in concert with that document. There were a series of amendments and concerns, several of which have been addressed in part, some of which haven't but I'll just kind of touch on them. The Declaration needs to refer to specifically the subdivision plan and recording information that would go with it. I raised the question the last time around about scenic view sheds as to whether or not that was part of the objective and I had indicated before that the property does fall within a non-regulated but albeit mapped out designated view shed area and there may be opportunities to improve the covenants in this project and I believe there are. The session I had with Albert Ducharme, there may be some additional features to the plan that are being considered and perhaps you'd like to speak to that. But if you don't, I would be happy to at least from my point of view. We need to have clarity in all of these documents so that it's understood what the common areas consist of which includes roads, drainage, slopes, as well as a green area so that there are sufficient assurances to the Planning Board and the Town that the Declarant and the subsequent Association will have full responsibility for all these improvements in the foreseeable future. It doesn't preclude somebody petitioning the Town to have the right-of-way taken over, but all roads are considered private at the outset and there needs to be sufficient clarity in the regulations that the common features of any project will be sufficiently managed by the Association. As Carl had indicated, they have made a clarification of those common area features, particularly the drainage from my view should not be considered open space and that is identified under the revised plan as Common Area, A which is separate and distinct from the

green area. We do need to make sure that the figures on any final plans are consistent with the documents relative to the acreage that's involved in the green area. One thing of concern to me is that I believe in my opinion the document should indicate that dedicated open space will fill the regulatory requirement and therefore is precluded from future development and re-subdivision. I think one of the concerns we would have in a project like this is to make sure we don't look at a 14-lot project today or whatever the end number is and then have the fear of re-subdivision and the concern that what we thought was a cumulative impact that we assessed today could be something different in the future if any of the properties were re-subdivided. There is a clause in the amended document that precludes each lot from being re-subdivided and I think it needs to be expanded to include the common area for clarity there as well. That certainly is not at odds with any of the discussions that we've had relative to open space. The purpose statement and the open space have been revised. It's more specific to wildlife; there is a reservation for trails to be located in the green area, which is not uncommon. There was a concern that I had raised the last time around that the Declarant would have reserved a right to construct structures in the green area and I felt that was just setting us up for a conflict between the purpose of the open space and possible recreation amenities, such as pools, clubhouses and things like that. It's not so much the applicant may have one set of intents, but we have to look at the long view and make sure in the long view, we try to minimize the chances for people a generation from now having an altogether different view or interpretation. As a result of that, that reservation has been stricken from the document so it's my understanding that the current documents would not provide for structures but they would provide for recreation, agriculture, forestry and wildlife management of sorts and things that typically come with open space. I had raised the question and there's also been submitted By-laws and Articles of Incorporation, somewhat boilerplate documents that are typically filed to set up the actual organizational structure and I just raise more of a curiosity question that when you have an even number of lots and an even number of votes, what happens when there's a tie and sometimes you see clauses in there that address that potential. The document also refers to the location of home sites as being critical and I guess we've heard that the home sites have been picked and a lot of effort has gone into that and I think we need clarification on that. Have we pretty well fixed within reason, the home site locations so they could be evaluated or not? The documents refer to those as being critical and therefore left to a final prerogative by the Declarant to determine the actual home sites and so is it critical and therefore the prerogative is reserved by the Declarant or is it critical and therefore they are within reason fixed on the plan. In speaking with Albert Ducharme about it, it sounded like some of those house sites have been pretty well established and that few of those that might have a bigger visual impact or actually located within a tree line, in other words not plotted out right in the middle of the side slope that has been previously cleared, so I think if we saw the tree

lines and the residual remaining tree lines indicated on the plan in relation to those house sites, we would see what that indicates to us and if it is as was suggested that a couple of those houses may be tucked into the tree line, it certainly would go a long way toward mitigating some visual effects of a couple of those properties and would be consistent with one of those management practices that I eluded to earlier. We don't know that at this point. Section IX of the initial draft referred to view areas that must be kept open and I think that needs clarification. I believe the intent here is something analogous to a view easement where one property owner couldn't create a vegetative stand or something that might grow up and block the view of somebody higher up in elevation and there probably needs to be a little bit of clarity on that as a practical matter and I believe that's in the works. I understand from the January 6th correspondence from Mr. Ducharme that that is in the works. There is a 200' buffer proposed for the two lots that are located and are not part of the internal road network, but the documents don't speak to what can and cannot happen on those properties so there probably needs to be a section added to the documents that speak to that. There's also a section that deals with duration and allows for provisions for a subsequent amendment and typically we would want to see language in the final document that would preclude an amendment of the covenants in certain areas where the Planning Board would have a particular interest and the things that come to mind would have to deal with the management of the green area, the purposes of the green area and the like and making sure that we are representing today to everybody what the deal is on the green area, then that portion of the document cannot be amended by a Homeowners Association meeting and we've done this on several other projects. It doesn't mean that we have to get into tying people's hands on the assessment of dues and all those kinds of mechanical things but if it relates to anything that is germane to issues of concern before the Board, we have required that the final documents that you approve would not be amended without your approval if they rose to that level of concern and in my opinion in the discussion of the green area, sections of the covenants that should be so included. There have been a series of abutters concerns that have been raised. I have corresponded with Mrs. Lavelle

There is an opposition to the development of a cluster with density that is untypical of the area; concerns about the erosion and sedimentation control that comes from the property; concerns between the project and the purpose of the Forestry/Conservation District; identification of a plan that has been prepared on behalf of the Meredith Conservation Commission by an ad hoc committee and possible inconsistencies between this project and that comprehensive plan for the Chemung region; there were concerns raised with respect to problems with the project in relationship to the Water Resources Overlay District. This is also one of the matters that are being currently litigated, but I do believe it is also appropriate to look at a clause, Mr. Philpot, with respect to the Covenants that might include further impacts to wetlands and wetland resources. What we typically try to do and we're

looking at in this case, I believe two small impacts, one at the driveway crossing for the two lots, one at the road crossing and try to get a sense of what the cumulative wetland impact is for the project and if there's no need for additional wetland relief, then as in some previous projects, we try to stipulate that in both the Board's approval and any declaration so we can guarantee that there's no further incremental wetland impacts that will play out in the future. So that's another opportunity for the declarations to be improved. There have been concerns as I indicated before about the possibility of the conduct of business activity; there's some uncertainty that's been raised about potential tax-exempt status of the property; there are concerns that have been raised with respect to the traffic associated with the project and road capacity; concerns that have been raised with respect to impacts on stone walls that could accrue relative to any required improvements to be made to the road. The concern there is that the stonewalls are very much cultural and landscape characteristic features of the area. One concern that was raised was that 14 lots with a 1.9 acre minimum is inconsistent with the intent of the zoning ordinance; there is a concern that additional traffic will intensify existing problems; there is a concern that there might be additional traffic associated with potential relocation of the business to the proposed site; increased traffic and parking will create additional burdens on the nearby road and fundamentally change the rural nature of the area; concern with respect to the impacts to roads in Sanbornton that have been discussed by the Sanbornton Planning Board; there has been concerns expressed relative to the availability of public information; there was an observation that we should be seeking agreement from the applicant that the development will hold to the Forestry/Conservation requirement of not more than one house per 10 acres; they believe the infrastructure does not exist to support the development and that improving the infrastructure to support the development would only exacerbate the traffic situation; there was a suggestion that we extend an invitation to the Meredith Conservation Commission to provide input to the project; concerns that the area is highly sensitive to visual impacts which I've spoken to; there is concern about the implications of granting additional ROW width to the Town; as I mentioned there's concern about subsequent wetland impacts after the project is approved; there's concern that this project may set a bad precedent for future projects; there is an observation that the Ducharmes may be acting as a front for somebody else and there was a suggestion that there should be no more than one house on every buildable 10 acres. That is just my run through of some of the testimony and some of the correspondence that we've received and concerns that have been raised and my recommendation is as follows. In light of anticipated additional submittals and additional testimony we will receive this evening, I would recommend that no action be taken this evening and that specific guidance be given to the applicants as determined to be appropriate by the Board and that the application be continued to a mutually agreeable date and also recommend that we schedule a conference with our legal counsel

to be held prior to the continued public hearing. John Robinson – Could John repeat those last recommendations? Edgar – We anticipate additional submittals as a result of the last two meetings. We also anticipate substantial public testimony this evening that could affect things and therefore I recommended that the Board not take action on the application tonight and that the Board give specific guidance to the applicants as appropriate. The purpose there is so we can get to a third hearing perhaps in early February and get to a point where we can close the public hearing portion, but in order to do that we need to put a list together of whatever it is the Board may determine they need to make a motion and that we then continue the application to a mutually agreeable date. I also recommended that our Board set up a conference with out legal counsel to review issues that are germane to this application and that we hold that conference with out legal counsel prior to the continued hearing so we have the benefit of that prior to the resumption of the hearing so we don't just keep dragging them out needlessly. We recognize there is need for additional testimony and as a practical matter, there will be additional submittals and we will need the time so everybody will have a chance to review those including abutters and staff and we need to confirm with out legal counsel. James Freeman, 109 Saddle Hill Road – I have sat on Planning Boards myself so I'm enjoying this, but It seems to me this project has moved ahead so far that it sounds almost like a done deal. Vadney – Not at all. Freeman – May I approach the Board and.. The thing that is bothering me about this project is every one of the drawings is at a different scale and that's especially tough with your site plan and the existing conditions so what I did do is blow up the 1" = 200' site plan so you can lay it on top of the existing conditions and I think you will be interested in seeing what the existing conditions would be. Plan laid out in front of Board on the deus Maybe the Ducharmes would like to see this or the engineer? Vadney – Carl, would you like to come up and watch it? Mardis – This is a public hearing, everyone should be able to see it. Vadney - We need to make sure the public knows everything that's being presented. Freeman – OK, well I can hang it up afterwards if you'd like to have me. Bliss – In light of this, it looks like a lot of material that needs to be gone over, could that be something that was done in preparation for the next meeting? Vadney – Is there a single point you're focusing on? Freeman – There are several. This is a really tough site, very tough site. Vadney – We've walked it. Freeman – Then you must know that this is a 22% slope and you're going to put a house on it and you've got the road coming up here and there's 12 feet of fill in that road. This thing is absolutely blown to ____, it certainly isn't god's green acres anymore and you don't have a single, not one single road into a house and those are going to have to be filled, cut and whatever. Vadney – Driveways? Freeman - You, betcha. You can see, the wetlands are not very well documented on these drawings so I don't think you people have had adequate information to make a decision on this project. Vadney – This is something we're going to invite the Meredith Conservation Commission for comments and you should

certainly plan on giving your presentation to them. I think that would be good for them to see. How many charts do you have here? Freeman – Just this. This is from a blow up of their 1" = 200' site plan like that one over there. Vadney – Now that we've seen it here and we can see how this falls on the steep slopes... Freeman and how there are no indications of numbers. Vadney – The driveways are shown on that other plan. Freeman – That would be wonderful and he could do the grading. Vadney – I would ask you to put these two up on the Board just so the public will have access to it. Freeman – Just imagine, this is a 16' drop from the south and north wall for this house. 16' that's two stories. That's going to take some fancy grading isn't it gentlemen? Edgar – Is that proposed Lot 2? Freeman – And it's very close, it's within 50' of the road and in here is a wetland gathering area, 1400' of wetlands dumped into that. There are just incredible problems. What are these dams, I couldn't find any detail for them, but it's an enormous problem and what is going to happen, what you're going to have is a clear cut of 15 acres and 9 houses jotted in it. That gives you a .8 houses per acre as opposed to .1 house per acre that's called for in the zoning. Mr. Johnson could probably help with telling us about the grading problems. Each one of these contour lines is 2 feet so that means that this house is 16' feet from this wall down to this wall, 16' that's two floors. What wall? Freeman – The outside wall. The foundation. Basically, you go through them and they are 12', 10' differentials, 16' differentials, it is a huge problem. Now, if you do look at this as well, you will find that in this #2, it's about 50' from this cul-de-sac road and at this point there is on their drawing about 12 feet of fill. It is an incredible earth-moving proposition and what you or what you will see after this is done is nothing like god's green acres here. Vadney – I appreciate the map and I think you've probably made a good point, but we don't want to spend the entire evening talking about this. I just want to make sure that we understand your point and that we get it in the record. Your main point is some of those house lots they are recommending are on very steep terrain... Freeman – Very, 22%. Vadney – And you are concerned with the excavation and cuts required. You also have a concern over what the driveways will have to be to get into the various lots. Flanders – I think the point he's trying to make is with the slopes and everything there when this development's all done, they are going to have to clear cut a substantial portion of it so something that might be comparable to that might be Grouse Point with all their retaining walls. Marc Abear – Something else that might bear on the road itself, the road as it goes in right now is in the cul-de-sac configuration, I don't think anybody would dispute that. If we go to the Subdivision Land Regs. We are building this at 10% or at least its proposed at 10% is my understanding, but if you read Section 6, the section on grading, Paragraph A, it says for cul-de-sacs, the maximum grade to be built to is 5% except in extreme cases where the Board under Special Exception can grant an addition of 2% grade so I think there may still be additional issues and engineering that could be done there. Edgar – Mike said that very well may apply to the grade of the platform, but not necessarily

the road getting to it. Jim, when you refer to the 12' grading, are you referring to the extension of the side slopes on the grading that you saw, it's not a 12' fill to build the road. There is a fill to build the road, I give you that but I don't believe that is 12' so are you talking about because I know that in order to do that fill, there's a very substantial extension of the side slopes. Freeman – Basically, all you have to do is look at the foot drawings and count the 2' topo grade lines and you get 12 feet if you run a perpendicular line from the road down to the end of the fill. And if you look at the section, actually the section of existing conditions which they have in there. Edgar – You don't realize it yet, but I'm agreeing with you. There is a substantial fill and there is a 5' fill and in order to obtain a 4:1 slope, there is a very substantial grading program that's indicated on the plan and it's indicated in the staff review that that extends in a limited area, the side slopes outside the 50' ROW so there are some areas that you'll see on Fluet's grading plan that will necessitate clearing not only of the 50' ROW, but going beyond that to feather the side slope bank. Freeman – Another complication of house #2 which is within 50' of the road. Edgar – To meet a setback from the road, they can locate houses within a building envelope, I believe the bigger issue that might be raised is whether or not it's appropriate to develop house sites on 22%. We do not have a regulation specific to that. We do not allow greater than 25% factored in for some of the soils-based lot sizing requirements, which has nothing to do with this. Vadney – Mr. Freeman has pointed out the driveway cut problem, the main road up into it, the cul-de-sac road problem and the steepness of at least a couple of the building sites as proposed.. Freeman – Couple? Vadney – Well, several, I'm just trying to summarize it and he has pointed out some possible problems with it effectively being a clear cut. I just want to make sure I've got your points down. Freeman – Five of those that don't have, we don't know what the grading problems are there. Vadney – I'm just making sure we have those points that we can have investigated by our engineer and others. Johnson – What we can do if it's helpful to the Board and to Mr. Freeman, we can provide an analysis of each driveway from the main road to the house lot in terms of its length and its grade and we can further define on and within each unit, the general grade of the area that the house sits on. I can tell you that there's builders that look far and wide and hard for areas where there's a 12' difference between the top of their house and the bottom, it's called a walkout and they are constantly asking me if I know of any lots that that can be done in. I agree that we should be avoiding development on steep slopes, but as I mentioned before each one of these areas has been predetermined and we can do a further analysis of each one of these home sites and analyze if there can be some revision to the actual house location such that it minimizes any impacts. Every house lot that there's a house built on in New Hampshire is going to have grading to some extent with the exception of maybe Ossipee. This is a hilly area, I mean there's no doubt about that. You just look at the topography, it's a hilly area. In terms of the roadway itself, the main road, there are standards by which we have to

adhere to from the engineering world. The Town of Meredith determines a maximum slope for a road. If you are in an area that you have to build a road that's, if you are not going to meet that standard, you have to cut and fill and we have proposed the road that has a cut at one section and a fill on the other, it's been submitted for review by the Town's consulting engineer and there are no major negative comments about the design of that road. There is a tradeoff, if you have a steeper side slope to a road like a 2:1 slope or a 3:1 slope, you tend to minimize the fill. If you're going to have a gentler side slope which was the recommendation by the Town consulting engineer because of the potential for driving off the road, you have more fill and that's, when there's a comment by the Town's consulting engineer to the applicant's engineer, most times we are obliged to adhere to the Town's consulting engineer's recommendations. Mr. Freeman is right, that causes the total amount of fill to extend away from the roadway and in a couple of areas from the edge of the roadway to the toe of the slope or the fill because it's a 4:1 slope is a long way, but that's road building in New Hampshire to some extent. Given the extent of the length of this road, there really aren't, from an engineering standpoint, many major engineering issues. The cul-de-sac issue, I believe Mike's reviewed it and it meets the requirement in terms of the grade. One of the things regarding the new aspect that John touched on and I'll mention briefly is that we are looking at revising the Covenants and instead of dealing with view areas, we have decided to try to look at more restricted cut zones similar to Clover Ridge where we had not only the green area here, but certain portions of individual units will be identified with restricted cut zones such that the tree lines within those units would not be able to be destroyed. The other thing that we can do is we can add to the best of our ability, the existing tree lines within the development that we are proposing to show how the proposed development will affect the tree line in the future. In terms of that information for the driveways and the building sites, we would be happy to provide that at a subsequent meeting which would be in a tabular form or however the Board would like it. Kahn – I would like it on a topo so that I can look at it and see where the tree lines are. I'm going now to the support that we had in terms of visibility of Bryant Island. Is there some way in which we can demonstrate the visibility will be reduced. I recognize from the top of the hill when we did our site walk that I could see Mr. Freeman's place very clearly and that he's going to see very clearly whatever is on the top of the hill, but the other question would be from the Abear or from Mr. Freeman's place, how many of the other houses would be visible given the tree line. Steven Smart, Carleton Road – I have a question for Carl Johnson. Does any of this property abut Higgins Road? Johnson – I'm thinking about that just for a second. It may at a point, but I don't believe it has any frontage on Higgins Road. Smart – If that touches, isn't that frontage? Johnson – Not if it's at a point. I'll have to look at that. If this is the road and the property were to come in like this and go off, it would not have frontage but it would technically be on the road. I don't know if the corner of that field is technically on Higgins Road ROW or not. Smart –

It would help me to orientate myself to the map and the location of the property to the Higgins property because I'm pretty sure that stone wall does come to the and also the Higgins property abuts it on the other side. I think it would help for orientation to see Higgins Road on that map. Johnson – I think the point the gentleman's making is there's a possibility that the road is like this and I can look into that and add it. The overall town tax map site plan indicates it comes close, of course the town tax map's in error. Vadney - Let's assume that it does touch there, what does that change. Johnson – Nothing, abutters have been notified. Marc Abear – I have some comments first. In order for us to be able to come prepared to the meeting so that we can better present our comments, we need better access to the information. Specifically, what I would like to be able to do is I would like to have timely access to the information that the Board has available in the packet. If you have it in your packet, it seems like I ought to be able to get a copy of the things that are available for presentation and that hasn't been the case. Edgar – Mr. Chairman, I can respond to that. There's nothing in the packet that's not in the file. If you would like to purchase one and pay for copies of things, we can make those arrangements but there's nothing in the packet that I'm referring to or the Board's looking at that's not in the file. We are not hiding anything and you've gone through the whole file. Abear – No sir, and that's part of the problem.. Vadney – The files are available. Abear – No sir, Mr. Vadney, that's my point. The point is exactly that. The last time I was in was yesterday, I asked to see the file and I know that everything in the file was not present in the file given me. The reason that I know that is that the maps that Mr. Johnson has put up on the Board, copies were given me earlier, they were not in the file. The drainage plan was not in the file. There were a number of items that were not in the file that I already had copies of so I know that the file that was handed to me was not complete and correct. For us to be able to come to the meeting prepared, we need to have access to that information. That's not happening. Vadney – Well, it certainly should be and... Edgar – Mr. Chairman, to the extent there's a miscue along the way Marc, I apologize for that. We have made an effort to give you copies of everything as you have confirmed, you have had copies of things now what Mary Lee is indicating to me is that the copies of the plans that were on the wall when Carl had presented his schematic of the 10-lot subdivision that were copied to you upon your request were not in fact in the file the other day so that very well may be the case. Obviously, we've given you copies of those so it's not like its our intent to try to create a second file or to hide anything from you so to the extent that that's happened, I apologize, it's an oversight, but there's no attempt to create two sets of files or keep anything from you. You've asked for copies of things, we have copied you on them and to the extent there was a rolled up set of plans or the drainage report that you have a copy of wasn't in the file for whatever reason it's an oversight and I apologize for that, but there's no intent to hold back any information from anybody at any time to preclude them from any testimony, that's not what's happening so if something has miscued I take

responsibility for that. We have responded to all of your requests for information, you acknowledge that you have copies of these things and that's as much light as I can shed. If you were looking for a copy of something that you already had and it wasn't there, that may have been the case and it's not obviously anybody's intent to hide anything or to somehow run two sets of files. Flanders – I'm sure if this occurred, it's not intentional, however, we should institute some type of a program immediately that will preclude this from ever happening again in the future. I realize it gets confusing, you have a lot of plans on a lot of different projects and so forth, but we do have an obligation to have that stuff in the file and available if somebody wants to come in and look at it so I think we need to review the procedure in the office to insure that this doesn't happen in the future. Jim Freeman – I wanted to get the minutes, John Edgar had five or six comments at the end of the last meeting and I wanted to get them to make sure that we got the stuff that he wanted, it was not in the minutes that I picked up for six bucks at the Town Hall. Vadney – We will do our best to improve that; you have my guarantee on that. Bill Lee – My wife, Linda, and I live on Leavitt Mountain Road out in the Chemung area. We have a number of concerns about the project and I would like to briefly address a few of them that pertain to the traffic and the road issues. I attended a couple months ago the Zoning Board meeting I was literally shocked by a comment from one of the members that traffic in this particular project was, I think he used the word, a non-issue or something to that effect. The roads in the area of development as we all know are dirt, they are narrow, they are winding and in some cases they are steep. Some of them have been designated a scenic highway, it is my understanding that some of those could not be altered to the extent that might be desirable for improvement. The traffic study that was referred to in the meeting in November by the Pernaw Company was based in part on data that was about nine years old and I suggested that obviously was somewhat out of touch. That same Pernaw traffic study assumed that the development was 100% residential and it has been said here earlier tonight, it's not probably that way. There are several businesses that had been run and probably will be run out of the homes of the developer and thus that traffic study I think is worthless. The Town of Sanbornton, as you all know, has expressed concerns and I think we have to keep in mind that two out of the three accesses from the development into and out of there goes through Sanbornton. Is it scattered and premature development? This, I think, has been discouraged by the zoning ordinances in the past because of concern about the cost of scattered and premature development. The last comment I would like to make, I understand the developer has agreed to donate some of the footage of their land to the Town so that road improvements can be made and I think that comment is evident that road improvements are needed and the question I have is where are the road improvements going to come from for the miles of roads around there other than just the frontage on the developer's piece of land? Vadney – Mike, do you want to speak to that at all. Mike Faller – Public Works Director, Town of Meredith – I believe

both Carl and John did talk to that tonight. I prepared a brief description of the four areas that I had talked about, three of which are on Chemung Road, the schoolhouse, "Y" corner, Randlett Pond and the New Road areas and that price with cost inflation and things like that came to about \$180,000. worth of improvements. It is a substantial cost, however, there are safety concerns there. I know in the schoolhouse area, there was a school bus accident not too long ago. It wasn't this year; it was about a year ago, a car and school bus did collide there due to the narrowness of the road. The roads are dirt out there and we all know what mud season is there. The increase in traffic on gravel roads does play a role so this has been addressed and it's out there for discussion on the outcome of whatever the Board's desire is. Abear – Mr. Faller, I have a question and the question goes to the way the cost was developed. I looked at your sheet and if I understood it correctly, the cost included is all material, is that a correct understanding? Faller – A large part of that is material cost. The town would be utilizing some of their services to upgrade. Abear – There are no hours included in the cost or overhead costs or any equipment that might be needed to be leased, rented, those kinds of costs are not included in that, whatever the number is. The gravel that was added up didn't require, I did put a number on for the actual haul to get the gravel there, however, the equipment to spread it out was in-kind services. I feel it's kind of a give and take here a little bit. Abear – So existing town employees would do that work, is that what I understand? Faller – And stuff in this nature has been done before this way so this is a common practice that has been done and follows protocol. Abear – I'm just trying to understand, I'm trying to clarify whether there would be additional monies that would be expended that would show in other parts of the budget as opposed to a capital expenditure for materials only. The people that are going to be doing the work and whatever associated costs are borne someplace. Faller – Correct. The labor costs of the Town doing some of this work would be the cost to the Town. Vadney – I think we have the point and the Planning Board does approve those final numbers when they come before us. One of the reasons Mr. Flanders sits here as a Selectman's representative is he's also the guardian of the purse and so you've brought it up, we've got it on record and I know Mr. Flanders and the Board will take a very hard look at it. I would like to move from that; I think we've kind of whipped that one pretty well. Kerrie Weaver – I would like to read a statement into the record. My husband and I are homeowners in Meredith and I'm familiar with the development standards before you this evening and I would like to say that it is in the best interest of both the town and the community that this plan be passed. As a mother of four children I am concerned that the wide-open spaces of land in this beautiful area are diminishing rapidly and won't be there when my children are grown. This development, unlike others, puts 110 acres in green space. This is a significant contribution to conservation of precious land. It remains for the enjoyment of all rather than remaining in privatized, single ownership. I understand that there was a traffic analysis

done on the prospective site and the impact to the community would be minimal. I am grateful for the opportunity to speak tonight and tell you I am in favor of this development. It has been well thought out and is consideration of the land, the neighbors and the community. In conclusion, thank you for considering the opinion of all of this town's concerned citizens and please approve this development. Steve Smart – We talk about the road improvements, but these roads were laid out 2 rod, 1 rod, whatnot, you know 16' per rod. So the roads are boundaries, there's set stone walls. There's many places where the road cannot be expanded unless you buy the property from the landowner so you improve the road in certain places where you have 32' or whatever the Town's frontage is and the traffic speeds along at 45 miles per hour and that is not an exaggeration and that's from the red school house to the corner and then at Hart's property, it narrows back down to about 12'. You now have people going sideways around the corner, so you've improved it in one spot and made it more dangerous in another spot. The road 6, 7 years ago was narrow all along, now it looks like a snake that swallowed a cat. It bulges out and people speed up, they don't slow down where it gets dangerous and if you are coming over a rise and you meet somebody head-on, it's nice to say we're going to do improvements to the road, but a lot of places you just can't so you're creating more problems. The traffic goes as fast as they can for the road conditions so we've already and I understand that New Road is not a scenic road, but it sounds like it was kind of forgotten in the whole shuffle of the new road and now we're going to bring telephone lines down it which all the roads out there do not have telephone lines on them so you're going to have a tree cut so that will change it substantially so you're changing the whole visual concept with this project and many other things. Vadney – I didn't mean to imply that I didn't want to talk about roads anymore, I just didn't want to talk about how much it's going to cost to put gravel out there and who's going to do it. The roads themselves are certainly an open topic. Carol Maguire - I live on Hermit Woods Road – A part of Hermit Brook travels through our property and I'm concerned about what will happen with the drainage and the water coming down through Hermit Brook. I'd just like to know if we're going to lose some water from Hermit Brook or if we're going to get more water into Hermit Brook. It will change with the water being moved to other places up above. Vadney – We will certainly look into that and any drainage issue on it. Ron Kiesel – I live on Hermit Woods Road and there was something mentioned earlier that some didn't like on who is going to bear the cost for these road improvements and they were negotiable and I don't think it ought to be because if it is, the Town of Meredith is going to very effectively subsidizing a private development and I think that's a very dangerous precedent and I think it's also illegal. Vadney – I appreciate the point and I think Mr. Flanders, as they say is all over it. Ralph Pisapia – I'm a resident of Meredith. I, too, want to raise this issue of cost of the Town subsidizing private development and as a taxpayer on the other side of Town, I would object to subsidizing development on the other side of Town. Jim Mardis –

I'm a real estate developer and a lot of times we're looked at as someone who wants a place in the woods where an environmentalist is someone who has a place in the woods. I've done a number of developments, not so many in this Town, in fact, very few, but I can tell you that in the places that I've done them, we have taken back roads that were back street, 4-wheel drive mud vehicle only and been asked to bring them up to grade, turn outs for fire protection and the Town that I go mostly in has kicked in sometimes and it's ironic that sometimes I'll put in a little bit more even after the fact and the residents, even after the subdivision went through, were absolutely grateful that it happened and I just say that from my experience in a number of cases so I think it's important to consider that side of it too. There's a major upgrading that can occur in mud season in a number of these areas. Mike Faller – I think that some of the roads that are in question, I don't look at this as subsidizing private development, but some of these roads are Class V roads. The traffic that is on these roads, there's traffic that goes through these roads that wouldn't be part of this development so myself I have to look at that and see what do I give to that and there's other people that live out there that you can serve as well so I don't feel it's part of subsidizing that. I think it's prudent and I think it's something that we can work together on and hopefully positive. Vadney – All I can say for tonight is we've got the point, we will scrub the numbers that come to us very, very closely and I know Mr. Flanders will be keeping an eye on us while we do it. John Robinson – I live on Chemung Road. We submitted, a number of us concerned residents of Chemung, a comprehensive plan for the Chemung region in 2001. I also submitted trying not to implicate anybody else in my radical request for attention a document to the Town Manager, which I'm sure she's distributed to all of you because it means so much in terms of its impact and I say that with some calculated irony, scenic roads and stone walls are needed to protect the town resource and in this document was plenty of evidence of the mismanagement of these roads on the part of DPW. I could, if I wanted to, submit a rather large bill to the Town which I don't plan to do for the caving in of a substantial number of feet of stone walls which were sacrificed to a needless culvert, needlessly dug, needless _____ in front of my property. I have documented in this display to the Town Manager that the Town over the last 20 years has destroyed probably 50% of the stonewalls along Chemung Road, from Tucker Mountain Road to the Abear place, 50% of the walls that existed in 1981 or 82. If you want an example of what the Scenic Road should look like, look at the 600' within my property line now because with the support of the Town Meeting changed 600' of Chemung Road by 40 or 50' so you can see trend of a Scenic Road has existed in 1981-82 by looking at our property on Chemung Road. It had reasonable _____ from the stone wall to the road itself. All of this has been destroyed in terms of the purpose for which the Legislation was passed by this Town. Stone walls exist typically only on one side of the road, the low side of the road, on the low side of the road the stone walls have been by the blade of the plow in the winter time or whatever simply thrown into the

on the lower side of the road. The high side has been undermined along a considerable side of the road. If you want to see a beautiful example of this look at "Y" corner on the Abear side as you turn at the "Y" corner from the town to the left to go up to the Abear's, you'll see a balancing act of the stone wall which will fall within the next year or two. So the purpose for which miles and miles of scenic road both in the Chemung area and in the Center Harbor area have been undermined systematically by inattention and abuse. Now, we are asked and this is to me a supreme irate to sit by while the Town invests hundreds of thousands of dollars of somebody's money further to destroy the Scenic Roads which the Town itself has identified. There is in this Town no action plan, no maintenance plan, no direction to the Department of Public Works on how to treat Scenic Roads from other roads in this Town. As far as I know, there are no guidelines; there is nothing that governs the maintenance of Scenic Roads in their particular.. This is something that we all should be working towards before we touch the Scenic Roads in terms of its alleged improvement. The impact of "improving" a Scenic Road is to improve the possibility that it could be used as a through road to connect in this case Meredith Center and the people on 104 to Exit 22 and beyond. Its happening more and more and when we made the presentation in this room in 2001 of the Comprehensive Plan for Chemung, we thought we were quite persuasive in indicating to this Town and to the Conservation Commission, the peril in which we are put by not respecting our zoning and our Scenic Roads because the western side of Meredith is much less populous on a per acre or per square mile basis than the rest of the Town. It is extremely vulnerable to the traffic impact of Route 95?? and commuting from Concord and below. It is a resource for us. The Town has less than 20% of its acreage devoted to open space, which is considerably less than many other towns further south of us. This is a slippery slope, I'm speaking positively, I'm speaking inclusively, but this is a slippery slope. What we are doing here has an impact. It has an impact from Tucker Mountain Road to Sanbornton. It will have an impact beyond that. If there are 14 new, year-round households built on this property, it will more than double the number of year-round households from Tucker Mountain Road south to the Sanbornton line and beyond and up to Meredith Hill and what have you. This is a huge impact in terms of traffic. We need to have a further traffic study, we need to have guidelines for the maintenance of Scenic Roads before we get the blasting caps and god knows what in there. We need to think carefully about what we're doing in terms of transforming an area that the Town itself has been carefully trying to maintain in terms of its character by its zoning and by its designation of Scenic Roads and by its Master Plan. I think that the Planning Board should pay very careful attention to this, very careful attention indeed in terms of the micro situation and in terms of the macro situation. I hope you listen to all of us, all of us made good points tonight and I hope you will take this very seriously. We have a problem out in Chemung, we're a little bit paranoid and we wonder if people are paying attention. My family has been out there for a couple of

hundred years, more than that, we would like to have somebody pay attention to us very, very carefully indeed. Thanks. Abear – Mr. Chairman, Our natural resources are more than breathtaking; they are fundamental to our long-term health and prosperity. The richness and diversity of our natural resources define the character of our landscape and compel us to live, work, recreate and invest here. With these resources comes individual and collective responsibility to act as prudent stewards.” Perhaps you’ve heard these words before. They come from the Town of Meredith Community Plan 2002, p. 21. “The long standing environmental preservation and conservation ethic within the community will progress to an unparalleled level. Critical natural resources such as significant wetlands, undeveloped shoreline areas, scenic vistas, wildlife corridors, groundwater supplies, large forested areas, and agricultural soils will be conserved...” Another quote from the Meredith Master Plan. The application before you tonight embodies the Challenges of Growth. Specifically it represents an example of **Incremental Growth**. Incremental growth provides the greatest challenge to us in recognition of its negative impacts. **It is the very scattered and premature nature of the development that is the crux of the issue.** We know growth occurs incrementally and negative impacts generally associated with it are cumulative over decades. It is difficult to manage growth that consists of many incremental development decisions. The effects of incremental growth are often difficult to recognize. It is therefore particularly important that the negative impacts of growth such as **increased traffic congestion, loss of open space, environmental degradation, long term financial impacts on the town** are carefully monitored in relation to application of land use policies. As the Town continues to grow, it is increasingly challenging to protect the very resources that sustain the quality of life that attracts growth in the first place. **Before us tonight sits the first manifestation of Development Pressures on the Environmentally Sensitive Land in the Forestry and Conservation zone.** Residential development pressures continue to account for the largest amount of land conversion now. This will only accelerate in the future. Most of the readily developable land has already been improved. Pressure on environmentally sensitive lands is increasing. This pressure, if unchecked, will have demonstrably negative impacts on critically important resources such as unfragmented habitat areas, wetlands, steep slopes, streams and small ponds. **We ask the Board tonight to exercise their discretionary powers provided by the Land Subdivision Regulations to disapprove this application.** The board has the guidance from the Purpose and Intent of the Land Subdivision Regulations to “promote the orderly growth of the Town of Meredith, providing for public and other open space and for property development of land while preventing, **through the Board’s discretion, such scattered, premature and undesirable subdivision** and development of land as would involve danger, or injury to health, safety, or property, by reason of the lack of water supply, sewage, drainage, transportation or public services or **would necessitate in the Board’s**

judgment an excessive expenditure of public funds for the supply of such services, or would be injurious to maintenance of the integrity of the Meredith Master Plan.” We believe the developer has demonstrated for the board that the application before you tonight is **premature**. We believe the developer has demonstrated for the board that the application before you is **scattered**. We believe the impact from this major subdivision, on the road system in the area, demonstrates **a lack of transportation**. We believe the lack of transportation joined with the premature nature of the subdivision obligates the town to future **excessive expenditure of public funds for the supply of such services**, capital improvements which are neither as yet planned for nor budgeted. We believe the owner has demonstrated the development of this land in the manner and method proposed is **injurious to maintenance of the integrity of the Meredith Master Plan**. **We ask the Board to vote to disapprove this application for development.** We believe the developer has demonstrated for the board that the application before you tonight is **premature**. What leads us to this conclusion? Let's review some of the information currently before the board. This process began with the ZBA where the chairman, Mr. Mack read into the public record, from Article V section D-1 Forestry and Conservation District General Purpose. “The Forestry and Conservation district provides an area for low density residential development and customary rural land uses such as forestry, agriculture, conservation and other non-intensive uses. This district is characterized by forests, rugged terrain (steep slopes, ledges, etc.), natural scenic beauty, important wildlife areas, large tracts in single ownership and poor road conditions. The area is far from town facilities and services, making it both difficult and expensive for the town to provide them. **Premature development of land in this area should be discouraged.** A minimum of 10 acres is required in this district.” We believe the burden of proof is placed squarely on the shoulders of the applicant by the Zoning Ordinance to demonstrate that development is not premature. We assert to the board that the road system has not been upgraded since the ordinance was written. While we commend the Road Department's efforts and the vigilance with which they carry out their duties, road maintenance is not the same thing as improving the facilities and services as required in the ordinance. The developer has been noticeably silent on this point. Failing proof in the affirmative we believe this application should be disapproved based on this point alone. It should be noted the town has not, since initial adoption of the ordinance, improved the town facilities and services to this area of Meredith. We understand the reasons for this. The reasons are: first, the expense of doing so and second, the low population density in the area. This is exactly what the Zoning Ordinance speaks to. It is the burden of the developer to ensure the conditions requisite in ordinance are met. They have not done so. They have not shown and cannot show that they have met or intend to meet their obligation under the Zoning Ordinance. They have not even addressed the basics. Being willing to “work with the Town” to establish proper sight lines at the

access points to New Road is necessary, not nice, it is required by regulation. It is not more than what is required. In fact it is less than what should be expected. For this reason, **because the developer cannot show that the development is not premature**, the developer should not be allowed to move forward with this project. The application should be disapproved. We believe the developer has demonstrated for the board that the project before you tonight is **scattered**. At the ZBA and each of the previous two Planning Board meetings on this application the developer has presented a map titled "Town of Meredith Forestry and Conservation District" placed before you tonight showing that the 177 lots in the district inclusive of those in the application. The Forestry and Conservation zone was created after most of these lots were in place. The developer would have you believe that what this application asks permission to do is nothing more than a continuation of past practice. In fact nothing could be further from the truth. Neither the ZBA nor the Planning Board has in the past approved a major subdivision plan for cluster subdivision in the Forestry/Conservation district. This is a precedent setting application of the zoning ordinance and the land use regulations. We believe that the developers map rather than demonstrating that the past practice has been to allow continuous incremental encroachment on the environment and ecosystems in the area instead shows why the zoning was instituted in the area at all. It underscores why the wording in the zoning ordinance specifically requires 10 acres per lot. It provides visual evidence of what the community plan seeks to stop and is not what the community wishes to promote. That is exactly why the name **"Forestry and Conservation District" was chosen**. The name Residential District exists. It is part of the Community Plan. It is not in Chemung. The name Business and Industry exists. It's part of the Master Plan and it's not in Chemung. Specifically, the map provides a visual representation of Incremental Growth. Incremental growth provides the greatest challenge to us in recognition of its negative impacts. We understood those points when the ordinance was written but seem in danger of losing sight of this point now. **It is the very scattered and premature nature of the development that is the crux of the issue here tonight**. We know growth occurs incrementally and negative impacts generally associated with it are cumulative over decades. It is difficult to manage growth that consists of many incremental development decisions. The effects of incremental growth are often difficult to recognize. This is one of those developmental decisions. We recognized the nature of the situation once. What has changed to make the decision different? Vadney – Could I ask how many more pages of this you have? Abear – A lot. Vadney – I was afraid of that. I don't think we're going to have a filibuster here tonight. Could you submit that to the record? It's all good stuff, but we've got a lot of people that showed up and I want to make sure and if you want to read that later, I'll stay and listen to it, but seriously I want to make sure any of these people who came to speak have a chance to speak. Scott Higgins – I spoke last time. This time I think the verdict is still out on a lot of the things. I

appreciate the Town Planner's efforts to try to get some of those issues clarified. I think there's a long ways that remains to go on those. I also want to make sure the Board is aware that my family does appreciate the efforts that the Town Planner did to get in contact with my family when my mother had the letter miscommunication there, he took the time personally to communicate back to her and explain what happened and I acknowledge that on his part of this as a nice thing for him to do. The question came up, it really wasn't germane, but it did come up in the hearing tonight that inquiry on Higgins Road, we had the big pasture piece which is the abutting piece of property, we did have that surveyed last year and according to the survey that was done by Associated for this proposal, there is a boundary dispute at that point. And the Dolan survey, had to indicate that that point was a boundary dispute so the Board should know that there is an ongoing boundary dispute for that small area in the vicinity of Higgins Road. Edgar – Scott, would it be possible to share a copy of that plan. The plan has been filed. The surveys have been filed with the Town. They are all on file, both the Associated Survey and the Dolan Survey has been filed and our family is in the process of talking to counsel about that. I think it's very important that when the Board considers what the next meeting day is and how the hearing goes out that there's adequate time from the time that all of the information comes together and is put together into a cohesive package, that there's enough time that the public then has the opportunity to get all of that information and look at it. I know in several cases, there have been last minute changes that have come in that those of us that don't live right in the Town have a very difficult time finding out what's the current plan, especially in terms of the green area, in terms of making sure that that area is really locked down as the Town Planner issued as a concern to make sure that some day down the line when Roxbury Road gets developed or gets upgraded that all of a sudden the Association doesn't come in and change the game plan on us. We need to make sure that their Covenants are set in there and really laid out so that we prevent that. I know there was discussion from the Town Planner to the Board and I think it was really good that there was the discussion about the business, but that issue came up again I guess as far as the Roxbury Road location. I didn't see any modification or didn't hear of any modification through the protective covenants that would prohibit a business from operating within this development or that even addressed that issue and beyond that, it still appears that that two-lot section off to the side, those houses or those two lots are conspicuously absent from the discussion from the rest of the protective covenants and that's a real concern to my family and myself. The bottom line, the verdict's still out and I look forward to seeing what gets put together as a final package. I would appreciate timely notification of when the next hearing is so that one or more of my family can attend it as one of the primary abutters of this development. Bayard – Do you know roughly the size of the disputed area or the acreage? It's in the order of like a thousand square feet. It's a very small area. It's basically, Dolan came in as a straight point as was represented tonight. The

bar way that was in the area when the Eastman's owned the property, they allowed them to put cows, my grandfather allowed them to put cows through that area. Previous owners of that property wanted to use that bent wall as a boundary. The range line always has been down to a point just inside the fence, not actually in contact with Higgins Road and that's where the area that's in question is. Vadney – As far as a business operating out there, any such business would have to come back to us regardless of how this is subdivided. Any business that was going in there would have to come back and whether or not there's a current business at the previous address to the Planning Board is a moot point. That may be a code enforcement issue, but it's not a Planning Board issue and it doesn't automatically transfer to their next location. Anything in the new location regardless of how and if it ends up subdivided, regardless of how it's subdivided, any additional business be it home occupation or some type of more informal business would still have to come back for approval and it's a public hearing for you all. Higgins, the only reason I bring it up is the property that I have in another town as part of that development, as part of the protective covenants, it clearly outlined and said that home businesses that have vehicles other than the primary residents/owners are prohibited from within the development and that removes that, not something that was required by the Town but it was something the owner of that subdivision put in to alleviate that concern of the abutters. Edgar – I was going to mention that it's not uncommon to see clauses like that and those are typically invoked by a matter of choice of the Declarant as kind of a _____ the subdivision and you see a lot of different covenants that go well beyond zoning. So it's a different matter though as to whether or not the Board should or shouldn't preclude someone from exercising the possible right to seek a hearing on the future home occupation or some other thing that may be complying with the zoning so they are slightly different. One is a covenant that's established that go beyond the zoning that are enforced privately and the other issue is whether or not something complies with the zoning if a business did comply with the zoning and that's an if depending on what the facts would be at the time of somebody making application, but then we would also have to go back to the Planning Board. The difficulty that we're going to face is the subdivision isn't dependent upon a home occupation and as the Chairman indicated to the extent there is an enforcement issue, that's why there's been a dialogue with the Code Enforcement Officer to try to get the Roxbury Road situation figured out. The approval to the extent there is one either now or in the future on Roxbury Road stays with the land, it doesn't run with the property owner so if there's a concern out there that if there was an approval on Roxbury that that will automatically transfer to this location that's not the case, number one and number 2, the difficulty is that they have not presented this application in the context of a business going in. There very well likely could be, we all acknowledge that but what's in front of the Board right now does not include that so the difficulty in terms of trying to figure out how to handle that if the subdivision's not dependent on it and it's not in front

of us and knowing there would need to be a public hearing on that anyway, if and when the time arose, so those are some of the questions that we're going to have to wrestle with in terms of processing that particular concern. Vadney – Anyone else with any comments. We honestly really, really appreciate your coming out so I don't want anybody to go home and say I didn't get to tell them something so if you've got any comments at all and believe me this Board takes these things to heart and we welcome your comments. Flanders – I was just going to say I don't believe any business could be done out there or approved other than maybe a home occupation and if a business isn't slated to go out there, it seems to me it would be real simple for the developer to put this one to sleep by just putting a covenant in. Vadney – Even home occupations, this Board by the way is very amenable to home occupations, however, we do scrub them from the standpoint of traffic and abutter concerns. We have had a number of them come in from grooming dogs to you name it and as long as there's no appreciable traffic that anybody's complaining about and as long as the abutters are happy with it, we think if somebody can find a way to make a living that's good, but the abutters do play a big role in any approval of the home occupation so don't forget that. Carolyn Baldwin – I am representing a number of people including the Abears, the Rogers, the Freemans, the Lees and the Coopermans and I'm not going to try to read my presentation because the issues have been raised by the speakers and Herb but I have prepared a Memorandum. I think the point, I'd just like to emphasize one point, I read through the minutes and I found it had been suggested that any new submission should be available ahead of time. Vadney – It certainly is supposed to be. Baldwin – That doesn't seem to be the case. New things have come in tonight, I don't think that the for instance the application to DES for Alteration of Terrain has been included in the file and I would think you would want to see it, I would if I were on the Planning Board. And you would also want to see some subdivision requirement of DES for lots under five (5) acres and I don't think those are in the file. I think they should be so I would suggest that before you continue the hearing, you be sure that what you need is in the file ahead of time and available so people can see it and not have to come to a hearing and try to absorb a lot of new stuff. That also includes the Covenants and I would say that I am very, very skeptical as far as the Covenants because I've seen too many cases where developers come in and say they have all these wonderful private Covenants, 10 years down the line who enforces them. I would recommend the Town be sure that it has some major authority to see to it that the Covenants that are germane to the zoning issue and I recognize some of them, the open space, the green space and how it's handled should be enforceable by the Town because there is nothing worse than one neighbor trying to enforce the Covenants against another neighbor, it's just a messy, expensive and many, many times it doesn't work at all so I think if the Town decides to approve those Covenants and I certainly suggest that they should not, be sure those Covenants have some teeth and the Town should probably be the bearer of

the teeth. I would just point out a couple of other items. We've heard an awful lot about roads and it's not just the building of the roads that cost you money. There's fire engines going up there, road maintenance, bus routes. There was a lady mentioned that small buses go up there now and there will be a bigger bus. What happens, can the road sustain that kind of increase of regular large vehicle navigation. You've heard a lot about the Scenic Roads and The fact that the developer has dedicated a strip of land along his own frontage indicates and recognizes the road problems. Another issue that I think that perhaps has been glossed over is the issue of Sanbornton. I think I saw in the minutes somebody said that while the decision was before the Sanbornton Planning Board, this application isn't before the Sanbornton Planning Board, it is before you. Whether Sanbornton can come in and demand a contribution, I'm not certain and where Sanbornton stands on this whole issue, but clearly they are going to be seriously. In all fairness, they could do it to you. Towns do developments or allow developments that impact other towns need to be conscious of the impact. Somebody pointed out that this is an opening wedge and incremental development it's called. I would call it an opening wedge of precedent if you allow this much intense development in this remote corner of town and others will follow, it's inevitable and any increase in cost to the town in this remote, sensitive area is going to be significant. In summary, I suggest that your solution to this is to find it premature and scattered and general impact on the scenic natural resources in a really unique section of this Town. I have been to Meredith a lot and I have never seen Chemung until now and it is extraordinary and special. Once you start chopping it up, it's going to lose that characteristic. The Zoning Ordinance recognizes that and I suggest your responsibility is to recognize that intense development in this area is scattered and premature and with your permission, Mr. Chairman, I have an original and copies of my Memo. Vadney – We do have many notes of what's been said including the ones Carolyn just gave us. We have lots of things to consider, but I don't want to shut anybody off, even Mr. Freeman is welcome to come back in now that we've heard from everyone if he has any more things to show. Hearing no comments, I'm going to close the input portion of this hearing this evening and turn back to the Board and this will be continued so this won't be your last chance so last call for comments. Johnson – When it goes back to the Board that in any discussion try your best to give us clear direction of what our obligation will be at whatever the next hearing will be that we appear before you, including when you have to have stuff to John. (Tape change) Edgar – Let's try to use that timeframe to get the information in so its effectively two weeks prior to the hearing and we try in various degrees of success and failures to hold to that, but effectively that's what we are talking about is two weeks prior to a hearing date. Kahn – Mr. Chairman, I would suggest for purposes of this application that we adopt if anything, a temporary rule that if it isn't in two weeks before the hearing, it doesn't exist. OK? So I will move that we adopt a temporary rule that everything has to be

in two weeks before the next date for hearing. Flanders – Mr. Chairman, I would like to second that. Bayard – I have a little because quite often stuff will come in and people will want to respond to it and I'm not sure that doesn't perhaps preclude some response prior to hearing, although I do agree that I think the applicant should be providing material and any substantive research material or presentations should be two weeks before hand, but I do think there is some possibility of rebuttal you might say or letters from the public and stuff, but I don't want to limit that. Kahn – I amend my motion that the applicant furnishes any material to be provided by the applicant, two weeks before the hearing. Edgar – For my guidance and for everybody else, why don't we just meaning and intending that the filing due date because those are published. We have a schedule of all the hearing dates and then we back up the calendar to the due dates so that basically is two weeks so that way we're date specific. Bill Philpot – I'm worried about the precedent you're setting on the rulemaking when it's not a public hearing. I'll take that danger away from you and we will agree to voluntarily meet that submission date so you don't have to create this aberration without compliance with public hearing rulemaking. I just hate to see it stepped in. We will voluntarily agree to that submission timeline to make it easy on you. How's that? Kahn – Motion is withdrawn. Flanders – I'll withdraw the second, I just want to make a comment too. Any new information from the applicant that's not in two weeks before, I don't think we should allow period. Vadney – With or without a motion, we can certainly... Kahn – Applicant's attorney has just agreed that we can disregard anything that they don't furnish two weeks before the hearing. Flanders – I just want to reinforce that I think we should not even allow hearing it. If Carl comes in here with a new plan at the last minute, I think we should ask him to bring it back at the next meeting. Philpot – We agreed to that. Kahn – I took a look today at the Covenants and I have a lot of problems with them. I've turned it over to John and I'll look at them again. But one of the things I noticed was that the Covenants seemed to reserve the right to do farming in the green area. Is that intended? Agriculture in the green area? I don't have to have an answer, but they sure seem to say that. The next question I have is, is it intended that logging be carried on in the green area? Sorell – Forest management. Kahn – Well, forest management is one thing, logging is something else. If it's limited to forest management, I can see that we can go along with that, that's assuming that the thing isn't scattered and premature. The next question I have is have we figured in the traffic survey the activity from The Sanctuary or whatever the heck it is on Thursday nights or other times. I haven't sat out on Roxbury road to see how many cars show up on a Thursday night, but it seems to me there's some sort of service or something on Thursday nights. Vadney – That really is inappropriate for us to look at, however, I will go on record, as saying the likelihood that they are going to get approval to run that out there is fairly low. It has to go before this Board. Edgar – I made this distinction in the initial staff review. What they submitted was a trip generation analysis and for folks that aren't

reading these incredibly boring documents, it's not a full-blown traffic study. It's basically trying to get a sense as to what the generation is going to come off the property, there's a very abbreviated view of looking at background traffic and it's the '97 traffic count that was referenced before and so there is an example that if you have other specific questions relative to traffic, maybe not specific to home occupation, but in response to concerns that have been raised, that's the kind of things Carl is eluding to in terms of specific direction because they weren't directed to submit that, they submitted that as part of their application. Effectively, it's a trip generation analysis, which is not uncommon for a project of this magnitude, but if you have other specific issues you want them to respond to from a traffic volume and traffic engineering point of view that would go beyond what's been submitted just by the virtue and nature of the inherent limitations and that's the kind of thing _____. For whatever its worth, the home occupation on the business side is not factored into that trip generation analysis. The trip generation analysis is a function of two existing lots of record that theoretically could each sustain a house today without subdivision approval and they looked at the maximum of 14 so effectively it's a net gain of 12 because the two lots are already there and then they looked at the various peak house scenarios for a net gain of 12 additional houses. Flanders – In previous subdivision when we've asked for traffic analysis, one of the things we've asked for is pre and post development level of service not only for the road immediately in front of it but other roads and intersections that will be affected by it and I think it would be reasonable to ask for that level of information here. Vadney – I don't mind if we ask for it, but I can tell you from experience, a traffic study on this type of low volume road is pretty close to meaningless. It's not the amount of cars out there, some of the folks already pointed out, the crooks in the road and the bends and stuff that aren't really part of the analysis of traffic study. You could do a full safety study and get much more detail on that, but a typical traffic study won't help you with the kind of issues that I think.. Edgar – You're going to be at a level of service "A" today and tomorrow, which is an engineering jargon for levels of congestion and so you don't have congestion in the context that we do downtown so the bigger aspect of analysis is looking at the adequacy of the road network to support development. The adequacy of the network and if you remember back to the Soley Lane days when we added that regulation in which I pointed out in the staff review, that you have the prerogative of requiring additional engineering analysis to look at the adequacy of the road network that is either providing frontage or access to the subdivision and that's when you start getting into the configuration of "Y" corner, the width of the road, the drainage and some of those kinds of safety related issues that have been spoken to, but Herb is right, we can have studies done but at the end of the day in a fairly low volume context, the engineer's going to tell you it's a level of service "A" which simply means there's no delay time. That's not going to get to what we're getting at. We are looking at the adequacy of the infrastructure to support the project and then by extension what does all that mean in

relationship to the bigger picture that has been articulated and those aren't the kind of things that you would get in a volume-focused study. That doesn't mean there aren't some things that could be looked at, I'm not saying that. Kahn – We have safety issues on the road, it seems we have a paradox here and that is that the roads need to be improved to improve safety, but we have Scenic Roads and it is conceivable that the Scenic Roads can't be improved the way you like to improve them. Have you taken that into consideration? Have you taken the cost of improving them as Scenic Roads into account? Then it seems to me the issue is why should the town bear any of this cost. I don't think the Town should bare any of the cost because I feel that it is, granted there is other traffic on these roads, but on the other hand, we have not budgeted anything, the CIP Committee has not budgeted a penny for improving any road out there other than Batchelder Hill Road in 2008 and why should this developer force the town into spending money to be fair to the developer who is forcing the issue. I think that every penny of road improvement should come from the developer's pocket, including the cost of your employees and depreciation on your equipment. Every penny as though you were a private contractor and were called in to make improvements on the road because otherwise we've got a developer who says I'd like to develop this property, not why don't you kick in from the Town budget and help me do it. I don't see that this is a, it seems to me if we are talking about safety issues, I think John we are entirely within our rights to take it out of the developer's hide. Flanders – I would like to request that Mike submit to us revised costs showing us labor, equipment time, fuel, the whole 9 yards. I'm of a mind set like Lou and I was just sitting here and I wasn't going to say too much, I was just going to talk to Carol tomorrow, but this is a head's up, it'll be coming from here, OK? Faller – That's fine. Bliss – If I could I think we have to be real careful on this though because we have done situations like this in the past and I think if we as a Planning Board don't tell the Selectmen of the Town what to do, but I think it is a good idea if we possibly change that policy, I do hate for this applicant to be changed with him, but I also think there's a lot of other things that aren't necessarily roads that get done in Town. What do you do when Rusty McLearn comes and says OK, I'll do this for the Town if you let me do this and I think we have to be very careful on what we decide we want to have and what we decide we don't so I just caution us as a Board. Vadney – Are any of these recommendations that are now attached to this property, are they things you've been looking at doing anyway and this is like hey I'm going to get some free gravel because I know that often times happens? Faller – Those areas have been looked at, I mean clearly when the bus accident took place, so it started to present a problem. All of a sudden now there's more traffic out there and it's there. We haven't put it in the CIP or anything like that for those road improvements because it is that area of town and the hope is it will stay that way, scenic, low-volume roads, I have no intention of paving those roads out there. I would like to go on record that I was asked to put a cost estimate together as I've done before so that was the direction I

had, that was the focus I took . Bayard – Just this quick comment, I may be tending toward Pam's opinion in a way, but I don't think it hurts at all to have both numbers on the table, so I think that would be very helpful to get the hard costs and also have the soft costs for us to look at and see what the difference is too. Flanders – Herb, I would just like to make a comment that when it comes to spending Town funds, this Board has absolutely no authority. Vadney – I agree. Flanders - When we see those numbers, it'll be up to the Board of Selectmen whether the Town's going to spend any money if this project goes forward. The only part that we play is in the bonding, set the rates for bonding. Edgar – I agree the amount in the staff review is necessitating Selectmen approval. I don't take issue with the concerns that have been raised by the public and the general taxpayer. I don't fundamentally disagree with that. When you get into the area of exactions and that's the technical term for requiring these kinds of improvements, it's a very complicated body of law and I'm not a lawyer but I've been doing this long enough to know there are a lot of competing issues and certainly folks against the project or raising scattered and premature arguments to advance their position and certainly the applicant is suggesting in the form of the dialog that there is some portionality associated with the improvements because of the premise, presumably from their point of view that a lot of these conditions are pre-existing and aren't necessarily triggered by this subdivision. There is a little bit of complexity to the analysis that needs to be had before the Board comes down definitively on what, if any, where and how these improvements are made are a fairly complicated thing and I think your instincts are sound but there is a level of legality to it that I want to make sure that or at least aware of and that's not the least of the reasoning behind my recommendation for a conference with counsel. The idea was to explore the inadequacy of the road network tonight and to make a lightning rod issue if you will to get the testimony on the table, get Mike's numbers on the table and get everybody's feelings to understand the paradox and the fact there's a benefit to make safety improvements, but also by making safety improvements you attract more traffic and some of the conundrum that come with these issues so I respect all the positions that have been raised, I just caution the Board that there's a legal side to this that I want to make sure you're briefed on before anticipation of a follow-up hearing. Kahn - I'm now going to switch macro, I personally am in favor of the concept of cluster subdivision. I think that our town ordinance on the subject needs to be overhauled and I'm hoping that we'll do that next year because I think that things like 25% slopes and things like that should not be included in green area computations. I think unbuildable land should not included in the 50% that we count as green area. On the other hand, I have Carl's representation that he believes, I think that's kind of what he said, that you could get 14 houses in here in a conventional subdivision and that it could be done basically with the same sort of road layout, so I'll take that as a given, but the other thing about a cluster in my mind is that there ought to some sort of relationship of the lots one to the other and the houses to each other. Here

we have this weird cluster where five (5) of the lots have more acreage than the 10 acres required and the other lots have less than 10 acres which you would expect in a cluster, but some of them are really pitifully small and I don't think in my view, I'm sort of stuck with the fact that the ZBA said OK, you can have a cluster, but I think we have a right to decide what that cluster is going to look like and I don't think that 2-acre zoning, 1.9-acre zoning belongs in the Forestry and Conservation District. I just don't think that's right; I think the lots ought to be larger. If you want to take 50%, OK you say 50% goes to green area and the lot should average out at 5 acres. I don't care if it's 5 acres or 4 acres or 6 acres, but I think it's just weird to have 17 acres in one lot, 12 acres in another lot and 1.9 acres in another lot. I think it ought to be evened out more if it's going to exist at all. I'm passing the question of scattered and premature, I'm looking at this as a cluster, I think it's a weird cluster and I think it's objectionable on that ground. I think the lots ought to be larger. Vadney - Your last statement may preclude what I was just going to say. You said you don't like the unevenness of them, would you be happy if it was a cluster where all were 1.9 acres. Kahn - I think that in the Forestry and Conservation District the lots ought to be large enough that they belong in the Forestry and Conservation district. 1.9 acres to me.. Vadney - To a large degree that precludes any idea of clustering in my mind. Kahn - They don't have to be 10 acres, but I think that the lots ought to be large enough that you can't mow your lot. I think in the Forestry and Conservation District there ought to be lots big enough so that you feel that's forest, it's going to stay forest. Vadney - All joking aside though, we are faced with the ordinance as written today and it does authorize us to cluster and the option that the applicant has is to, we could disapprove this cluster and they could come back at the next meeting and ask for a normal subdivision using the chart that Carl put up earlier or one that as he said could probably squeeze in a couple more lots out of that 209 acres, so a question is which is more acceptable to the Town and to the neighbors of Chemung to have 14 houses in this roughly 100-acre area and 100 acres of back side set aside or to split it all up and have 14 or maybe 16 houses with 18-19 acres apiece because the other option is to subdivide it in a more conventional way and although I'm very sensitive to the argument of scattered and premature and it's even been put forth by some lawyers here tonight, they probably know that that's fairly thin ice when you go on scattered and premature. It's not a strong part of the state law. Flanders - The applicant was looking for some guidance, from my comfort level whether this configuration stays the same or it changes before we get to the end of the tunnel and rule on it one way or the other, I want to see profiles on the individual driveways and the reason I want to see that is I want to make sure that we are not trying to run a fire truck up a 16 or 17% slope, if in the middle of the winter there's some type of emergency they have to respond and if the radiuses are appropriate so that piece of equipment could safely get up there and get back down again. Edgar - One of the issues that has been articulated as a matter of concern is whether or not the cluster option would

result in some level of development that would exceed what otherwise would be allowed by conventional subdivision and Carl has given you USGS topos and a little more than a schematic layout for the 14 lots, it is a fact that it is not a requirement of the ordinance that one demonstrates to the enth degree conventional layout to determine the yield, but short of that, is that an issue significant to the Board within its discretion to want additional information relative to whether or not that is the true yield figure. That is a fairly fundamental reading here, Carl is correct that it's not in black in white that the ordinance uses that as a standard, but I think it is safe to say that notwithstanding the 10% clause that is in the ordinance, the intent is certainly not to create more development than you could otherwise get and I don't think there's any logic to viewing that otherwise so within reason and I don't know exactly what shade of gray that is, but within reason are there aspects to that conventional layout plan that we think would be important to examine. In other words, is there an abbreviated soils and slope analysis that could be done on those properties to, we know what the wetlands are at least some of that, do they meet soils and slopes. We know a lot of that back acreage is steep and wet. They have a lot of the soils and slopes analysis on the forward piece, all the detail right there. Is there a way of taking some of that detail and massaging that in a conventional context to be a little more definitive as to whether or not 14 lots can, in fact, be laid out that meet our setbacks. Setbacks are a fairly easy thing to demonstrate, lot frontage is a fairly easy thing to demonstrate, the test pit, the property's been test pitted extensively so that's probably not something we have to go out and dig more holes, we probably have a pretty good feel for the landscape in terms of the test pit quality, wetlands have been delineated to a large degree so is there maybe some additional information that could be added to the plan using some of the detailed topography and analysis that's been done that might be able to be brought back, maybe not be a complete redesign, but maybe a little bit more than what we have and then showing the detailed topo where we have it, maybe USGS where we don't. I don't know, maybe just creating a little bit of a hybrid to be a little more illustrative so I think that's some of the sentiments that I've heard is a perception and it may be real and it may be perceived, but the concern is that this layout option is resulting in more development than you would get if you did conventional lots. I think we need to be able to put that to rest with a fair level of comfort, not an excessive extra study, but a fair level of comfort so I want to make sure if there is a desire to have that whatever additional information, that's part of the guidance that we would need because we wouldn't want to come back to a reconvened hearing and then all of a sudden that issue popped back up and then you guys say, Carl, go do such and such and then we just keep dragging this thing on. I don't know if that's an issue for you or not, but it's one of those areas where if you want more information, please ask for it. In my opinion, it's within your prerogative to do so if it is reasonably necessary to make an informed decision on the application. Vadney – I agree with you except he already gave us a reasonable cut and how you can gerrymander

some lots and get the 14 lots, I think he used and in my common sense look at this, you've got 209 acres of land, there are few places if you own 10 acres of land that you can't find something big enough to build on and to put a septic in, that's kind of the two rules of the game so now granted, some of this is extremely steep off the back side and there's some swamps down in there, I wouldn't go for a 1 for 1 correlation on this one, but usually 10 acres of land you can find a building site, you can divide this by as he said 15 acres and come up with 15 lots in rough multiplication and it's hard to think that you couldn't break that into 15-acre lots with some long skinny pipe stemming and gerrymandering and not come up with 15 useable lots. We can ask him to go do that, but I'm willing to make a decision myself based on common sense that Carl is creative enough to do that. The real question is in my mind, which I is better for the neighborhood out there. Assuming this goes to subdivision and whether we do it this month or next year or five years from now, there's a lot of pressure on the Town, the question is for the neighbors out there, is it better to have this than a focused 40 or 50 acres because that's in effect what this really is, a 40-acre development with a couple of big lots thrown into it and then the back acreage of 110 acres. Is it better to have that 40 acres of heavy development and will that stand out and be uglier than the same 14 houses scattered down over the back side of the hill. Edgar – The 14-lot alternative doesn't necessarily mean the house sites would be scattered. Vadney – That's right, that's one of the problems. They simply said that they would probably stick to a large majority of those house sites just gerrymander the lot lines around most, maybe not all of those house sites so a 10-acre lot doesn't necessarily guarantee that you're going to have 400 yards between every house. Vadney – We walked it, I think most of us here walked the site on that site inspection and you didn't have to spend very long walking up that trail to see that Carl had laid the road out in about the right place because there aren't too many options and that's maybe one reason they haven't included the driveways. It's a tough one, but I have to say whether you took all of us out and shot us this evening, the pressure on this land will remain and if it doesn't go to a cluster, it'll probably go to something else and so I'm questioning which is the better thing to do for the neighborhood, but how to scope that in, I mean there's lots of things we could send Carl off to do and he might enjoy these because he makes some extra spending money, but I'm not sure they would give us much additional direction. Bliss – If I could just say, I agree with you totally. I kind of get the sense and I understand it because there's stuff happening in my neighborhood too. Nobody wants this to happen, but the reality is something's going to happen out there and I personally think the applicant's done a good job. It may not be what we want, but it could be a heck of a lot worse and it's not going to stay a big unsubdivided piece and I like what's before us. Bayard – Just to reiterate sir what you said, I think people might have a concept of 10 acres that you are going to have 3 or 4 buildable acres in there. You don't need that, you just need the buildable size for your lots. You can kind of gerrymander this a bit and come up with acreage at least to

meet the 10 and have buildable lots over a lot of it so I tend to agree with you on that. As far as the cluster goes, I'm not sure it's, assuming we buy into the whole thing whether it's the worst way of doing a cluster, I mean this is one way that clusters are done. You sort of have a shall we say lower cost area at the bottom of the hill and then at the top these huge high dollar view places and they've kind of seen it's a way to get some housing that perhaps is somewhat affordable and there's nobody that said that there's real affordable housing around here partly being subsidized by the big huge places up top. I'm not sure that's how they are planning this or whatever, but this is somewhat typical to some clusters that I've at least heard talked about. Yeah, there's a couple of lots that are a little small for Forestry and Conservation, I agree with that on the whole, but I don't think it's too bad as far as a cluster goes. Vadney – One thing that I would want as a specific, Bob already said he would like to see cross-sections and layouts of the driveways. I think we should at least see how those houses fit on a topo map as Mr. Freeman offered to us this evening. Edgar – I think Carl had communicated if my notes are correct that he would provide that. I just wanted to remind you that we are technically not in deliberations as much as we're trying to get some guidance down so we can hopefully get close to a hearing where you will be in a position to make a fully informed decision and so what information is it that is necessary. There are two questions I have for you. There are at least two road standard waivers that are necessary. Do you want that referral, do you want the applicant to go directly to the Selectmen to pursue those issues? There was discussion at my level bringing up the, at least the possibility of a referral to the Conservation Commission for purposes of commenting on the qualitative aspects of the open space or at least maybe some possible perspective on how the management document kicks in. I don't know if you feel that is necessary or not. But those are another two things and if you want that to happen before this comes back, we need to know that. As far as Mike's side of the thing, Bob had suggested that Mike come back with numbers that reflect the total cost to include equipment depreciation and that kind of thing. I think one of the things towards that end that we would probably need to spend some time on is to look at the improvements specifically as to whether or not they are under Scenic Road regulations. We can come back to you with information on that issue because you'll need that information to make a decision in part no matter which way you go with the application. These road improvements are one liners at this point and Mike's put thought into it but we haven't gone beyond that so I think we need to come back to you with some assessment of these improvements as to whether or not the Scenic Road statutes would be triggered or not and I think the issue of stone walls and trees and those kinds of things that are regulated by the statutes are part of the reality of what we have in this part of the community and we need to better advise you as to whether or not that comes into play or not. Bliss – I was just going to say, because of the late hour, do we have a list that's been going, is Carl pretty clear with what we've been asking or does he want us to... Vadney –

Well, we've got Bob's comment on profiles of the roads and driveways. Mr. Had asked for the house lot location topo situation. Edgar – I think the tree line is being added to the plan is one that we had talked about. I think that's important because it is going to show the limits of today's tree line, the limits of clearing necessary to build a road and then we can look at the house sites in relationship to the tree lines as well which addresses some other issues. Vadney – The Meredith Conservation Commission, Ralph is already here taking copious notes, I'm sure. Edgar – In that particular case, what is it that you're asking. They have already participated in the ZBA process relative to the.. Vadney – My thought was the steepness and the erosion, that's one place that came up, I was thinking about the house sites and the amount of cut and fill and grading. Did you get anymore than that out of it Ralph? Pisapia – There was some mention of wetlands, but... Kahn – What about the issue of the brook? Vadney – Hermit Brook from the lady in the back. Flanders – We've been talking about having more information on the possibility of no cut areas. I think it's going to be important to see where these tree lines are going to be after this thing is developed, because my gut feeling is if 20 years ago when Grouse Point was in front of this Board had we realized what that hillside was going to look like, unfortunately that happened before I got on the Board, but it probably wouldn't have changed anything if I'd been here. That development would probably be drastically different than it is today and I suspect with these steep slopes, by the time you get done developing those lots, you may end up with darn near a clear cut in this whole cluster area. Edgar – One thing we did on the Lake Ridge project because of that very concern is we had a couple of kind of hypothetical cross sections done of the hillside trying to illustrate what the limit of clearing would be to establish retaining walls, in essence if you're developing on steep slopes and effectively that's one of the big failings at Grouse Point if you will, the steeper the slope you develop on, the more clearing you have to do to establish your building site and so at the Lake Ridge project, I think we were in the _____ on some of the worst slopes there, but you working with the landscape architect had come up with some limitations on overall heights and some other things that... They could put a couple of them so there could be some terracing, but you don't end up with the large Fort Ticonderoga _____. Vadney – Possibly erroneously, I've been kind of assuming with lots as big as these are, there wouldn't be much terracing but as steep as it is maybe.. Edgar – You can ask Carl to plot some of this out at a different scale. It's digital, there's nothing that really would preclude us from looking at something other than a 200 scale and you would have to stitch a couple pages together and follow some _____ graphs, but we might have a better feel for it in a different scale. Bayard – I definitely agree with that, you can't really tell where the wetlands are, I mean it's just, it is a big plot of land, I agree with that but I think a larger thing would give us some definition especially on the smaller ones. Vadney – I think to get much, you'd have to go to 1 in 50. This is 1 in 200 and you don't see much of anything. I think 1 in 100 would be. Edgar – I think you'd look at a 1 in 50

comparable to what the engineering scale is. Bliss – If I could just add another thing to the list as far as the Declaration of Covenants, I know John in his staff review had a bunch of questions regarding scenic view sheds, if there's a tie in the membership, view easements, what are the do's and don'ts in the buffer, I would like to see that clarified. Bayard – I don't know if this is an issue for the attorneys or not. Sanbornton has expressed some interest in getting some road upgrades, I know its not our jurisdiction so much, but I'm not sure how that really works. Edgar – This is one of the reasons to confer with our legal counsel, but I think you will be dealing with the subject issue of the traffic impacts in the broader notion of whether they are necessary. My non-legal view of it is that it's your jurisdiction, the subdivision is within our community, there is no sole access coming from another community so some of the other statutes don't really kick in, so we gave them abutter status with the public hearing notice and they responded identifying what they viewed to upgrade the road. I can follow back up with those folks to try to get a little clarification on that, I know like I indicated and you saw in the December 20th minutes that there seems to be a little bit of back and forth between the Planning Board and the Board of Selectmen. Bob, there's also a reference in those minutes to the fact that supposedly one of the Sanbornton Selectmen is working with the Meredith Selectmen so I was surprised to read that in the minutes. If there's any truth to that... Flanders – There's been no interaction that I'm aware of, not with the Board as a whole. Edgar – Can you follow up on that to see if there's anything going on because that would be helpful to know that if that's a fact or not. I could follow up with them so that there is some clarity of their rationale in terms of what they view as the need for improvements in their community and you would have that to help assist in your decision making. Bliss – If we can't think of anything else, I would like to move that we conclude this hearing to a date that will work for the applicant since he's already agreed to have his information in two weeks prior. John – Do you have the final summary of what we've been talking about? Edgar – Actually, I do. We're changing the plans to a different scale. Transpose tree lines and an indication of the no cut areas that we talked about. Address the issues that Mr. Freeman raised which were basically leading us to driveway profiles and some assessment of the grades and proposed house sites. Mike was going to be amending his numbers to reflect total costs. I was going to work with Mike to try to get a better feel for the physical scope of those improvements as to whether or not they would trigger Scenic Road issues. I would follow up with the Town of Sanbornton relative to double check on the status of where they are at. Addressing the Covenant issues that are still outstanding and that's a little bit loose because I would like to have the benefit of digesting Lou's comments as passing those along. Referral to the Conservation Commission for their observations relative to drainage impacts to Hermit Brook, site development question and erosion control. That's basically what I have. And to refer any of this to the Selectmen to try to get the issues of the roadway understood and that may be helpful because if the

Town standards require a 4:1 side slope and if there is an alternative to the 4:1 side slope that might be less impact and visually, the Selectmen, there would be another waiver so do you think there would be a benefit maybe the Selectmen taking up these issues in the intervening time. Flanders – If we can fit it into the agenda, we've got some pretty full agendas coming at us, John. We're still preparing for Town meeting and Budget Hearings and everything so to tell you it would be in the next couple of meetings would probably be incorrect, but one issue that would come up if you are going to start steeping these side slopes, then you're going to start necessitating guardrails possibly. Edgar – There's no question about that. Flanders – What's the worst visual impact, have a whole row of guardrails up both sides of the road or have the road slope off more gradually. Faller – When we met with the town's engineer and Paul Fluett, the original design did show guardrail. That was one of the concerns of trying to eliminate that approximately 500 feet on both sides of the road, so the other alternative was 4:1 slopes and getting that out and eliminate that so just to clarify that to the Board. Vadney – The big question here remains that question of cluster versus non-cluster and whether there's any benefit to be had by asking them to lay out a more conventional subdivision. Does anybody see any benefit? Flanders – I think the cluster concept, especially where you have some difficult land to work with, has some benefits in that you end up in theory getting your houses on the better parts and preserving a green buffer around the whole area which is kind of what we've got here, although I've got to admit these configurations are probably about as screwy as I've ever seen. No offense, Carl, but you know. Creative, OK, that's a better word. In theory a cluster development is supposed to be able to allow you to do a subdivision that's more appropriate for sites that are a little more difficult and this certainly qualifies as a difficult site. Bliss – Mr. Chairman, I would just like to say that we have talked about clusters and talked about it and talked about it and I think, Carl, it's really in his hands, he has gotten his ZBA approval to have a cluster so why? Edgar – I would just like to point out that it is pretty clear from what I've been able to read in the record, I was not at the hearing, but I think the intent at the time was to defer to the Planning Board on a lot of the particulars, because frankly, right, wrong or indifferent, I think that is where they left it and so I think the minutes even referred to the number of lots being subject to where the Planning Board leaves it upon a more detailed examination of the merits of the proposal so I think there is latitude, clearly on the Board's part to not just be in a take it or leave it mode, Pam, but if you feel that there is a reasonable basis to make adjustments to this layout, I think we need to explore that and then if you have information that you've come to that conclusion, I think there is latitude on the Board's part to make adjustments to the plan. Finer – I wanted to follow up a little bit on Lou's comment along with that. I don't think the 1.9 acres is appropriate, I don't know that it's anything we can change now. You talk about rewriting the cluster ordinance. Even in this area I would like to see something where you don't have to have 10 acres, but you have to have a minimum of 4, 5 or

6, whatever it is. I don't know if the applicant wants to come back and change it at this point to have more reasonable size lots. Edgar – I guess that's a philosophical question and its partly a legal question too that we need to explore, is that notwithstanding the fact that there are no prescribed minimums, is it a reasonable position for the Board to take to make lots larger recognizing the distinction between the districts. You're in a 10-acre district with distinguishing characteristics that separate it apart from our 1-acre residential zone or the shoreline zone. Sorell – What makes that any different than the rest of the zones. Edgar – I don't know what the answer to that is, that is part of the question if you were to explore that, maybe it's not something that you can ask them to look at or is if there is any opportunity for consolidation or adjustments of the lots, but it's also, because of the lack of clarity in the ordinance, it raises some other things that I think we need to explore a little, especially if there is a lack of a willingness to make further adjustments to the plan. But if you haven't asked, if you don't ask, you won't know what the applicant's position is. I'd ask the question of the applicant is there a willingness on their part to, are they voluntarily willing to make another acquiesce to the Board, is there a willingness to look at adjusting some of the lot sizes to bring it more in line with what Lou had suggested. Vadney – They could use the same amount of space here roughly, but probably five (5) acre lots instead of some two's. Edgar – Yeah, they've got some large lots, they've got an area where they might be able to consolidate a lot or two or make some other adjustments, is there an interest in doing something like that. Vadney – Theoretically, if that place would spec out and allow 14 houses, they could put them in one corner on one (1) acre, we really don't have any, the ordinance is unclear on that, right? Edgar – The ordinance does not prescribe minimum lot sizes, but you have a responsibility to under all the subdivisions that you look at is to look at their reasonableness and are there and I say this rhetorically are there other considerations that are unique to this district that would suggest to you that this is necessary and if you feel that way, we can ask them to look at it, if they refuse to look at it and you have a good legal comfort level, you can require it. I don't know what the answer is to that, but we haven't asked the applicant yet if there's a willingness to make some adjustments on the immediate left or right-hand side of the road going in where the lots are the smallest and you could, obviously, eliminate two lots in this proposal and you are going to get to four (4) acre minimums with the same configuration. You snip a lot on the left, you snip a lot on the right, it's easy for me to say, it's not my investment, but you know, it doesn't make all the issues go away, but certainly you can take two lots out of the equation, reduce the traffic by that amount and get to five (5) acres on one side and four (4) acres on the other without too much problem. Is there a willingness to look at that or not, I don't know, I don't know what the view of it is, but that might be a little more in keeping with lots sizes that still have the benefit of flexibility from cluster, 50% or less than the otherwise requirement, but might start to address some of the issues. It's not a homerun in and of itself, but if we don't ask, we don't

know the answer. Kahn – Another issue that's sort of related to the layout here is the green area is reserved for forestry and recreation, hiking, etc. OK – I own the house on Lot 8, how do I get to the green area? I'm going to be tired before I get to it if I have to go down the road to New Road and access the green area that way. Why hasn't that been thought out? It seems to me that the layout doesn't take into account that issue. Vadney – I would agree to a large degree, the green area as we call it, the conservation area, is a bit of a joke. We all saw it, I mean you can barely stand up on it, it's not the kind of land that anybody's going to, even if you said OK the guy on Lot 14 owns all this other stuff, he'd never go out there. It's just not the kind of thing.. Edgar – I don't know as I would completely agree with the fact that it's a joke, there are a lot of steep slopes that can't be developed and no one's going to just morph into.. Vadney – Why I would say it's a joke, whether we call it one 110-acre lot that's common area but restricted to residents or just say it's all part of Lot 14, in the end it doesn't make a whole lot of difference because the same animals are going to live on it. Kahn – Carl has pointed out that we have discretion to allow a 10% increase in density for good cluster zoning. That to me indicates that we have some discretion when it comes to bad cluster zoning. It doesn't mean we can take away 10%, but what it means to me is OK, we're served by the ZBA with a cluster, but what kind of a cluster is it, I think we've got a lot of discretion as long as we're reasonable. We've got to be reasonable. I'm reasonable all day long and I'm reasonable all night, but I don't think this is a good cluster. Edgar – We're going to take a view that it's not a good cluster then it's incumbent upon the Board to provide direction as to how it might be good. Finer – I think we've done that to some degree by telling them shrink some of these really big lots, increase the green area and increase the size of the small ones to a minimum of 4 to 5 acres. Bayard – In my opinion and that's all it is because I think people are looking for something bigger, but I certainly don't think we should have lots smaller than 3 acres and I argue that we have residential zones that require 3 acres and here in Forestry and Conservation so it seems to me, which argues for 10 acres, if we're going to do a cluster in here, it seems to me that we ought to at least do a minimum of 3 that we have in the residential that's the way I came up with a number of at least 3. I agree with Lou that I think there should be at a minimum some type of trail access to the green areas off of the road rather than having to walk down ¼ mile of New Road or something to get to them. We have in other clusters had extensive trails or more than one trail thing or something like and I don't think that would be that difficult to put something off of one of these properties, there are some that are pretty reasonable in size that might allow for trail access to, assuming we go forward with all this and get all the caveats, but that would be another suggestion that there be something put in there for access to the green area. Lou – I realize Carl is worrying about whether he's going to make his 50% as we start chopping trails into the green area, but one thing that's totally off the wall is that Lots 13 and 14 have absolutely nothing to do with cluster. There's a green area that extends

along there, terrific, who needs it. Who needs it, I mean those lots just don't relate to the rest of the thing. Indeed, in terms of the covenants and things, they ought to be treated differently because what do they care about whose going to maintain the road. They have no interest in it and nobody should be assessing them for that purpose. As I said, this may be unrealistic and off the wall, but if you worry about whether or not you make 50%, take 13 and 14 out, make them a conventional subdivision and now all of a sudden the 50% applies to a smaller cluster. Vadney – In summary, well Carl, I'm leaning toward continuing this to a date specific and I have no idea if this is a year or two years or how much time you're going to need to do anything like this. The trail access, we had a list a few minutes ago by John, and a few others threw things in and I think the trail access has come in since and I think that does have to be something that's not about... Edgar – It's access to the green area, that's a little bit different than having them pre-plan trails through the 110 acres. Vadney – I didn't mean trails through the area, I meant just the easement access because everybody's going to be a co-owner so to speak. It does appear there are no accesses and Lou pointed out that they would have to walk down New Road. Carl, based on the absolutely loose information we've given you, do you have any idea how long it would take you to come back? Johnson – I would say the very earliest, Mr. Chairman, that we could realistically have this information and comply with the voluntary two week submittal, would be the second meeting in February. Edgar - That effectively makes the first meeting in February the submittal date. Johnson – The 13th, correct for the meeting of the 28th. Flanders – Mr. Chairman, I move that we continue this public hearing to a date specific, that date being February 28th. Kahn seconded. Voted unanimously. Vadney – This meeting is continued to February 28th. You will not be re-noticed. This is your notification. Finer – Made a request to the Town that this information get to us

4. **MARDIS PARTNERS, L.L.C.:** (Rep. Carl Johnson, Jr.) Proposed Site Plan to construct professional office space and related site improvements, Tax Map U06, Lot 113, located at 290 Daniel Webster Highway in the Central Business District.

Mr. Mardis is in the audience and he can answer any questions you may have as to the functioning of the proposed use of this property. I think everybody's pretty familiar with it. It is the property that one side is Dockside and the other side is the Meredith Fire Station on Route 3. As you may recall, the building that's located on the property which is outlined in gray has had many lives in the past couple of decades and none of which seem to have any staying power. It's been various types of businesses, Radio Shack at one point in time, it was previously a real estate office, it was a kayak rental and sales business and most recently a Pottery on Meredith Bay business. This is an opportunity where I think we can finally find a permanent or quasi-permanent function for this lot and what is to become a

new building. The proposal we have here is to demolish the existing building that's on the property which you can see a floor plan of in the upper right-hand corner of the plan and to replace it with a building of similar size and a little bit different square footage. As you can see, it's configured in the lower right-hand box to be a Century 21 Real Estate Sales Office. The use is a permitted use in the zone. As I mentioned in the past, it has been a real estate office and what we're proposing is to move the building slightly away from the retaining wall which is along the brook, configure it slightly differently. You can see by the rendering here that two of the spaces which I had previously shown in front of the building actually are parking underneath the building so I've revised the latest plan to reflect that there are two spaces underneath. The total number of spaces doesn't change. Because the footprint of the building is substantially the same as what's there and we are getting no closer to any boundary and the total useable square footage of the building is not increased by more than 400 sq. ft., we do not have to go to the Zoning Board to get any relief for this. It is permitted under the current Meredith Zoning Ordinance, which allows for the tear down and rebuilding of a building and those certain conditions are being met. You can see, actually from a footprint standpoint, the building is actually a little bit smaller in the front so essentially what we're here for this evening is the preliminary presentation, the glitch is that with all that we have going on between John's office and my office and Mr. Mardis' office, we did not apply for architectural design review in a timely manner, so we're going to have to come back before you for the Architectural Design Review application and approval. I think you can get the sense of what we're doing here as there's a great amount of care being put into the architectural design of this building to make it look, it's a substantial improvement over the building that's there and to make it fit in certainly with the character of the neighborhood and the village character and so we'll be coming back before you, but I think you can see that we're making great strides in the development overall on the property. In terms of the lot coverage, we have some figures here and the parking requirements we're actually asking for a waiver of one space because of the square footage requirements, requiring nine (9) and we only are able to have eight (8) on the site. Mardis – There are 9 spaces. What we're actually demonstrating to the Board is that the nature of the real estate office. I think what the difference is that Mr. Mardis is saying is the actual spaces existing on the site are of the old standard and do not meet the 10' x 20' standard that we have now so technically on the site what's striped, you would have nine (9), I laid these out to today's standards which are the 10' x 20' which would require the technical waiver of one spot, but the general thrust here is that the nature of the real estate business is such that because there are so many desks in the building does not mean that there's going to be an individual every day at that desk for the whole day. Normally, and Mr. Mardis can address this, the nature of the business is that there is a receptionist and a few sales associates there in the morning. Most of today's world deals with the telecommunications, cell phones and faxes and internet

and a lot of the real estate business is conducted it off-site, where in the old days everybody had to have a desk, today that's totally different and probably one of the best examples that is similar to this is Nash Realty. Nash Realty has multiple agents that work for the company and at any one time there's maybe a few on the site. They may have a dozen or so actual agents that work out of the office but generally there are only 5 or 6 cars on the site. The Department of Transportation has amended the approval, the driveway permit for the site for this use. They also have listed and it's listed in the information that was submitted about the sign. They do not want the sign to be moved out of the ROW. They want the sign to remain where it is and as you can see here, this is the type of sign that they are proposing. It would be an internally illuminated sign with the business name and then a letter board beneath it. Then also on the building would be a sign. The actual details of that signage will come forth and be added to the plan that's submitted for the Architectural Design Review. Mr. Mardis is in consultation with Century 21 which does set forth certain guidelines for their signage and he's in the process of modifying those to fit within the overall guidelines of Meredith's signage. What he's thinking about is having a sign on the building with some gooseneck lighting that would come forward on the next plan. Mardis – The experience that we've had with internally illuminated signs unless Town ordinances strictly forbid otherwise and what I would like to do and I've noticed there are some signs up and down the road, The Chamber, the sign in front of McDonald's and so I kind of want to keep that appearance and that look and what I've intended there and what I've already talked to them about although I don't have a definitive answer and I know I'm kind of going into architectural review here but is to see what the Town would like to see in terms of and let me do an internally illuminated sign at the street. It's not going to be bright in your face but I'm going to ask them for some carved wooden signage on the building. Just because the building's going to be all red cedar shakes and stone on the front and I just don't think it would look right so I think I can be pretty persuasive and in fact if the Town would at some point give me some letter of encouragement in that direction. Edgar – We could give you a letter of encouragement for the free-standing sign too, because, all kidding aside, the zoning criteria suggests that the signage be consistent and compatible with the architecture and really that was a big part of how we eventually got to Johnson & Dix project as well as the Lovering Volvo and if there needed to be any persuasion given the folks in terms of the franchise agreement, depending on how you phrase it and how you articulate it, there is a zoning requirement that requires architectural accountability between new signs and the building so to have internally illuminated stuff all over the place arguably could become a question mark on your review. We don't have a zoning requirement against, as we've spoken and you know and I know that we don't have preclusion against internally lit signs. If you needed to have something from us submitted to you to at least speak to the architectural compatibility in general terms. Mardis – one of the things they like is this mustard color yellow rather than

gold leaf and to me if I'm going to have to spend the money, I don't want to put mustard paint on it. Regardless of which way it goes, I think if I can present a balance to them on something like this, it's going to look really good regardless. Edgar – I was very up front with Jim as to what the ordinance does and doesn't allow. We had a very frank conversation of that and I even pointed out some internally illuminated signs that if you were to go that route, at the end of the day is to do everything you can to eliminate the metal box stuck on a pole effect and with certain base treatments such as the stone planter and some of the trim work and try to keep the height down a little bit and there are other things that put it in some context and you can get away with an internally illuminated sign without looking foolish. Vadney – I'll say, the Volvo sign coming down the hill, their main one says just the word Volvo and that's about as nice a looking sign as you can picture. It's illuminated at night and it's just a nice soft light. Edgar – It was the issue of illumination, it was the height and some other things. Bliss – Mr. Chairman, I have a couple questions. How many employees? Mardis – Well, they're independent contractors, there's a receptionist and there's only going to be one receptionist. In my main office I have 35 people working there and 6 staff members amongst those 35. Here there will be a receptionist and an office manager 5 days a week so that's two people, then there are 9 desks. At my office there are 26 agents and usually what we have at my main office is two agents up in the morning and two agents up in the afternoon. Here I intend to have one in the morning and one in the afternoon and what will happen typically from my experience is that more and more lately, it's become an internet based business where they have lap tops and they work out of their homes. To answer your questions, the site plan shows 9 desks, which shows an officer manager's office and that will make 10 and then it shows receptionist. The bulk of that being the 9 agents, I would expect one in the morning, I would expect one in the afternoon. They may get called out on an appointment so the hope is that out of the others, if they get called up they'll come in for duty. One of the things about this site that I was concerned about is that I paid well over \$100,000 of its appraised value which is why the previous sale fell through and one of the best uses for this site in my estimation, this will work because the parking is limited there, but with the nature of my business, it will work. Bliss – One other follow-up question, one of my concerns is all of the rental check-ins you see on a Saturday and Sunday and I don't think would work in that location. Mardis – It absolutely wouldn't work. I fully hope to have all 9 desks assigned to somebody. Our sales meetings will occur and do occur on Wednesdays and will occur in our main office in Center Harbor where I have lots of room. All the sales meetings include all staff members so that's a non-issue. Rental check-ins, we'll have a rental kiosk up there, we have all of our bookings occur on line and check-ins will definitely happen in our main office in Moultonborough. We are geared with a full-time staff, that's where all the files are and all the keys are. Bliss – So you may get an occasional rental check-in, is that what I'm hearing. Mardis – No, no check-ins in

Meredith. It's not possible. There will be no rental check-ins in Meredith. Anybody that does an on-line booking or does any booking in Meredith will be instructed to check in at our Moultonborough location. Bliss – One last follow-up, what is your plan to get rid of trash and I assume there's a lot of paper generated? Mardis – We are going to have a very small dumpster and it will probably be in the back right-hand corner of the garage and we'll probably only need once a week at the most on a small dumpster pickup. Johnson – So it will be in the garage. Mardis – That's my thought. Bliss – You're going to show us the inside of the building anyways, you can just do that next time. Mardis – One of the biggest problems that we have with our dumpster locations where they are now, is that they are out and they are open and particularly in the summertime even though we have signs that say, this is under surveillance, you wouldn't believe the stuff we find in there and so the more hidden the better and I don't really think we need a large one if we can keep other people's trash out of our business. Edgar – If we were to continue it to the 14th to allow for dovetailing of the architectural, just a couple things. I did a real quick review and didn't give it the attention I should and for purposes of this coming back on the 14th we can then talk about landscaping, site lighting and building lighting, snow storage, I don't know how they do it now so the simple answer is whatever they do now that you'll continue to do, but as a practical matter, you need to think about it, because at the end of the day if you push it into the brook.. Sorell - The last guy carried it away. Mardis – How did they do that? Sorell – They loaded it into trucks and carried it away. You might need to note that, there is literally not a square foot of storage space beyond the pavement here, it's just not there. Fuel, how is the building going to be heated and if you're looking at outside tanks, we need to show that. Mardis – Buried. Edgar – Buried, where? The Fire Chief's got to look at that so we need to see size and location, above ground or underground. If it's going underground, they need to be protected with bollards so they don't get run over. We would need that detail for the Fire Chief to sign off on. Mardis – For purposes of this evening's meeting, I have information on the environmental construction sequencing and that kind of thing is that part of tonight's meeting or is that part of. .. Edgar – We got that tonight from Carl and I wasn't in a position to review it anyway so we can talk about, one of the first things Jim and I talked about when we looked at this was the fact we were going to be putting in a foundation a couple feet from the brook which is effectively all rock wall and so the care has to be specialized relative to the reconstruction of this building, the demolition and then the reconstruction of the building and Gove Environmental has prepared some plans that I'll be reviewing with Bill. I have not reviewed them yet, Carl, we probably don't need to get into all the details other than the fact that they have submitted it we'll be reviewing that. It's been prepared by Randy Shuey and there's correspondence to that effect. The DOT signed off on the driveway. They have to be very careful about the demolition and then the construction sequencing putting in a new foundation or at least the footings and crosswalls so... Mardis – On the

demolition, we're going to pull out the glass and tear down the right side of the building first and then pull away from the brook and as you'll see in the environmental plan that Randy's come up with he calls for wire fencing within the brook and multiple checks daily for any solid material. He feels that if construction takes place in the winter months, there won't be a lot of runoff or siltation because the ground is frozen. He calls for no materials to be stored on site, such as trucked in dirt whatever. The silt fencing has to be checked constantly and I've reviewed the plans and I think Randy's gone over that pretty thoroughly. Johnson – I think for purposes of this meeting, Mr. Chairman, what we would like to get is an indication whether the Board's happy with the use of the site and we can work out the details at the next meeting in terms of the stabilization and the architectural. Flanders – I'm not troubled by it, I think it's fine. Just one thing, just make sure somebody thinks to ballast that tank that you put in the ground, otherwise when it starts to get empty it's going to pop out of the ground at about 60 MPH, there's a very high water table there. Mardis – One of the things we plan on doing before we dig the foundation, we are going to do a test pit to determine where the water table is at even in terms of where our footings are. I talked about this with Bill Edney, because if we have to pump water to keep those footings dry while they are curing, where's the water going to go so we've talked about that so we'll test them in advance to determine. Edgar – We know where it's not going to go. Mardis – If we have to put in an aboveground propane tank at the back of that building, we'll do that. Flanders – In my other life, I do code enforcement and the setbacks that are required from those tanks, you can't meet on here. Depending on the size of the tank, you've got to be at least 10' away from the building and the lot line and if you put a thousand gallon tank in there, now you've got to be 25' so buried I think is your only answer and buried works as long as you ballast it. Mardis – Freestanding can be how close to the building? Flanders – If it's more than 500 gallons, it has to be 10' away from the structure, 10' away from the property lines. If it's smaller than that, it can be 10' away from any opening or source of combustion, but it could be right up against the building. It has to be 10' away from the windows and exhausts and stuff like that. Mardis – The architect had a couple tanks close to the building, but I was hoping to have it.. Edgar – I would follow up with Chuck Palm and he's very familiar with it and at the end of the day, Chuck's the one who's going to review the plans. Flanders – He works with the same code. Bayard – I just like you to make sure you show the handicap parking.

Edgar – Following the last hearing, Mr. Makris came to see me. You have a letter in your packet. Mr. Makris owns the boat salvage across from the DPW yards. At that location I understand they do parts, sales, service, maintenance and storage, that's what's there now. Vadney – What were we doing to him, making him non-conforming. Edgar – Boat sales, storage and repair function would continue, what I believe he's requesting is the ability to put up big storage buildings on the site and that, depending on how the

business plan evolves, could be the primary use of the site, Storage. Right now storage is occurring on the site. Vadney – We recommended sales service and repair would be OK. Kahn – Route 3 now is boat sales, service and repair, storage is ancillary but seasonal boat storage as on Route 104 south of 104 is not listed as a use in the Route 3 Commercial zone. Edgar – So if he were to in the future, there's nothing in front of us other anything at this time, but he's planning on putting in a boat storage and that could tip it more towards the primary use if he puts up a couple big buildings, less so than the maintenance or repair function. Vadney – If we were to do this for him, what would be the effect up through the rest of that strip? Kahn – It seems to me the issue is what we've done is we've combined Route 3 South and Route 3 North into one zone. I have a little bit of a problem, I don't think we want big racks like that south of Town, but John doesn't like dividing zones. We did it with 104 with that seasonal boat storage, south of 104 but not north. This property is still in the commercial zone, why should we turn him into a non-conforming use. After further discussion, Kahn moved, Bliss seconded, that Seasonal Boat Storage be allowed in the Route 3 Commercial District (north of the village) by Special Exception.

Finer moved, Sorell seconded, MR. CHAIRMAN COULD I MAKE A MOTION THAT WE CONTINUE THIS TO FEBRUARY 14, 2006. Voted unanimously.

Meeting adjourned at 11:40 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant
Planning/Zoning Department

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

William Bayard, Secretary