

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary; Kahn; Finer; Worsman, Selectmen's Rep., Touhey, Alternate

Bayard moved, Worsman seconded, THAT WE APPROVE THE MINUTES OF JANUARY 9, 2007 AND JANUARY 20, 2007.

APPLICATION SUBMISSIONS

1. **MELANIE PALMER** – Proposed Home Occupation Site Plan for a Hair Salon in an existing residence, Tax Map S02, Lot 25, located at 230 NH Route 25 in the Forestry/Rural District.

The applicant proposes to establish a 392 sq. ft. beauty salon within an existing 3- bedroom single-family residence, there would be a total of two employees. There is no proposed external construction or site work. The application, home occupation site plan and abutter's list are on file, filing fees have been paid, I recommend the application be accepted as complete for purposes of proceeding to public hearing this evening.

Finer moved, Sorell seconded, THAT WE ACCEPT THE APPLICATION OF MELANIE PALMER FOR A PROPOSED HOME OCCUPATION SITE PLAN. Voted unanimously.

PUBLIC HEARINGS

1. **1ST T DEVELOPMENT, LLC** – Continuation of a public hearing held on November 28, 2006, for a proposed Major Subdivision of Tax Map R04, Lot 5, into forty-three (43) single-family, clustered condominium units located on Pease Road in the Forestry/Rural District. Application accepted on October 24, 2006.

Mark Gross, MHF Design Consultants – In addition to my being here this evening making a presentation, Jim Gove of Gove Environmental Services is here, he did the wetland and soil mapping and some of the density issues that we discussed at the last meeting. Steve Pernaw of S.G. Pernaw & Company is here. He prepared the traffic study which I believe you have received. That study really kind of addresses some of the traffic issues and concerns that the Board and some of the abutters had at the last meeting. He will give a brief presentation later just to give everyone here an idea as to the methodology that he's used in the traffic assessment for this project and the effect it has on Pease Road. In addition, Don

Jutton is here, the owner of 1st T Development and Sharon Summers who is our project team attorney is here as well. What I'd like to do before we get into the meat of this review is to have Don Jutton discuss some of the ownership issues which had some significant discussion at the last meeting with regards to the ultimate ownership of the property, particularly in some of the parcels that may not be included as part of the condominium development. Don Jutton, Moultonboro, NH – I'm the owner of this property and like with everything, this property has a story. I put it under agreement back in 2003 with the Gerrity Companies out of Massachusetts and it consisted of about 169 acres. After I had it under agreement but prior to closing, the broker introduced Carol & John Granfield to the house. The entire parcel on which I had an agreement included the home that they are in and it was my intention to buy the entire parcel and subdivide off the house or sell off the house. As it turned out, they didn't know I owned the property and I didn't know they were interested. The broker brought them to me and I indicated I wasn't prepared at that point to sell it but ultimately referred them back to the property owner and I agreed to modify my P & S Agreement to allow them to buy it from Gerrity which they did. If you've been out to the property, you'll see that out in the back of the whole site, this particular area has tremendous views, sunset views, views of the lakes and so forth and there's a large field out here which has been maintained and established by previous owners. At that time, they were interested in acquiring not only that parcel where their house is but the field. I indicated that I was not willing to modify the P & S Agreement to have that happen and ultimately wound up negotiating with Mr. Gerrity so I agreed to give them an easement at some point once the site plan was approved for use of the property but no development and it would be primarily because they wanted horses and one of their dogs to run out there. Subsequent to that after I began planning the property, at one of the early planning stages I was negotiating with the abutter who owns the golf course looking at doing a much larger project and at that time purchased this property for a possible second point of access. As time went along, I've since sold that property to my son and as we began moving forward with this planning process, my intention is to, you can see here, this area down in here, my intention is to transfer the condominium association that parcel along with 129 acres which would essentially satisfy the 3-acre zoning density requirement, retain ownership of the balance which would be about 40 acres and give my son and the Granfields a use easement and in the process of transferring this out, would in the deed prohibit future subdivision and prohibit development on the property in perpetuity so that was and is the plan for the use of the property. Vadney – When you first got involved, the entire 169 was owned by the same person and that included the red block. Jutton – That's correct. Vadney – It all went as a lot? Jutton – No, not as a lot but the same owner, the Gerrity Companies. They were two parcels, the 169-

acre parcel and a 3-acre parcel with the house, but it was on the market as a package and I had it under agreement as a package. Vadney – I just this evening received a letter and I read it quickly, but I'm not sure I understood it, dated January 23rd signed by the Granfields. From what this says, you gave them an easement not to buy the land but have an easement on that piece below them. Jutton – They don't have anything at the moment. What I did was agree to convey at least an easement for use and maintenance of the field in the rear. Vadney – If I followed what you just said a minute ago, I think you're currently proposing 43 units and 3-acre zoning, multiply that out and then subtract that from the 169 and that leaves 40 and that's what's in yellow. Jutton – No, the 40 would be something bigger, I don't have it scaled out here, but essentially this is the field and the view area which is really what's of concern. Edgar – Don, if I understand it correctly, somehow if we were to have the 60 acres, 40 acres whatever as not part of the condominium, it would be under separate ownership, we'd have to subdivide it. Jutton – Correct, I'm not sure that's the proper legal term, but yes, we'd have to create a second lot and I suppose that's a subdivision. Edgar – Would the area in yellow be conveyed to, would it be easement rights or boundary line adjustments to that? Jutton – Easement rights. Edgar – So we'd end up with on the 61 acres separate ownership from the condominium. Jutton – I think it's 40, whatever the calculation is 43 times 3 is 129. It was originally 61 showing on the plan, but it's intended to be 40. What happened is there was a stonewall and when the engineer said what part do you want to slice off, I just said stick with the stonewall. It turns out the stonewall shows a greater area than the 40 acres. Edgar – And so that area would have the characteristics of being separately owned and have a conservation easement on it. Jutton – It would have land use restrictions. I can have the lawyer who's going to do it answer the question. Sharon Summers – As Mark indicated, I'm acting as legal advisor for the project and in answer to John's question, first of all the reason why we're here with this proposal that Don has just outlined is as he suggested, it's based upon the historical needs of his transaction with the Granfields and also trying to provide an easement area for the use of his son so that's the why as to why we're here. In terms of the mechanics, the how is how we intend to meet these objectives. As he indicated what we would propose to do would be to subdivide off 40 acres and I realize there may be some confusion, some of the earlier plans showed 60, but that's now been modified to 40 so what we propose to do is to subdivide off 40 of those acres, the title to that would be held by Don Jutton. Of those 40 acres, the entirety would be subject to a conservation restriction which means that in perpetuity, there would be no building, no improvements, no further subdivisions and I would add that while many of you are probably familiar with conservation easements, I don't know how prevalent conservation restrictions are in this Town but that is one of the mechanisms by which a developer and a

Board can agree to prevent further development on a piece of property and also there's a provision of the statute which is 674:21a which provides enforcement mechanisms for the Town to provide you with an added level of assurance that it is going to remain undeveloped so that would be one key piece of the legal mechanism for doing that. The second piece of this is as you see there's an area circled here in yellow and that's kind of a very rough configuration, but the concept here would be as I said before that the title to the 40 acres would be held by Don Jutton but a portion of that which for discussion purposes, we've indicated as that yellow circle, that would be subject to an easement to be held by the Granfields and a portion to be held by Don Jutton's son for their use. Again, I want to stress that even within that easement area, that would also be subject to the same kind of development restrictions so what we would contemplate is I think Don mentioned some of this, the Granfields in particular want to be able to essentially look out on that area. They are fully in accord that they do not want to see that development, I think the same thing is true with Mr. Jutton's son as well so essentially we're looking at a two-step operation here, one is to subdivide off 40 acres which would be held by Mr. Jutton, again subject to deed restrictions which would mandate that that be held in open space in perpetuity and then the second step would be that there would be an easement given to the Granfields and to Mr. Jutton's son for some portion to be designated up here for their use and access. Vadney – Can you run your finger around or draw a line in rough terms what the 40-acre piece is. Gross – Right now this portion here represents the 60 acres, the original 61 that were proposed so if I'm looking at this, that's probably a third so this kind of represents the 40 acres (depicted on plan on the board). This additional 20 acres would be added into the open space for the condominium which now means that the open space goes from 85 acres up to 105 which more than satisfies the 50% requirement because originally the 85 met the 50% requirement so that pretty much represents the 40 acres and I think this yellow area would be the easement, probably it would be more restricted to within the 40 acres vs. going into the other 20, although this may be configured something like that but in any event that may be more likely with the 40 acres so it would be a triangular area. Worsman – That's the area that you're going to convey as the easement. Gross – No, this 40 acres would be the area that would be retained by Don Jutton. Then the Granfields would have an easement within those 40 acres. How much acreage does that leave of the original parcel? Gross – Less the 40 acres? About 129. It's a little unorthodox when you have two owners, but the purpose of the restrictions on the 40 acres would be to ensure that the lot density calcs that have been done for the 169 remain in tact and that I think was one of the concerns the Board had last time. So the restrictions on the 40 acres would ensure that the density is retained for the 43 units which is based on the 169 acres. Summers - I know the Board probably has many more

questions too, but one thing I'd like to say at this point is I had the opportunity to speak briefly with John Edgar today and I appreciated that opportunity. One of the things I want to make clear is that this topic that we're talking about tonight really is the start of this conversation and we're fully aware that the Board is going to need to have some language, some documents from us to be able to look at in order to get your arms around this concept and certainly we would anticipate working closely with your Town Counsel to allow them to review the documents and to listen to any questions and comments that they have and to work with them to come up with a product which is going to be satisfactory to them as well. Edgar – If part of the intent is to satisfy the two issues, the view concerns and the Granfield's arrangement and if that is somewhere around maybe half of the residual 40 acres or thereabouts, the balance of that that is not part of these other easements, what's the purpose of that being retained in private ownership if it can't be subdivided, it can't be developed and it's not part of satisfying those other objectives, what is the intent in terms of retaining that encumbered private open space, I'm just trying to understand what. Summers – Conceptually, whether you're talking about this easement area that Mark has just outlined for you or whether you're talking about the entire 40 acres, the bottom line is that in order to provide the kind of access and use that the Granfields and Don Jutton's son's needs, there needs to be an easement conveyed and in order to have that there needs to be ownership of the underlying fee interest which would be Mr. Jutton. Now, again, it seems to me just conceptually whether it's the 40 acres or some lesser amount, it really doesn't matter because you're still talking about, again the purpose is to have this in separate ownership so that he can facilitate having an easement arrangement with these two individuals. Vadney – In effect, if we could reverse or start over with the timing on all of this knowing what we know today, you could have come in and asked for a boundary line adjustment to take that triangle that was just drawn, add it to the lower piece and then propose the cluster development based on that piece of land and then the remainder of the land after the boundary line adjustment would just be an agreement between the Granfields and the son and whoever else owns those other two properties. Summers – I'll let Mark and possibly Jim Gove speak further to this, but I think the problem with that scenario is the density methodology as I understand it is two parts, one is that the 3 acres is required under the zoning and that the second half of that is the soil sizing so what we have done by presenting the plan in this fashion is to indicate that we have more than sufficient land both in terms of the zoning requirements and the soil sizing in order to justify the 43 units that we're asking for. And that was the reason for presenting the plan in the fashion that we have. By suggesting as we are tonight that we want to simply change the ownership of a portion of that original 169 acres, that doesn't diminish in any way the results of the soil sizing methodology, we still have the requisite density

to come up with the 43 units that we need under both of those scenarios so I think the answer to your question is that we've presented this in accordance with our development plan of being able to satisfy the density requirements of the Town and to be able to do the 43 units. All we're suggesting at this point is simply a modification of a portion of the property in terms of who's going to own the title, but the net result really doesn't alter the fact that the density is still going to be in place, that there is going to be no possibility of future building out in that 40 acres because it's going to be subject to a deed restriction so the Town is still going to win in terms of getting the objectives of their zoning ordinance by keeping the density in a number that's going to be consistent with the ordinance and by maintaining the open space requirements. Vadney – Let me ask and probably expose my stupidity, but I'll ask a somewhat facetious question here. What if I owned 6 acres of land on one side of the street and a fellow on the other side of the street owned 200 acres and it was in a conservation easement, do you think I should go over and see if I can talk him into using some of his space to let me justify a number of units on my side of the street and tell him when it's all done, he'll still own that with a conservation easement. That's what's confusing me. Summers – Well, we actually have discussed that issue and I also touched upon that issue in my discussion with Mr. Edgar this afternoon. I think the difference between what we're talking about here and the scenario you're talking about is first of all, the two parcels that we're talking about are right next to each other and secondly, what we're talking about for the discussion tonight is the fact that Mr. Jutton who is the principle in 1st T is also going to be the owner of this parcel here. To take that one step further, if the Board is concerned about these kinds of hypothetical other scenarios or fact patterns, we recognize that, we think this is a unique situation, it doesn't detract from the objectives of the Town's ordinance and in order to try to provide some level of comfort to the Board, we'd be happy to work with your Town Counsel, hopefully when it comes time to approving this project in order to fashion the appropriate findings of fact or language to make sure that this is regarded as a unique situation. Finer – Mr. Chairman, aren't we in essence creating a landlocked parcel there that has no access and if so we can't do that can we? Edgar – I can speculate a little bit from a zoning point of view, all lots have to have 50' of frontage so on its face in the first instance, it would need a variance. They certainly could argue that it's a non-buildable lot that maybe they'd be entitled to a variance and therefore strict application of the ordinance wouldn't be appropriate but that would be an argument to be made in front of another body. This body would not have the authority to subdivide something that doesn't comply with the zoning ordinance. Summers – Mr. Chairman, yes that is another topic that we had thought of and had discussed and I guess I've seen that in some communities whereby when you have a unique situation such as the one we have right now where the subdivision is being

done really for no purpose other than facilitating this project, there's no intent of ever building on that. I've seen situations where there's simply a notation on the subdivision plan indicating that the created lot is non-buildable and will remain non-buildable and I think that again if that's something that the Town is amenable to that the plan could have appropriate notations indicating that it's subject to deed restrictions and is not buildable. I also do appreciate the comments of Mr. Edgar, however, if need be an argument could be made possibly to another Board about the fact this is non-buildable. Vadney – I'm not necessarily against this if it's something that works and gets the job done, I don't oppose that. We are going to have to be very careful we don't set a precedent that we're not aware of and I don't want folks coming in here in a couple of years and saying I can build on this because I've got 2 acres here and I've got 4 more acres over in Claremont and this makes the same situation that you did out on Pease Road in effect. So I'm very wary of doing something that's this much out of the ordinary without making really sure of the legal ramifications. Kahn – I'm sort of puzzled, this is something we're going to have to think about but what I don't understand is if the issue that causes the problem is that the Granfields and perhaps Mr. Jutton's son have been promised easements on a portion of the property, I don't understand why it then becomes that Mr. Jutton retains ownership of a bigger portion of the property. I don't really understand the connection between the two. You start with a small problem or a smaller problem and all of a sudden it takes on a larger nature. Why is that? Summers – I guess the way I would respond to that is that we believe this is probably the simpler approach because it retains the ownership in Mr. Jutton's name and is simply going to restrict any future dealings in terms of the operation of the easement and so forth between Mr. Jutton and the Granfields and/or his son. To answer your question, it is the simpler approach to try to address the needs to provide an easement for the Granfields and the Juttons. Jutton – I'm not trying to confuse anybody. It's all about view out here and so simplistically when we started, this used to be two parcels prior to Gerrity, Gerrity bought it as two parcels and ultimately combined it. This is a stonewall so when I started because I am the master of this overstatement in simplistic, I just said to the engineer it just seems easy it already exists so rather than spending a lot of money going out there and trying to establish metes and bounds, it didn't turn out that way, but essentially the reason I want to continue to own it is it's about view and once a condominium association owns this, going to them and saying there's trees I want to cut back here is going to be an impossibility having worked with a number of condo associations, one person in the association is going to love that tree that sticks up, it seemed like the simplest, easiest way to do it. I own it now and it seemed like a simple way to do it. If you have a better suggestion, I'm more than happy to entertain it. Vadney – That was one of the thoughts I had that this may be just a

way to protect the cutting rights so to speak. Edgar – Just something to think about as we kind of work through all of this and maybe it's something that Jim could contemplate as we go down the way is, you know Jim's given the Board briefing on all the different wildlife habitat and so forth out there and ideally under the objective of meeting the legal obligation of the Granfields and maintaining the views, that may not be at cross purposes with some of the other open space purposes of the project and so there very well may be a way to blend this whole thing together from a management point of view not having in this case four different levels of legal rights. Summers – I think that's absolutely true. Edgar – You and I had talked briefly that prior plans were noted about a conservation easement. On all of these conservation easements, there's always reservations and you have to find a willing grantor and grantee who are agreeable to all the restrictions and there's nothing to say that you couldn't have an easement blanketing the whole property, I'm just talking off the top of my head, with certain reservations. Every grantor reserves certain rights that the grantee has to be agreeable to. One dimension that we haven't talked about is some of the wildlife issues that Jim had brought to the Board's attention in terms of the travel corridors and the cottontail and moose and deer and all kinds of other things that were eluded to in some of the open spaces so just from a forestry management or wildlife management point of view, it would be nice not to unnecessarily end up with four different levels of ownership rights out there, two easements, a condo association and then Don's residual rights and then have everybody in some context at cross purposes towards what was stated here earlier as a broader environmental objective so I think we just need to keep that, I mean there's zoning issues, there's precedent issues, a lot of things we're going to need to get our arms around but we should also be looking at this in terms of the open spaces and the benefits of it from the wildlife and the forestry point of view that Jim has spoken to the Board at a prior meeting. Summers – Right, and I think that's a great point and certainly one of the things that we would take care to do whether it's in the deed to Don which is going to contain the conservation restriction language or on the documents that we're going to set up for the condominium or in the easement references to the Granfields and to Don's son is to take care, working with your office, to try to coordinate the different restrictions in each of those documents so that they work as you say, not at cross purposes with each other, but cooperatively and certainly we can use some of the information that's been provided by Jim Gove in the past to create the best vehicle for doing that and as part of that discussion, yes we're probably going to have to identify and pinpoint, you used the term reserved rights, it wouldn't necessarily be exactly like that, but it would be the same concept. For example, if there were things that the condominium association might want to reserve to do or if Don wanted to have reservations to do certain things, possibly cutting of some trees and so forth, it would be important to identify

those things as part of the deed documents and the condominium documents. Edgar – That statute you eluded to before that refers to open spaces being enforceable as if they were the equivalent of a conservation easement, when we've looked at other projects, we tried to use that same analogy in terms of how the property would be managed, how the stewardship functions that you would typically have in a conservation easement would carry forward in a non-easement environment. We use the easement almost as a checklist or as a framework of the kinds of things we should be looking at in terms of the declaration of covenants if it happened to be part of the condominium or elsewhere. One idea, what if there's an easement right to the green and the red properties so that's in place first and then the balance of the property is part of the condominium but the condominium ownership is subject to those easement rights just like Don's fee interest would be subject to those easement rights. Summers – I don't know that we necessarily even need to get to that point because if Don owns this 40-acre parcel and the easement rights are within that, then you really wouldn't need to involve the condominium association. I think that's the point that Don was trying to make earlier that by doing it in the way that we're proposing, you eliminate at least one additional level of interaction if you will and complexity. I think the point that you made a minute ago is well taken that obviously there's going to be open space over here and we would need to make sure that the condominium documents are carefully set up so those objectives are maintained, the same thing over but I think our proposal in a way really will simplify things because at least on this 40-acre parcel, you know that one person is going to be in charge and the Town would only have to deal with at least on these 40 acres, one person relative to ensuring that the open space restriction gets enforced. Edgar – Not to quibble with you, but it could cut either way, whether the person being out is the condo association or the person being out is Don, one way or another one of the parties could be eliminated to keep it more simple. Kahn – Mr. Chairman, I'd like to point what John is driving at obviously is we are very concerned about taking the density from that lot and then cutting the lot off and putting it in separate ownership. The soils and slopes were on 169 acres and all of a sudden we're being asked to have 43 units on the basis of 129 acres plus restrictions on another 40 acres that aren't part of the project and we're trying to come up with that result in a simpler way if its possible because you're asking us to do something that I don't, I'm kind of new around here but I don't think this is something we do every day. It leads to the issues that Herb was concerned about that when are going to get the next project where someone says the lot next door is going to be vacant and we're going to keep it vacant so now let us transfer the development rights from that lot to this lot and this is not something that we're really eager to do if we can avoid it. Summers – I don't disagree with you for a minute that this is unusual and that said, though, I don't think that there's

anything necessarily to preclude the proposal that we're advancing tonight and I certainly appreciate your concerns as a Town with wanting to make sure that there's no unintended consequences by moving forward with this proposal and as I said before, I think the answer to that is to work closely with your Town Counsel to make sure any language that's done in connection with the approval is done carefully to make sure it's tailored to this particular issue. I think though for all the reasons that Don has articulated, this is we think the simplest approach to be able to get to his objectives and the other thing is too, I just want to underscore this, I know it's been pointed out before, but the density is still going to be provided for this project simply because there's going to be a magic line that cuts across that 40 acres and the title is going to be held by someone other than the condominium association or the unit owners doesn't mean that the soils are going to change at all. The characteristics of these soils are still going to support the underlying density result that we have come up with this far. Vadney – Typically though when we do a cluster development and then have a relatively large parcel of land that justified the cluster, there are restrictions on it such as cutting plans, maybe a forest management plan or resource management plan or something and that's an agreement between the Town and the condominium association if you will and if there are 60 units in the cluster that means 60 people have to agree if they're going to go in and make changes to it and maybe have to work with the Town as well. Say Mr. Jutton sells this, I would assume if he owns that piece of property and he has the rights to it, he can then sell that piece of land? Summers – He could sell the piece of land but it would be subject to a deed restriction. That would be in perpetuity so that any successors and assigns whether its his heirs or if he sells it to a 3rd party, that would still be binding on them. Vadney – But then Mr. Jutton sells it to someone who comes along and decides that they want to clearcut it, there would be no argument, they could just go do it, right? Summers – Well no, I don't think that's necessarily true, I think that depending upon what the Town and Mr. Jutton came up with, it's going to be to the Town's satisfaction that needs to be reflected in the deed restrictions, that is going to govern what both Mr. Jutton and any future owners are going to be able to do. Vadney – That's certainly something I think we would have to get is some kind of an ironclad kind of agreement on that but the other thing, I hate to burden the Town with too much enforcement requirement. I don't know how many code enforcement officers we need to go out and keep track of these easements. Kahn – The code enforcement officer doesn't enforce it, the Conservation Commission's been doing it and they are looking to get out of the business because they are finding that people aren't obeying what they are supposed to obey and they've got people doing cutting down in Waldron Bay that aren't supposed to be doing what they are doing and you're also talking about a budget item not only for the Conservation Commission but for the Town in enforcing

these things. I'm interested in what the topography is there, at the back of the Granfields and Jutton lots, the red and green lots, what's the height there and how much does it drop off in the area of the easement that the Granfields were supposed to have. If you're talking about an 80-100' drop, you don't have to cut trees for a view because the trees won't grow up. Gross – At the back of the Granfield's lot, the elevation is somewhere around 820, it would suffice to say it's a "C" slope in the area that the Granfields are looking for particularly in the area where it's an open field so beyond that it drops off but again you're going from about 820 to 800 down to 900, they are kind of hard to see but I know what you're saying if it drops off very steeply but it doesn't, it's a "C" slope that's somewhere between 8 & 15% slope in this general area behind the Granfield lot. The same behind the Jutton lot that's a "C" slope so it's not a significant drop over that location. I think in terms of the concern about setting precedents, I think if the Board was comfortable with this concept and eventually embraced it, you essentially could make a finding for this particular piece of property given this unique situation that it's applicable which in essence protects you from somebody else coming in and saying I want to do this because so and so did it 2 years ago.

If you as a Board make a finding that based on A, B, and D for this particular piece of property you find it appropriate, it's hard for somebody to come in because they probably don't meet those 4 criteria and that goes with anything in terms of something that's unusual that you have the ability to do to make a finding based on the uniqueness of the property and A, B, C and D, that's why you're making the decision to do what you potentially would do that would be kind of beyond the norm. Vadney – One more quick question on the Granfield and the son's property. I haven't been on that property for some time but before the Granfields owned it, I was familiar with that field behind the Granfield's house and as a matter of fact if I recall, it gets pretty soupy there pretty quickly. Gross – A portion of it is wet located in this area. Vadney – Is it the same wet area behind the green piece as well?

Gross – It's classified as a wet meadow. Bayard – I don't see how we can have 2 different properties here and one property supporting the other which is potentially able to be transferred out of the arrangement here. I don't know whether there's such a thing as an open space conservation easement but it seems to me it could be fairly simply set up that the view easement or whatever could be, especially if it's going to be undevelopable land, I don't think it would that difficult to work something out there with the condominium association seeing as it has yet to be established. If you had an established condominium association and you were trying to do something is one thing, but the way it gets set up and I think you could still give them the view without having to come up with something that's totally different than what we normally do. Jutton – You're right, the view is not a problem, it's the use, running dogs on it, riding horses on it, we already explored that approach and one

of the problems is the liability issues associated with the condominium. How do we protect them? Do we try to build in some sort of an insurance policy requirement and those kinds of things which just gets onerous? I was trying to keep it simple and it seemed to be the simplest way. I didn't present this as a way to compound the problem, I was just trying to keep it as simple as I could and so it's not the view, there's a view easement over this property from these people across the street, that's not a big deal, it's the use piece because as soon as you allow people on it, you then create a liability issue. What happens if somebody gets killed? What if the dog bites somebody? All of those kinds of issues then just kind of snowball and the condo document is one document and the marketability is another issue, you can't put those people in the position that somebody can access their property by virtue of an easement, get hurt and not be indemnified so it starts to get complex. Vadney – I'm going to deviate a bit from the usual here and rather than go into the rest of your briefing you want to do tonight, I'm going to turn to the public for a minute and see on this particular portion of it, traffic and all the other things we'll do later, but as far as this particular portion about the splitting of the land and the easements and stuff, do any of the citizens have any questions? John Granfield, 95 Pease Road – (Red) Just to amplify a bit on what Don had said and again it does go back to when we first made the deal because at that time, we wanted to buy this along with this but then due to the fact that this was all tied up with the potential for development, we did that post agreement that I think you all have a copy of and that basically says what we were going to get in an easement after 3 years or once this was done. And part of that was for the view but the bigger part of it was as you know, Herb, we have two miniature horses and we have the stable and everything here with Don's permission and with the thought of the easements coming, we mow this field and tend to it so I can certainly tell you it is wet. I have to mow it with chains on the tractor or I'd be stuck down there, but what we were concerned about and what Don has gone to great lengths to help us with is just what he said, our big fear was that if the condo association owned this, then unless we had an exclusive easement, we wouldn't be able to fence it which would be in the easement because we already laid out what would be in the future easement and put our animals back here to graze and do those kinds of things because, of course, somebody that lived here would consider that common ground and could go over there and it would be that kind of a potential problem. That all couldn't occur if it was part of a condo association unless we ended up with them having an exclusive easement which meant they couldn't go on there, then that would eliminate that but we tried to do it by Don just owning it and then basically we would do the easement and probably from Don's sense, we'd obviously all abide by the conservation which we're all totally in favor. We've been there now going on 4 years and we take good care of that and don't do anything that would cause any kind of a problem to it all, but that is

why we're hung up on not having this be part of a condo place because we really need to have that for our exclusive use. Ideally, if he didn't need all this acreage, we'd do a lot line adjustment, buy this and attach it to ours and it would be the most simple thing in the world but to get his numbers, he still needs that. Most of it's all wetland anyway so it's probably not in the numbers. I just wanted to clarify why we felt that would be a problem on the condo part of it. Vadney – The area we're talking about, the first 300-400 feet to the West of those red and green lots, percentage wise, how much of that is wet as exclusion? Jim Gove – Virtually, all the field is wet but everything that has been cleared with the exception and actually the actual edge of the field as shown here so I would say probably the field itself, probably about 80%. Now once you get back into that tree line area, then you have some pretty significant upland areas that are shown in this rough outline that Don showed so you've got some pretty significant upland areas beyond the field area, but the field area itself is wet as everyone has already testified. Vadney – The field area is about the first half of the yellow stuff? Gove – Yes, right about here. Finer – Wouldn't it be easier for all parties involved if Mr. Jutton transferred that property to the Granfields and to his son entirely so they own it. Vadney – I think that's what we're talking about here, it's the issue of justifying 43 units. Finer – So he knocks a couple units off, the land goes to the family and we don't have the issue of trying to justify this development when somebody else owns a portion of it which could be a real showstopper. Bayard – I guess I'm sort of wondering if you made the entire area the condo except maybe for that area and whether it be owned by Mr. Jutton or whatever, what does that do in terms of the numbers and then it might be something where we might be looking if we're only missing one, then we have a different decision than having to chop off the entire 40 acres. Gove – I just don't think we'll run the numbers on that at this point in time, I think we'll probably have to get back to you on that. Jutton – We'll do it if we can understand what you've suggested we do. Bayard – I'm just wondering where the numbers would fall if you just considered the easement area. You're talking 42, 41... Jutton – Take the uplands out and then recalculate the density? Bayard – Yeah, make the whole thing still a condominium and then have that sort of carved out area and then see what that does. Touhey – The area that's surrounded by orange, is that what you're saying, Bill? Kahn – You're talking about the field. If the field is wet, the field isn't supporting any units. Gross - If you were to take this area out of the 169, recalculate based on whatever this easement area is, what you're saying is essentially the amount of uplands in there may only represent one or two units and if in fact being able to take this "easement area" out, it results in 40 units, then that could be conveyed in fee to the Granfields and the Juttons, I assume that's what you're suggesting. Kahn – It certainly simplifies things. Bayard – It simplifies things a lot. There are some other issues that are going to come up with driveways

and other stuff like so the 43 is not a number we're necessarily wedded to anyway so there may be a way of making this a whole lot easier without us setting a precedent that we're really reluctant to do. Gross – Maybe I can make a suggestion that maybe ultimately where we go with this but I guess my suggestion would be for us to submit to you a more detailed plan than this obviously showing the 40 acres, showing the easement areas, listing them out and submitting them to John with some language in terms of protection, deed restriction, whatever we call it and maybe have that reviewed by Town Counsel and then come back and say, yeah this works and this is why it works just to make you comfortable with it because we still would like to try to have you embrace the idea. If we get to the point where Town Counsel says this isn't going to work, then we'll have to take the other suggestion and go in that direction but we'd like the opportunity for Town Counsel and yourselves to review a definitive proposal from us on this. Vadney – I'd agree with that and we would certainly entertain it. One other thing we need to get a reading on is the landlockness of this. If it's a landlocked piece, how will that affect anything? Gross – And I agree in zoning if you're creating a parcel that has no frontage, there are some zoning implications and we'd have to look at that and obviously that will be reviewed by Town Counsel as well. Vadney – And I realize some of those aren't Planning Board issues, but I'd like to know where we stand on it. Edgar – When you're coming back with some scenarios, Mark, I'm just looking on my topo plan, going down into that orange area from the Granfield's lot there's a point on the slope where there's a clear slope rake, could you point that out in that rectangle whereabouts that slope rake is and the reason for the question, I think if that corner is largely wet and doesn't affect the density calc in any major way, then maybe that rectangle doesn't need to be as long as it is. In other words, getting back to the idea of the tree heights and maybe the easement area to accomplish the views and the fields and the objectives, maybe taking a hard look at what the minimum area needs to be to accomplish that against the slopes with some assumptions on tree heights and stuff like that. Gross – It looks like it drops off at the edge of the back of the tree line according to the topography. Edgar – Just beyond that fence. That's significantly longer on the bottom that you have, that rectangle looks to be going all the way down into here. Maybe some of those areas are more than you need and so as you're playing around with the different ideas, keep as much of that upland in the project to get your density and shorten up the easements to reasonable minimums so that you minimize the impact on the density calc, but still accomplish the objectives of the closing agreement and view potential. Les Kelly – What's going to happen with the area below where ROW's or easements or whatever you want to call them, what about the area below the field. What are you going to do with that? Gross – Again, if it ends up in a separate ownership, it would obviously have deed restrictions and I think along the lines John

was talking about, whatever restrictions there are in the open space for the development, we would carry that across or maybe carry this across depending on what's more restrictive so that all the area would be covered under the same restrictions. The only difference in terms of land is the ownership. The restrictions are the same on the condo property as they are on the property that's owned by Don Jutton with the exception of the easement areas so the short answer to the question is, there would be nothing done on that any more intrusive than would be done on the land owned by the condominium association so those restrictions would apply. Kelly – Are they going to come in there and clear cut that? Vadney – Probably not but that's something to be ironed out in the agreements between the Town, the Planning Board, deed restrictions, etc., and how Mr. Jutton then interprets those and what kind of code enforcement we have to ensure that they are followed. Kahn – I think what the gentleman is really asking is, they've asked for and I think our ordinance provides for although I'm not sure, depending on what kind of restrictions you would put on if that land were owned by the condominium association. They've asked for a 50' no-cut strip and that's what he's looking for, he's looking for a 50' no-cut strip if not more and it's a very different thing when you don't have that and you have it in different ownership. It just seems to me that this thing can be done in a much simpler fashion. I really don't understand why it has to be subject to this kind of complication. For one thing, I have in mind already some property where it would make tremendous sense to transfer the density from one lot to another lot and it's not my lot, but I just don't know. This is what we call a slippery slope and I don't like to take the first step down a slippery slope. I think you really need to simplify this and I think it can be simplified without you're losing much in the way of your units, if any, and I think that's the way you ought to go. We'll look at whatever restrictions you come up with and I'm sure you can draft restrictions that on paper look great, but I don't know that we need to go that way. I think there's a simpler way to do it and that's the way you ought to go. Gross – Again, what I would ask is let us make a proposal to the Board and have your Town Counsel review it and I'm hoping to make your slippery slope less slippery. Just to ensure that you feel comfortable with what we're proposing from a legal point of view it makes sense.

I understand the gentleman that has this portion here wants to use this field and I understand he's using it for his horses. Does he do this field also? Do you have horses too? Jutton – No, it's for my grandchildren. Groleau – For your grandchildren and you just want to be able to keep this cut so you have your view. Again, my concern was like you were saying before, having the development allow you the ability to keep your view, in other words the association, to keep your view and to keep that area mowed and cut down but that's my comment. I know you've mentioned it before and I know you talked about the liabilities and so forth, but I still

think it keeps it simpler that way. Vadney – I think you've heard the Board that there are certainly concerns, we would welcome any other information, legal documents and stuff so we would certainly entertain them. This isn't a no but it is certainly a highly questionable position at this point. Kahn – It looks like there's a lot between the red lot and the green lot and it seems to me that person has certainly gotten notice of these proceedings, but I think he ought to get a phone call to say that really affects you and... Granfield – I just wanted to tell you, that doesn't actually depict our lot. We actually come down go behind them all the way over to Jutton's. That lot doesn't abut, that's why we were looking to bring this straight down. Gross – As I understand, the Granfield's lot actually extends over behind the Pike lot and connects with the Jutton lot so there's no connection between this property and the Pike property. (Pike's were notified about the hearing). Worsman – Can I just ask that when you come back before us that some of those lots are drawn a little bit closer to what actually happens. Touhey – Mr. Chairman, to clarify in my own mind, in regards to the easement, Don, that you're proposing, John Granfield has mentioned an exclusive easement. That I guess precludes anyone from the condo association from using that land at all that has an easement over it, is that correct? So the proposal then is to use the entire parcel for the purposes of determining density and then establishing conservation land and so forth and then denying those people in the condo association from using any of that 40 acres, am I correct? Jutton – Not any of the 40 acres, any of the easement area. Touhey – Which we're not sure yet... Jutton – That would be about 8 or 11 acres, it's what I showed here. The issue is he runs his dogs out there and so his request was to be able to put a fence up which seemed like a good idea so one thing led to another, but it's not all this area. I don't have any objection, somebody suggested changing the line, I was just trying to keep it simple so if the issue is just identify this, there's no plans for this, this is going to be the same open space that is over here and I don't care who owns it or uses it, what I'm concerned about is this area up here. Touhey – What we are doing, we are using the whole parcel to determine density in order to develop the condos as proposed and then we're taking a portion of the land away designating it as an easement, it's an exclusive right for those two property owners, your son and Mr. Granfield. Jutton – That's correct. Edgar – One final question for the attorney. Obviously, as you can tell from all of our discussions and this discussion, this is not something that we've dealt with before. If there are other municipalities that you're familiar with that have embraced any aspect of this notion of relying upon some land to meet some regulatory requirement and then permitting its conveyance, put me in touch with those communities, I'd like to explore with them different aspects of it because obviously the precedent issue for us is what if a lot of other projects started doing this and we start fractionalizing properties and trying to keep track of who's density went where and who can use what and

everything like that so if there are other communities that have experience with this, that would be helpful to share that with us, something that would be part of our research. Summers – I'd be happy to look into that and get back to you with whatever I come up with. Touhey - Mr. Chairman, one other piece, Don I think you'd have to realize that if people from the association used the remaining portion of those 40 acres, then you'd have an insurance liability issue there too, if you had ownership of that. Jutton – They would, not me. One of the problems, we have to talk practicality; you have to go out there and walk it. You can't get from here to here comfortably and it's even worse out here but I don't envision anybody is out there but people have permission to hunt out there now and there used to be a snowmobile trail there and maybe there will be one in the future, I certainly wouldn't prevent the Snowmobile Association if they wanted to re-establish the trail. There used to be trails in there, as I understand it, trails in there that got destroyed when the previous owner or the owner before that did timbering in there so I don't know all of the details on that. It's going to be woods so if people want to walk in the woods, I don't see that that creates a liability issue for me. The issue in a nutshell is if it's condominium association land, it then becomes an issue of the liability of access, can you restrict people from getting there if Granfield's dogs are out there. Vadney – We've identified the issues pretty well, I think the applicant is aware of what we think on it. They've heard from a few of the citizens so let's press on with anything else you wanted to tell us tonight but not this particular portion of it. Gross – I have Mr. Edgar's review and I'm going to use that as a basis for going through some of the issues that were raised at the last meeting and kind of address some of the new issues that may have come up as a result. In terms of use, as you know this is a cluster subdivision that's allowed by special exception in the Forestry/Rural District. In terms of the density, in the F/R District there is a 3-acre per dwelling unit that's in your zoning ordinance. Based on that gross number, there would be 56 units allowed on the 169 acres. Again, based on your subdivision regulations, you require soil-based lot sizing and again based on the 169 acres and those calculations were put on this plan in particular, showed that the site would support 43 units based on the soils and slopes analysis. At the last meeting, there were a few members who had indicated there was this plan that had been shown and I believe it was back in one of the first discussions that was held back last May regarding the yield plan and we kind of went back into the archives because again this project has been ongoing for about 2 years and there's been multiple, as Don pointed out, we've looked at concept plans including the golf course and have had a series of concept plans. My understanding is the plan that was presented to the Board, yield plan was actually a plan that was discussed with respect to the issue of duplex units. (Plan shown that was presented back in May). This is, I think, the plan everybody saw at the time, but again this is a plan that was presented to the

Planning Board for a discussion regarding duplex units and at that time the number of units I believe for duplex was 34 units and as we understand it, the Board said we don't have any provisions for duplexes in our ordinance and so this plan is really kind of moot at this point with respect to that. In going through kind of all the sketches we had done at that time or previous to that, we also came across this other plan that was kind of the yield plan we believe for a single family and this yield plan was 44 units and this was single-family. I think superimposed in that was kind of this blue line that shows where the cluster location would be in relationship to the yield plan so this anticipates a conventional subdivision of the entire 169 acres with a road system and 44 units. Again, that was something the Board had asked us and as I said, I think this duplex plan was the one that some members of the Board had seen back in May. We found this plan and figured that a couple of members had asked and we saw this plan flashed in front of us, so we ended up finding this in the archives and also brought in this other concept plan for the 44 units. In going on through John's comments in terms of and I'm going to use this 20-scale plan that John has put up here because it's easier to see. It kind of shows the whole thing at a larger scale. One of the comments John had was with respect to the 50' perimeter buffer and as he has indicated although it's not clear in the requirements of the ordinance that the buffer has to be undisturbed, clearly the intent of the buffer is to do exactly that, to buffer this development and the intensity of it, the cluster aspect of it from the adjacent land uses and in this case there are a couple of areas in the buffer and essentially what we're talking about is really kind of this portion of the subdivision because the rest of it, the area beyond this is not even going to be developed so this is really the only portion of the buffer where the cluster comes close and this is the golf course property here. The area where there are some infringements is obviously where the road comes down and that's somewhat unavoidable because of the location of the road and also location of some of the wetland areas in trying to minimize the impact and the road is pretty much predicated on the location of the wetlands and the impact areas trying to minimize and as you can see, John has highlighted those in the green. The other areas that have had some intrusion into that buffer area are located pretty much in this corner of the property and as I explained to John, we can probably tweak some of these units because we do have some available room down here to do that so to the extent we can minimize those intrusions into the 50' buffer and maintain it as a natural buffer, we will do that. In cases where we can't and that may be in cases where we have some drainage facilities that we need to construct, we would obviously look at doing some supplemental plantings which would protect the integrity of what the buffer is and that's really to create a screening of the development from the adjacent properties. I guess the short answer to that is that we will look to see where we can minimize the impacts in the 50' buffer and in areas

where we can; we'll provide supplemental planting or some type of fencing that will create that visual barrier. There were some comments by the golf course owner in terms of preserving some buffer between, I believe he was referring to the 9th tee area of the golf course which I believe is probably in this location. The 50' will be somewhat difficult given the fact that the road configuration has to be located there, but we can also look at doing some supplemental plantings between the roadway and his property line to enhance whatever buffer is remaining in that area. John also made some comments about some of the foundations that aren't necessarily within the buffer but are close to it. Here's an example again, that's a tweaking we can do with some of these units because we're not that tight in a lot of these areas so in order to ensure that because there are construction issues associated with being close to the buffer, we can tweak some of those areas and push those units away from the buffer to ensure that that buffer is maintained as depicted on the plan. Again, we'll take a look, it's a very small area that we need to look at but we can definitely tweak that area. In terms of wetlands, the direct impacts occur in 6 areas as John has depicted on here totaling about 15,600 sq. ft. and that's of wetland impact. There are also buffer impacts associated with the road construction, drainage and lot grading and those represent about 92,000 sq. ft. Those are located primarily adjacent to the wetland areas with the exception of maybe some areas here where you have drainage facilities that are within the wetland buffer. Special exceptions are required from the ZBA for those wetland and buffer impacts and we also require a Dredge & Fill Permit from NHDES for those wetland impacts. My understanding is that Mr. Gove was on the site with the Conservation Commission and they were apprised of the impact areas. We were under the impression that they had a copy of these plans and if they do not which I believe they probably don't, we'll certainly forward a set of these plans to them so they have the ability to take a look at them and solicit comments or we can solicit comments from them for your purposes because I think that's important at this point that you have comments directly from the Conservation Commission regarding this project. Under utilities, one of the discussions that has come up is about the number of bedrooms. I think it is the intent of this project to be a 2 and 3 bedroom project. There is a notation about 4 bedrooms on the plans and I think that specifically is with regards to the design of the septic systems because we have 6 community septic systems. While the actual units will be designed as 2 and 3 bedrooms, we would be conservative in designing the systems for all 4 bedrooms. We think that's prudent to do so I just want to make sure everyone understands the distinction between the units actually having 2 to 3 bedrooms and the systems would be designed for actually 4-bedroom units. That would give you a little bit of extra design factor or safety in those particular community systems. I'm going to skip here to roads and access and give Steve Pernaw an opportunity to make a

presentation to you with regards to the traffic issues associated with this project and once he's done, we'll come back to some of the other site issues. Steve Pernaw, Pernaw & Company – We prepared the traffic impact assessment for this project, it's dated August of 2006. The first basic step is to document existing conditions by going to the site, measure roadway widths, look at where the proposed access points are and things like that, more or less physical features. Then we do traffic counts. The second major step of any project is to look at what the proposal is and to estimate how many trips it's going to generate. This is residential so we base our estimates on the number of units. After we come with future trip estimates, we can then basically take those and add them to our existing volumes to come up with a post development condition and once we have those numbers, we call those build numbers. We can do comparisons with and without site traffic so we can tell you how much traffic is going to increase as a result of this development. We then as a next step do a technical analysis and here's where we look at things like intersection capacity, level of service and sight distance, those are important considerations in planning any particular development from a traffic standpoint and then its based on the technical analysis that we develop our recommendations and our findings. The traffic counters are put in first and the reason why we do that is just to monitor traffic volumes over several days to find out when the peak periods occur. A count that we did in August of 2003 shows daily variations from a Sunday thru a Saturday so you can see that the weekday numbers are generally higher than what happens on a weekend. From a traffic engineering standpoint, the daily numbers are meaningless. What's important is the hourly rate of flow. You can take this daily volume and plot it from midnight to midnight and you'll have a whole different picture and what happens on Pease Road is you have very low volumes in the wee hours of the morning, you have a peak in the morning generally 7-8 or 8-9 in the AM, traffic drops off and then it builds again during the late afternoon, 4-5 or 5-6 PM would be typical and then dropping off again. So this basically is indicative of commuter traffic, people going back and forth to work or to shoot a game of golf. We repeated the count in 2005 because nothing was happening in 2003. Same pattern morning peak, drops off – evening peak. Knowing those periods of peak traffic, we went out and did our manual counts. Every day traffic is going to be different than the day before. What's consistent is when traffic does peak. The Traffic Study determined that Pease Road is a low volume road and that sight distance from the proposed development exceeds 400 feet looking left and looking right from the proposed access road. A capacity and Level of Service (LOS) analysis of each study area intersection demonstrates that all turning movements at these locations will operate below capacity and at LOS C or better during all hours of the day through the horizon year (2017) and far beyond. There is ample capacity to accommodate the anticipated volumes at these locations with the

proposed development fully occupied. Bayard – I can't see real well but it looks like you have one "B" there but even in that case, it doesn't appear that your any sizeable percentage of capacity, I can't read the numbers too well, but they look pretty small. Pernaw – You are right, there is one B on this table and the year 2017 during the PM peak hour if you're coming out of the subdivision during the peak 15-minute period within the hour, we're really getting pretty conservative here, it's level of service "B". Level of service "B" means between 10 and 15 seconds of delay to come out so you're going to come up to the stop line, you're going to look left and right and you may have no delay or you may have to wait 12 or 14 seconds, this is in theory is what the numbers tell us. Kevin Collins, 137 Pease Road – This here is actually my mailbox and I go in and out of this dooryard at least 4 or 5 times a day if not more. My kids stand right here to catch the bus and right up here is the neighbor's house and that's where I turn the directional on to slow people down and I don't know how many times I've gotten almost rear-ended even on a nice sunny day with low traffic trying to get into my own yard so I don't understand where you're coming up with numbers to shove more people, 10' from that pole's my boundary to that stake and you want to shove all these people into there. It doesn't make sense to me. During bad weather it's 5 times as bad and if somebody's climbing up your butt when you're trying to turn in there, you just slide and probably bite that pole. If my kids are standing there and somebody tries to wing in there, that's not a good thing at all. The school bus stops right here at the dooryard every morning. That's just a couple of concerns and if you're going to cut the top of my dooryard off to get onto Pease Road and add this, I have plans of eventually putting up a garage or something in here and you're taking up a lot of my lot area, where am I going to put anything. It's a lot of things to consider. Lucien Groleau, 145 Pease Road – This is the patch of poison ivy here, also bamboo which the Town does keep a lot more, I also mow it as well but we also have 153 Pease Road so we have this whole strip coming up through here and I know in the morning right now, it's hard to get out of that driveway. We've got a slight incline coming out of the driveway and the same incline as over here and I have to be very cautious in the morning because you can imagine at peak time, people don't drive the speed limit. There's a lot of road rage on Pease Road because people are trying to get from Parade Road to 104 as fast as they can and I can't tell you how many times I've had a few gestures made to me when I'm trying to turn from this house to our house down here. They are clipping right along so there's a concern here too because if in fact I do turn out and they come down here quite quickly, they can't really go around me because over here there's a steep ditch embankment and over here there's also a big drainage ditch so there's not room to pull off the road so I'm just concerned with the speed that the traffic is going on our road right now and adding additional traffic to try to come in this way when I'm having a hard enough time getting out right now. That's an issue

for both of us. You say it's only for a few minutes, well it only takes a few minutes to die and that's a point. Les Kelley, Skyview Circle - What's the drop in your figures based on the 44 dropping from the 48 is that a linear or what do you anticipate on that? It's single digit, it could be 1 or 2 maybe 3 during the PM peak hour, minor change. Gross - I actually wanted Steve to go before I talked about the next issue which is water. What I'd like to say is that currently we are investigating the possibility of extending municipal water to the site and that's being done by an engineer working in conjunction with the Meredith Water Department and paid for by the applicant so we at this point don't have any information relative to that and we suspect we would before we come back and we would have an answer as to whether that's feasible. That obviously will resolve a lot of the issues regarding the water issue and the Fire Department issues as well. Suffice to say that if that proves not to be feasible, we would engage the services of a hydro source to initially look at the feasibility of on-site wells and obviously there's a whole process that we would have to go through in terms of well siting location with DES and there's a whole other process after that in terms of the wells being drilled and tested prior to any approvals being granted by the State to ensure that the water supply not only will supply this development but will not impact any of the abutting properties in terms of the well yield so suffice to say that's where we are at on the water issue and we'll have more to report to you regarding the municipal water supply issue. In terms of other utilities, we are proposing underground service from Pease Road throughout the development, underground electric, telephone and cable service and we have been in contact with the utility company regarding that, we've sent them plans and they've indicated to us that once we get closer to a final location, they would be amenable to starting a layout for those utilities in terms of utility cabinets, telephone pedestals and that type of thing but at this point it's a little premature. Vadney - Do you have any idea if there's a lot of blasting required to do that or is this something you'll build and lay on top... Gross - No, generally the underground cables are generally anywhere from 18 to 24" and we have test pits out here that show that we have some pretty good deep soils. In terms of drainage, that review is currently underway by your outside consultant and we suspect we'll have a report soon on that and be able to address some of those issues. I want to go back to kind of the road and access and talk a little bit about the common drive. We have submitted to you two waiver requests for common driveways and as we understand the regulations, the regulation only allows two units per driveway for access. In the case of the development, we have two areas in particular where we are requesting a waiver. The first area is located here which we would envision an 18' wide common driveway that would access 3 of the units. We understand that probably is not as problematic for you and for the staff as the other common driveway which would service 6 units. And really the rationale behind looking at a

common driveway is really looking at the development and I'll start with this, if you look at this configuration, we easily could have structured these units kind of in the same line as this, but we felt that to give some variety to the layout of the units and to not create that row house effect, we had an opportunity to create a bump out here for these units and to essentially stagger some of the units and create some non-uniformity along that side of the road so that's kind of the premise and kind of the same thing here in terms of when you look at kind of laying out these units, we tend to like to place these units where we think they ought to go and then tend to design the roads around it. In this case, we felt that the 18' wide driveway which we would designate as one-way would work for this development in terms of how it's accessed and how it lays out in terms of the aesthetics for this particular area. I've prepared some sheets that I'd like to pass out to you that kind of gives you this configuration particularly here and we're really going to talk about this area in particular and some options in terms of how we would lay this out to conform to your regulations in two different fashions. We're essentially talking about Units 24-31 and again the first sheet on this is what is currently proposed on the plans with a request for a waiver. Essentially the only change on this is that Units 24 and 28 were rotated 90 degrees and accessed off the main roadway. Units 25, 26, 27 and 29 were essentially left in the same location and we showed common driveways. You can see underlying this where the common driveway is for the 6 units that enter onto it. Units 30 and 31 remain in the same location. What this shows is that we can still maintain the same number of units and still maintain your subdivision regulations, however, we think it's not as good a layout given the long driveways and the access to these units is probably much more difficult for emergency vehicles and delivery vehicles than the current layout which allows this one-way access kind of looped around and gives good access to those units so this was kind of an option we looked at in terms of complying with your regulations. Option B would propose a roadway that would conform to your roadway regulations in terms of ROW, the cul-de-sac itself would conform to the requirements that you have or that the Selectmen have in their roadway regulations and again in this case we would have to reconfigure the units significantly as opposed to the previous one where we left most of them in place. Again, Units 24 and 28 would be rotated and then we looked at 25-27 and 29-31, we would have to reconfigure those and some of them would be accessed off the proposed cul-de-sac and others would be accessed off the main road so again it's not an issue of doing a common driveway to obtain the density, it's really kind of a design issue that we think is important, particularly, because this is cluster subdivision and in a cluster subdivision you want to look at narrower roads particular for those units that you don't have a tremendous amount of units serving so we think the 18' wide driveway serves the purpose that it needs to, provides good access and provides a good layout versus the conventional

layout where you have units strung around a town road or again under Option B where you have long driveways to service those same units that you would place on this particular piece of property. It is my understanding this will have to be reviewed by your engineering consultant, obviously, you probably want some engineering review of this to ensure that what we're requesting for a waiver works in terms of an engineering point of view so we're not going to ask that you act on those waivers tonight but we're going to ask is that you take this information and consider it and then we'll solicit review from your engineer to see what he has to say in terms of the common driveway. Bayard – I think you were right in your first statement, I'm not as concerned about the 3 on a 43 lot subdivision assuming everything goes the way its planned, you've got one that might have 3 driveways and it's got 2 entrances, personally I don't have as big a problem with that. I look at the other one and you've practically got a road there as a common driveway. What might it take to come up with a waiver for a narrower road and call it a road, I don't know if you need 22' or exactly what, but is that option D? Gross – It's not so much the roadway as it is the ROW that's associated with it because typically the ROW unless you ask for a waiver on the ROW is 50'. Once you establish a 50' ROW, then you start looking at the 40' setback from the ROW so that becomes problematic just in terms of the regulations essentially. If this had to be 20' if the 18' you weren't comfortable with, we could certainly make that 20', what makes it problematic is that when you call it a road, it automatically comes with a ROW which comes with 40' setbacks and that's really the issue and again, we show that with a proposed road that's 24' wide and a 50' ROW and a cul-de-sac that meets all the road requirements, we still maintain the units, not in as good configuration so it's just another way to skin a cat I guess. Again, if the Board is more comfortable with a wider, we think 18' is sufficient and again one of the things that we will be discussing with the Board is that we will be going to the Board of Selectmen probably requesting a waiver potentially for a narrower road for the entire subdivision, but we feel that 18', if 20' is more comfortable we certainly would do that, but again we want to keep it as a driveway and not call it a road per se. Vadney – Assuming Chuck Palm is here as a Town employee and not as a private citizen, I'd like to ask him if he would comment on this. Have you looked at this driveway idea? Chuck Palm – I had looked at the private driveway, I don't have a problem with the driveway. They've already rounded out the corners down here because they had a very tight, actually a switchback if you look at your original drawings that you have, one of the comments that I did make is I think we need to put a name on this second driveway. Vadney – Give it like a road name, you mean for 911 purposes. Palm – That's correct, because if you can picture just Ironwood Circle, a whole bunch of numbers in there would be confusing. The other one up at the top I think because of the housing layouts in there, you don't have to put a

second name on that one just from a practical point of view you can put your numbering coming around that way and your odd numbers on the outside. Vadney – The other two options that he's shown, the one with the 3-stub driveway. Personally, I like this one here myself. Vadney – Better than the cul-de-sac and better than the...? Palm – Yes, that's my personal feeling. Vadney – It's better for your firefighting and ambulance and everything else. My only concern is to avoid the problem that we have in a subdivision down off from DW Highway is that it took me probably 2 years to get them to change the names and get it straightened out, but if you give it a road name or lane name or whatever you want to call it, then we can assign it a set of numbers and then it's clear where we're headed. Vadney – While you're up here, we have something we haven't talked about with the applicant but I think I need to get your comments on it anyway, I was a little concerned about how tight these were put in there. Palm – You're probably eluding to the 50'? Vadney – I'm just wondering about the rules. The rules as I understand it if you've got 2 stories or 30' in height since this is a remote location, it's got to be 50'. Those are 20' Vadney – Scale wise they seemed to be crowded. Mark and I talked about that as recent as this afternoon, but the rule that I have to go by which is NFPA 1141 which is a planned building group, it states in there that if the property is located in a rural area subject to limited water supply and subject to a few other things, time of getting there, etc., then the rule states that if the unit is 2 stories or 30' or more in either case, then the distances of separation between the units have got to be 50' or 25' to a property line but since this is a condominium, it would be 50' between the units. Finer – How would that be affected if they bring in municipal water. Palm – That would decrease and I would make a recommendation of going down to 25' separation or we may be able to go as low as 20' but that's only because of distance, but if they put in Town water and sprinkled the houses which they may end up having to do under the new code that's in the process, then I think that could go away too. Bayard – If it was single story? Palm – Then you can go down to as low as what they have now. You have to be careful in a single story too because it's my understanding in talking with Mark that you have walkouts so in effect have got two stories because you've got a walkout. The difference from a basement because you've got exposure from a walkout to a unit beside it. Vadney - I don't know if you're far enough along in your planning, do you know whether you're building one or two stories. Palm – They are working at that. We spent a lot of time the last couple days on that. In terms of the fire suppression issue, there are kind of 3 possibilities. Currently, as proposed on the plan would be underground cisterns which we understand and I've got the details from Chief Palm regarding their requirements so that's one option. The second option obviously is municipal water. If we do municipal water here, then we're talking about hydrant spacing 600' and the separation issue is pretty much OK on this. The third option we had talked

about is individual sprinkler systems within each unit and we've done analyses in other subdivisions where you have underground cisterns. You take the cost of that and divide it over the number of units and essentially particularly for this size development, it's not that much more expensive to put an individual system in the unit and it's much more advantageous to the homeowner because they get a break on their insurance so I think at this point, we're looking at individual systems in the home so that would resolve the issue in terms of the separation as I understand according to the Chief. Gross – I just want to make sure we go through the rest of the issues that John had outlined. As you recall, the original had a "T" intersection here and now we've revised that and really the intent was to make this first 600 or 700 feet of road a Town road. We did that primarily for two reasons, one there was an issue of will the mail deliver on private roads and will the school system send buses down private roads. Initially we thought the case was for the mail that they would not come down on private roads but we understand now that's not the case that the Post Office will deliver on private roads, however, we are still proposing to provide a shelter or structure for the mailboxes for the site and not have individual mailboxes at the units so that has not changed. The school bus issue is a little bit more difficult because my understanding is that until a road is accepted, it is considered private and until it is considered a Town road, the school buses will not come down it so there is kind of a lag time that would occur between the time this is built and it's accepted. We believe that the rationale would be that all the children from this development would end up having to walk up to Pease Road and catch the bus at Pease Road and that's been pretty much verified by the school department at this point based on some correspondence we received today. The question is once this portion becomes a Town road, will the school department now reassess the location of the bus stop and put it here where we had originally proposed it. The answer to that question is they don't know at this point. They may or they may not so at least for the proposal, the school bus stop would remain up on Pease Road based on input from the School Department in recent correspondence I received from John and the question as to whether it would be relocated down here in the future once this became a Town road is really unclear at this point. That would be up to the School Department to decide. I talked to John in some detail and the engineers talked to John about some details and there's some concern about the size of the project and the amount of disturbance that could potentially go on here in terms of earth moving and what we had indicated to John is there will be some type of phasing plan that we will put forward and as part of that phasing plan, we'll also look at construction phasing which will also get into erosion and sedimentation control because again we understand the concerns about the size of the project and the amount of potential erosion and sedimentation that could occur so we will come up with some kind of phased plan for that and hopefully we'll

satisfy some of the concerns that you as a Board may have and that John has in terms of the construction, but we want to make sure that those are in place so no matter who builds this, the Town has the ability to hold feet to the fire in terms of the construction particularly relating to the erosion and sedimentation control. We are proposing individual light fixtures in front of each of the units and we're also proposing some lighting in the cul-de-sac area particularly for the mailbox area and the proposed school bus waiting area that may or may not be there depending on what happens. Vadney – You say a light in front of each unit?

Gross – A residential style light fixture. Vadney – Out on the lawn? Gross – Pretty much on the lawn, it would be outside of the ROW and adjacent to the driveway and those would all be controlled by a master control. Edgar – Mr. Chairman, if you just take advantage of this little cut sheet you got and if you look at these little symbols, those would reflect the residential lights that would be in and around the drives of each of the units. Gross – I think we also provided a detail of what that light fixture would look like. It's a residential style carriage lamp with a height somewhere around 9 feet. Bayard – Is that going to be downward directed?

Gross – Probably not because the nature of that type of fixture would have probably somewhere less than 150 watt bulbs. Some of the fixtures I've seen where they have the 3-prong light fixture and you have the decorative bulbs, there probably maximum 60 watts. It's a typical type fixture that you would see in front of anybody's house. I know there's some concern about the glare and the casting up but the nature of those is they have a cap on them so you're not going to end up having a light fixture that glows up. Gross – There is a safety issue for those who want to walk at night and particularly here in New England when it gets dark at 4:00 o'clock and you have kids walking here and there. Kahn – Will there be any lighting on the 600' strip. Gross – Nothing is proposed at this point. We did indicate at the pole here we would have some type of light fixture that's standard PSNH light fixture at that intersection. Bayard – I don't think it will be a PSNH fixture. Gross – That was to address some of the comments that the intersection's not going to be lit. If everyone feels we're not going to need, then we're not going to propose it. Edgar – I took a look at all of the intersections on Pease and I don't believe any of them have streetlights and there are also a couple of different poles in the area. If it did come down to a matter of necessity of putting it, I'm not so sure there is a necessity, but if it did, I think there's also one on the other side of the street that may be less impacting. Gross – We didn't necessarily indicate it was going to be on Mr. Collins' side but if there was a concern about lighting along Pease Road in this vicinity, then we certainly would look to try to do something there. Finer – You were talking about the first 600' being a Town road and you also mentioned underground utilities. According to our Road Agent, you can't have underground utilities underneath a public road. Gross – Are you talking within the

ROW because it wouldn't necessarily be under the pavement, but it would be in the ROW? Finer – Mike's comment was it couldn't be underneath a public road, I don't know if he meant the pavement itself or the ROW. Edgar – Mike as a general rule tries to minimize the acceptance of Town roads just because of the impact to his department, but I think the nature of this comment had probably more to do with the possibility of private utilities meaning the sewer system and possibly the water system being in a Town road because of the inherent conflict between the condo that has to maintain these things and the Town that's got to maintain the road and what happens when something goes bad and you have to start digging and you have issues. The first 600' doesn't have that aspect to it, there are no homes, there is no sewer in the first 600' so I could certainly ask Mike to clarify his views on that but I suspect that it had more to do with the sewer and the water lines than the underground electric. Gross – I believe that's the case and I guess all I ask is you had a conventional subdivision in Town, what do you require? Do you require underground or overhead utilities or you don't require anything as far as it being underground? I know a lot of communities require underground simply because of the issue of unsightliness and it's easier to maintain. Edgar – I don't think it's an issue in that regard, I think the Subdivision regulations probably have a general statement that underground is encouraged but not required and we've been talking for years about trying to get utilities put underground on main Street so I think the idea of having utilities underground probably is not really the focus of Mike's concern. Lucien Groleau – My concern is this ROW and the infringements. I'm concerned from what I understand you have a 45'-50' ROW (Jutton – 54') which is only about 45' up here at the road and on the map R04, it shows it at 45' on the Town record. I looked at the markers now and I look at the stonewall along there and I'm wondering without moving the stonewall, how are you going to get a road in, a sidewalk, lights and trees in this 50' area. With your markers, it's 45' so if you've got 54', I don't know where the 54' is. Jutton – I'm assuming he's talking about looking at the tax maps and the tax maps are not surveyed documents, they are tax maps so all I can tell you is we've had it surveyed and we believe it's 54' and that's what our plans show and that's what we'll provide information on. Groleau – So the marker you have at the road right now is.. Jutton – I have no idea what those markers are, I didn't put them there and I don't know whether the surveyor put them there, I don't know if it's to measure for the width of Pease Road, I don't know what markers you're referring to. Groleau – There's two entrance markers to your road right now. Jutton – I don't know that they are entrance markers, you're making an assumption. There are some stakes in the field, I don't know... Vadney – All we need for tonight is you've asked this and we'll put this on the record and it's something that we'll certainly follow up to see what those measurements are. Groleau – I'm just curious how wide is it from these blue lines to these blue lines?

Gross – Based on the surveyed plan that was prepared by a licensed surveyor, it actually scales out at 62' down here 58' up at Pease Road. Pat Giroux, Pease Road – References were made twice in reference to school buses, kids and lighting. It was my understanding that this was going to be a low impact on the school district and now I'm wondering what we are talking about in numbers of kids in the development? Vadney – The best data on number of school kids seems to be about .4 students per unit so 16 units would be a wild guess, are there any restrictions like 55 and older on this? Jutton – Its age targeted, not age restricted. There won't be amenities for kids; we're focusing on (inaudible). Vadney – The Superintendent of the Schools has said based on his numbers and demographics and the school situation, he doesn't believe there'll be an impact of any magnitude. Kevin Sullivan, Skyview Circle – Listening very carefully and we quickly went over the water situation. I don't think the Board should gloss over it just as lightly as this gentleman did. The question of school kids up there at the corner, I go out of Skyview 3 mornings a week onto Pease Road and the speed is something. I ended up off the road about 4 weeks ago. I realize that it's not the Board's responsibility to legislate traffic speed, but we might slow the whole thing down and it might make everybody safer if such a step was taken. Edgar – The fact that we haven't spent a lot of time on the water issue tonight is in no way a suggestion by the applicant of the Town that it's not an issue. I think the fact that the applicant is exploring municipal water as an alternative is at least partially an indication that understand there are issues relative to the implications of on-site wells so they need to determine if they go that route if they have adequate water to support their own subdivision and in light of the history and your testimony in terms of the nearby well history, that's an issue, could we get enough water to serve the subdivision, I think Mark Gross touched on that as well as to what extent there might be impacts to abutting wells so the fact that we haven't addressed it tonight shouldn't in any way be implied that it's not an issue, it's just that they're exploring a different alternative, they are exploring the alternative of bringing municipal water to the site. If that's determined to be feasible, then the well issue is a non-issue but we don't know that yet until they continue to complete that feasibility analysis so what would happen, this meeting would be continued or tabled or something to that effect and then we would come back and we'll readdress the issue of water. Once we have a feel for which way we're going, then we'll have a better feel for what the issues are so the fact that we haven't gotten into it in any depth tonight doesn't mean it's a non-issue, it just means that they are looking at another option. The concerns of the association are flagged in the staff review, the letter that you sent, it's been reiterated to this Board that you've expressed your concerns to us regarding the well and other issues so it's clearly a matter of record. Vadney – As the applicant said earlier, if the

municipal water does not work, they are prepared and they recognize they have to hire licensed hydrologists, drill, pump test and validate. Sullivan – We went through all that and spent a tremendous amount of money before we gave up and put individual wells in. Myself, I spent \$9,900.00 within the last six months on a well and I was assured they took good care of me. I just want to second Ken's comments too. ??You can get all the experts you want and I've put a lot of money into mine too and I'm very concerned about where this water is. Worsman – I'm looking at this and in trying to take in all of the pieces that we've been listening to tonight and if I can summarize it briefly, you're asking to cut out 40 acres of the lot and still maximize the number of units. I'm concerned about the lots supporting a conventional subdivision based on soils and slopes and reasonable driveways. Unless I've misunderstood somewhere, you're looking for waivers on buffer impacts, exceptions for common driveways, 3 on one and 6 on another, narrow roads, making them 20' apart instead of 50', an entryway on top of someone else's driveway. I'm seeing the whole picture and from my point of view, it looks like an awful lot of exceptions to many, many rules so I guess I just summarize it that way. Vadney – I'm not saying here that any of those are or could be show stoppers on this, but there are certainly things that have been brought to the Board either by the Town Planner, by the citizens or by our own knowledge so there are a number of things we're looking at. Touhey – Clarify age targeted and age restricted. Gross – Age restricted would be a deed restriction in the condo documents and there are guidelines the State of New Hampshire in terms of whether it has to be one person that is X amount of years and that whole thing, but age restricted for all intents and purposes means that the deeds for the units restrict one person or two people that are not under the age of 55 or whatever. Age targeted is that you're marketing this to a group of individuals that may be of that age group or empty nesters. Edgar – We're going to need enough time, there's an awful lot of things that have to get chased. We're looking at the water feasibility study which is critical because that starts to drive a couple other things. We're looking at forwarding the plans for comment from the Conservation Commission responding to the engineering review and some of the other things that Colette had mentioned so I think it's certainly not the next cycle or two. Maybe Mr. Gross could respond in terms of how much time you guys think would be appropriate for a continuance so that we can get our arms around these issues and come back. We have the legal submittal on the proposal or the ideas, concepts or whatever that Attorney Summers spoke to so I think we need to put it out not needlessly too far, but far enough so its not rushed and then keep in mind the submittal dates. A typical filing date in advance of a hearing date would be the submittal date for the new information which is essentially two weeks prior to the hearing so we have to kind of keep that in mind. It's not so much our schedule as it would be their sense of things in terms of when they could respond

with additional information. Gross – The second meeting in March I think gives us 6-8 weeks, keep in mind if it's the second meeting which would be the 4th Tuesday, essentially the second Monday is the submittal date for the meeting. Gross – The water study is close to being done, some of the other issues are engineering issues that we just need to work through so I think that's probably doable, the second meeting in March. Hearing closed at 9:45 p.m.

Kahn moved, Bayard seconded, THAT WE CONTINUE THIS HEARING TO THE 2ND TUESDAY IN MARCH, MARCH 27, 2007, WITH A DUE DATE OF MARCH 12, 2007. Voted unanimously.

2. **JAMES AND JANET WALDRON:** (Rep. Harry Wood) - Public Hearing to determine compliance with conditions of approval granted March 28, 2006, for a proposed 3-lot major subdivision, Tax Map R09, Lot 15, located on Corliss Hill Road in the Residential District.

You have previously conditionally approved this plan and the majority of the issues regarding notes to be added to the plan, pins to be set and a few other things of that nature, however, there was one concern that came up in the late phases of the application. At the time that the Waldron residence was being built which was before this project started and the time that we submitted the plan to you for final approval, it was noted that a wetland area between Corliss Hill Road and Waldron's house was somewhat larger than it appeared to have been at the time that the house was built. Keep in mind that at the time the house was built, there were at least two applications filed, one with the State of New Hampshire for a leachfield and one for a building permit for the house and neither one was denied because of a wetland being present so part of the concern was do we need an equitable waiver or do we not for that situation. I discussed this with Bill Edney and wrote a letter to him that summarized my thoughts on the sequence of events that led to the increasing of the size of the wetland. We weren't filling it in, it got bigger and I feel that the construction of the house resulted in increasing the size of the wetland. The water coming through the culvert under Corliss Hill Road originally dissipated out into the area below it and dispersed and that was that. At the time of construction, there was quite a bit of clearing and grading that went on around the house area that resulted in some of the wetland plants being spread out over a larger area and then as you know we've had a significantly wet series starting over a year ago and into the middle of last summer, things were extremely wet and I think that allowed those wetland plants to continue to grow where I think they eventually will tend to die out. The next thing that happened was when they put the house in, they graded up around it and created the driveway coming down to the

house and garage, they in effect created a dam so that water that used to disperse now comes out of the culvert, runs down into the front yard and starts backing up. When it backs up enough, it goes around the south end of the house and drains and originally, if you look at the topography, I think you could see that it drained right straight down towards the end of the house closest to the garage and just dissipated on the property and didn't tend to collect. The end result of all that is that now there is a wetland in the front yard of the house which is larger than it was before and better defined. I summarized that in a letter to Bill Edney who has the responsibility for making a determination as to how the ordinance is applied in this instance and I guess he's written a letter back to John Edgar, town staff. To summarize his comments to me is after reviewing everything, he felt that was a fair assessment of the situation and since the wetlands were not intruded upon or decreased in size, he didn't feel that an equitable waiver was necessary and I'd give you a similar instance where anybody builds a house in an area that there's no apparent wetlands at the time they do it and then through natural circumstances whether it be a tree falling across the stream or whatever the water backs up next to their house, you wouldn't expect them to come in for an equitable waiver or a variance, they just have a problem on their lot and that's kind of an analogous thing. John wrote a staff review and he highlighted a couple of items that on the set of plans that were submitted to him about 3 weeks or a month ago, he found a few things and I have made the changes which he indicated in his staff review. We've indicated the date of the wetland mapping, the DES approval is on the plans, the water service question was answered. I had discussed with Bob Hill a situation, he assured me it was OK but we didn't get anything in writing from him so John confirmed that things were OK. We added the utility poles, I discussed it with NH Electric Cooperative as to how they would solve the problem down on Meredith Center Road and they said they would simply drop another pole in. The line goes right by the front entrance to the property, but there's no pole located within the span where the property comes out to the road so they said they would stick another pole in there to produce a feed. Driveway permits have been issued and the NHDOT was added to the plans. We did not have it for a while, it was actually issued on January 10th but in an effort to save money, the State Highway Department no longer sends back a copy of the approval to the person who had submitted to them, they only send it to the town and the owner so I didn't even know it had been granted. There are draft easements having to do with access and utilities which I did not have any part of that were submitted to John and he'll comment on those himself. The pins have been set and so indicated on the plan. The biggest issue in the conditions seemed to be the question of the equitable waiver and I assume that will be up to the Board to either accept or reject Mr. Edney's recommendation there. Edgar – I think Bill's letter is on Page 77 of your

packet. The way Bill explained his opinion to me on that is essentially at the time that the house was permitted, there was no issue and then it was subsequent to the grading of the house that, as Harry suggested, created this expansion of a wetland, but there was no issue at the time of permitting so Bill doesn't view this as a zoning violation or anything that needs a remedy. Bill's comfortable with that, he's looked at it carefully and I've shared that with you. The other items are primarily informational, they are administrative conditions, they weren't necessarily part of a compliance hearing, I just put them down there so you have a feel for all the other odds and ends. Bob's looked over the water. In this case, we have a "T" stub onto the property for water and we'll be tying into that for the feed for the common property. The easement drafts have come in, they are pretty straightforward. The driveway easement crosses one lot and benefits another. There are provisions for shared maintenance for that; there are also provisions for the electrical, as well as the water utilities so it's pretty well straightforward as far as the administrative conditions. The 3 items that were underlined as far as the administrative stuff have all been addressed on the revised plan. Other than that, there are no additional staff comments. Wood requested that authorization be given for signing the mylar outside of a meeting. Hearing closed at 10:10 p.m.

Kahn moved, Finer seconded, I MOVE WITH RESPECT TO WALDRON 3-LOT SUBDIVISION COMPLIANCE HEARING, TAX MAP R09, LOT 15, THAT WE FIND THAT THERE IS COMPLIANCE AND THAT NO EQUITABLE WAIVER FOR THE WETLAND SETBACK IS NECESSARY. Voted 7-0 in favor of the motion.

Finer moved, Bayard seconded, THAT THE CHAIRMAN AND SECRETARY BE AUTHORIZED TO SIGN THE WALDRON MYLAR OUTSIDE OF A REGULAR MEETING. Voted unanimously.

3. MELANIE PALMER:

I own Meredith Total Image in town and I want to move it to my home on a smaller scale and I'm allowed up to 25% for an in-home occupation so the total square footage of the house is 2,300 sq. ft., I'm allotted 575 sq. ft. and I only want to use 392 sq. ft. No changes will be made, no construction except for plumbing and electrical. Vadney – You are the first house on the left as you go up Beattie Road.

Edgar – Mr. Chairman, from a staff point of view there's just two very minor observations. We do have an NHDOT Driveway Permit in place to use the Route 25 entrance. There's also an entrance to the property on Beattie Road and Mike just wanted to clarify with a note on the final plan that that's not for purposes of

accessing the home occupation, just to clarify that. The second thing is we have in the narrative, you'll see a hypothetical sign design that's 3' x 15' in dimension. The zoning ordinance for a home occupation limits home occupation signs to a 6 sq. ft. total visible area so if we looked at 15 sq. ft., probably two sided that would be 30 sq. ft. That would not be allowed under the zoning notwithstanding a variance so I spoke with the applicant just a few minutes ago. They realize that 6 sq. ft. is the magic number and if they were to pursue anything beyond that it would require a variance so I think we would just need to factor that in the motion somehow so it was clear for our records that we're not approving a sign of that size at this level. It doesn't mean they can't ask another Board for relief but for purposes of what is in our application, it would have to be a 6 sq. ft. total visible area maximum. The last thing I think might be moot. Vadney – She's asking for 3' x 5'? Edgar – Which would be 15 sq. ft. x 2 = 30 sq. ft. The ordinance for home occupations is 6 sq. ft. total visible area. Vadney – That's for both sides. Edgar – It's supposed to be small little signs to pretty much flag the name of a business or a driveway location so I just wanted to be clear with everybody as to what that's all about. The only other comment in the review is that the Fire Department had remembered a time when there was an emergency call to this property and there may have been people living in the house that may have been for lack of a better word, foster care, something like that whether it's elderly care or foster care or something and there was just a question that was raised that if that were still the case and I think it may not be the case, they were just flagging the fact as to whether or not that would raise any licensure issues with a business in the residence with the occupants and apparently that is all moot because that was a prior owner. Essentially we just have the request from Mike to have a final plan note clarifying that Beattie Road is not being used for the home occupation purposes and the clarification that this approval allows up to 6 sq. ft. for the sign and subject to the usual right to review and amend. Vadney – I take it you want to use Route 25? Palmer – Yes, I use the access from Beattie Road where the garage is and so would Normenta, the girl that works two days a week. She would be over there. There's room for 3 cars and to turn around, there's a big paved section as you can see on the map. Edgar – You could just say not for customer parking at the Beattie Road access. Edgar – Beattie Road is a pretty tough road. Palmer – It's harder to see to get out of there. Applicant is OK with size of sign. Touhey – Does adequacy of the septic system have anything to do with this at all? Edgar – My understanding is no, it would be double-checked by Bill at the time of a C.O. It's primarily a function of bedrooms and I don't believe a hair salon would be a real large user of water, but Bill would check that going into the permitting at his level. Vadney – You're not going to grow beyond the two people, two days a week. Palmer – No, I'd even like to eventually downsize everything.

Kahn moved, Touhey, seconded, I MOVE, WITH RESPECT TO MELANIE PALMER, HOME OCCUPATION SITE PLAN, TAX MAP S02, LOT 25, THAT WE APPROVE THE SITE PLAN SUBJECT TO THE FOLLOWING: (1) THE FINAL PLAN SHOULD CLARIFY AND NOTE THAT THE BEATTIE ROAD ACCESS IS NOT TO BE USED FOR PURPOSES OF THE HOME OCCUPATION CUSTOMERS; (2) WITH RESPECT TO THE SIGN, THE APPLICANT MUST MODIFY THIS ASPECT OF THE PROPOSAL TO COMPLY WITH THE 6 SQ. FT. MAXIMUM SIGN ALLOWANCE OR SEEK A VARIANCE; AND (3) THE PLANNING BOARD RESERVES THE USUAL RIGHT TO REVIEW AND AMEND ANY APPROVAL AS PROVIDED IN SITE PLAN REVIEW REGULATIONS 7 AND 17. Voted unanimously.

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant

The minutes were reviewed and approved at a regular meeting of the Planning Board held on February 15, 2007.

William Bayard, Secretary