

PRESENT: Roger Sorell, Vice-Chairman; Bill Bayard, Secretary; Bob Flanders, Selectmen's Rep., John Dever, III; Lou Kahn; Lapham, Alternate; Ed Touhey; Angela LaBrecque, Town Planner; Mary Lee Harvey, Clerk

Meeting called to order by Roger Sorell, Vice-Chairman.

PUBLIC HEARINGS

1. **2nd PUBLIC HEARING** to solicit public input on proposed word changes to the amendment to the Zoning Ordinance approved by the Planning Board at the 1st public hearing regarding Article V, Establishment of Districts and District Regulations, to change the application of district zoning to a lot that is split by a district boundary. The following is the proposed amendment with a few word changes from the 1st public hearing as indicated in bold italics:

ARTICLE V – ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

C. District Boundaries

1. *Where a zoning district boundary is indicated as a highway, street, railroad, utility line, or watercourse, it shall be construed to be the centerline thereof, unless otherwise indicated.*
2. *Where a zoning district boundary is indicated as approximately parallel to a highway, street, railroad, or watercourse, it shall be construed to be parallel to the centerline thereof and setback from the centerline the number of feet shown on the map.*
3. *The **discontinuance** of roads shall not affect the location of district boundaries.*
4. *Where a zoning district boundary coincides within ten (10) feet or less with a lot line, the boundary shall be construed to be the lot line.*
5. *If a zoning district boundary line runs through any lot, the following shall apply:*
 - a. the zoning components of each respective district shall apply to the portion of the lot in such district; however,*
 - b. at the option of the owner, the portion of the lot in the district having the smaller land area may be developed for single or two family dwellings in accordance with the zoning components applicable to the larger area **to the extent such uses are permitted**. If chosen, a special exception shall be required for the smaller portion in order to so apply the zoning components of the larger portion to the entire lot.*
6. *In case of uncertainty, the ZBA shall determine the exact location of the zoning district boundary, and record its findings **in the minutes**.*

Kahn moved, Bayard seconded, MR. CHAIRMAN, I MOVE THAT WE RECOMMEND THIS AS A WARRANT ARTICLE FOR THE TOWN MEETING. Voted 6-0 in favor of the motion.

2. **B & F MEREDITH, LLC** – (Rep. Ben Finnegan, Jay Finnegan, Paul Fluet and Carl Johnson) Continuation of a public hearing held on December 9, 2008, for a proposed Site Plan to construct a 12,000 sq. ft. Commercial/ Retail Sales Building with related site improvements, Tax Map S19, Lots 54, 55 and 36, located on Needle Eye Road and Daniel Webster Highway in the Commercial-Route 3 South District. Application accepted December 9, 2008.
3. **B & F MEREDITH, LLC** – Continuation of a public hearing held on January 13, 2009, on Architectural Design Review of a proposed 12,000 sq. ft. Commercial /Retail Sales Building, Tax Map S19, Lots 54, 55 and 36, located on Needle Eye Road and Daniel Webster Highway in the Commercial-Route 3 South District. Application accepted January 13, 2009.

Ben Finnegan – At the last meeting we got some input regarding the architectural design of the building. We went back with our architect and made basically both of the changes that were brought up in the last meeting. Paul Fluet will hopefully answer all your questions relating to the engineering. Johnson – I believe the Board was generally satisfied with the plans we brought in at the last meeting. There were a couple comments regarding the general architecture and one of the issues brought up was the length of the building being a little bit long with nothing to break it up between the two major peaks. On the new design plans there has been a cupola added to the building that essentially breaks up that long roof line with an architectural feature. The other comment made was regarding the left-hand side of the building having no windows. In a commercial operation you don't want to tie up wall space with windows because that takes away your ability to have shelving and display and these units are fairly small. We've had the architect add some architectural features. These window panes are not actually windows but molded polyurethane with brackets painted here and plywood panels with lineal vinyl trim which give the appearance of a window on that side which breaks up the blank wall. On the design plan that Paul's going to discuss, there was a question about the landscaping in that area. We did have 3 fairly significant trees in that area but we've also added several shrubs, we've added 10 shrubs in this location and that will additionally break up that view looking into the building from Needle Eye Road so those are the components of the architectural design and we believe we've addressed the Board's concerns. Touhey asked if that wall is broken up on both ends of the building. The other end is not as exposed as the Needle Eye Road end of the building. There's a great deal of remaining woodland between the business that's to the south of the building and here. Touhey asked the nature of the shrubs that are being put in. Johnson – They are actually Hemlock trees. Liz Lapham – What's the width of the overhang? Johnson – There's actually a walkway that goes underneath there and its hard to tell by scale, they would be

about a 7' overhang. Touhey – I understand the parking lot has been broken up by some green space as well. Johnson – Paul Fluet will go into some of the details of the parking lot on what he's done there adding some landscaping and so forth. As you recall, the major reason the meeting was continued to this meeting was because we had not received Lou Caron's formal comments and Mr. Fluet was still in the process of addressing those. Lapham – Are the areas above each door going to be lighted or just have the names of the stores? Johnson – I believe those are just signs with no internal illumination. Paul Fluet – Do you want me to go through the whole list or one at a time and allow for comments or questions? Sorell requested one at a time. One of the first things Lou requested was an orange snow fence around the small wetland at the outlet of the 18" pipe under Route 3. (Plan Sheet E1). We moved some notes around because I had a match line and I had a couple notes that were below the match line and Lou wanted me to move them above the match line. He wanted some pipe length dimensions added. My software program for drainage labels all the pipe lengths but when I do a culvert pipe I just do it as a line and it doesn't necessarily label it as "X" number of feet so he wanted me to add the label to say "X" number of feet of 24" culvert pipe and that's done. He wanted me to add the outlet conditions on the pipes. I had shown some flares but not necessarily said that was a flared outlet on the pipe so I've noted that as well. He asked that I designate the striping that differentiates the left and right-turn lane as a single 4" white solid line and a double 4" yellow solid line so I've done that. I think I had handicap in the middle of the building and we found it would be easier to have the HC ramps access from the ends of the sidewalk so we moved the HC parking to the end and the ramp is just a 1:12 ramp and you're up onto the sidewalk. When you try and come in to the sidewalk perpendicular, you have to have that ramp down at the parking lot level and then your ramp left and right which kind of messes up the sidewalk relative to the entrances into the building so it made it simpler to add the HC access on the ends. One of the other things I did was rotate the building about 8' forward so I have the same distance in the back of the building, moving the building so its right on the setback line which it was before and that makes things a little bit more symmetrical and it did kick this face a little bit closer to the road. We are going to the ZBA for a special exception for parking in the setback so that will be addressed after we receive conditional approval here. We did add the landscape islands which are shown on the plan and we did not have any islands in the middle of the parking lot so we have a landscape island here which is surrounded with sloped granite curb with two trees in it. We added this as a second landscape island except it's a little bit different. What we tried to use here was a little bit more infiltration technology so we built that island as a tree box or tree well or infiltration well so the tree is actually planted in it but there's a sand compost mixture that goes down a few feet and that is a porous material so we're allowing the water to go from the parking lot, and I have a break in the entrance to the curb here, so the water can go into this island and the island is depressed, the middle of it goes down instead of up like a normal island you would see in a parking lot so the center of it is lower so the water would then be able to infiltrate into that material in the island but if the water came up to the point where it wasn't going into the ground anymore, it will flow into the top of the catch basin

which is in the middle of the island before it actually flows over the curb on the down side so this is a little UNH stormwater center infiltration technology of infiltration that they are trying to push at the UNH Storm Center. We did add one other island here and in all of the islands we have an Ash tree which is supposed to be a salt tolerant tree. Flanders – Right now most of the Ash trees in the country are being devastated by some Ash borer or something so I'm concerned if you're putting Ash trees in there they may or may not survive because of that infestation so you might want to pick a different species for that reason. Fluet – The reason I picked it is that's what's on the detail of the UNH Storm Center tree box detail. Flanders – I have a number of Ash trees on my property and most of them are dead. I took a trip across country to Mississippi and they are having the same problem. Fluet – I can find out if there's another salt tolerant tree. Dever – Is adding these landscape islands going to adversely affect the ability of the delivery trucks to back up and make their pass through the parking lot as originally planned. Fluet – He would have to come out and then back out to make this turn. Dever – Is that going to limit his ability from previous to now? Fluet – This is very wide here so we actually lost some parking spaces and we lost two that were kind of close to the infiltration pipe bed and I didn't want to put the tree box in the pipe bed or over the pipe bed so there's a couple of spaces that got lost here which pushed this parking which actually gave us more room. Now we do have the ability of a small truck to drive through the back, car, or delivery van. A big box is not going back there but we did gain some space on the side. I did get a whole planting spec from Randy Shuey because I didn't realize it at the beginning but the Conservation Commission and the Zoning Board when they talked to Randy about the wetlands approval, they wanted him to replant the buffer which, this isn't in the buffer, but this slope is somewhat in the buffer so Randy told me he was supposed to give me a replanting spec and this table reflects what he gave me for the number of plants, there are 5 different species, there are like 200 plants going in here and the whole 2:1 slope and the 1:1 slope is all going to have an erosion blanket over the top of it, a seed spec that will come up green through the erosion blanket and the plants will be planted into holes that will be cut into the erosion blanket. This L-1 drawing sort of represents the planting spacing somewhat similar to that density of planting. The sewer stationing was a little bit off from the plan to the profile which has been corrected. One of the things I did add and part of the component of our getting approval is the Laconia Planning Department would like to see our plans for drainage because the drainage flow off this site drains into Laconia. One of the comments I was able to incorporate was they wanted an oil/water separator and what I did was put in what they call a snout, a product carried by E.J. Prescott which goes over the outlet pipe in a catch basin and prevents floating material from flowing out of the pipe. It's sort of an inverted "T" that you would make out of pipe fittings almost like a grease trap and this is something that bolts on the inside radius of the outlet pipe and prevents oil, grease or whatever from going into the outlet pipe so I have inserted that into CB #2 and that deal is on Drawing D-5. Lou asked me to add some stone check dams, a couple things in the drainpipe profile, the sewer line crosses and the electric line crosses the storm drainpipe and he wanted me to show those in the profile view which I did. I think I've worked things out with

him on the drainage report relative to the volume in the imbedded pipe infiltration system. One of the things Carl did in the field was to check the sight distance from Needle Eye Road north and south and we came up with 455' of sight distance to the north and 600'+ to the south and at our main entrance we have 600'+ north and south. We have added an LP fuel tank which will be used to heat the building. Touhey asked if the LP fuel tank will be buried. Fluet – Our plan is to bury it. We had a meeting with Laconia DPW because we are tying this sewer into Laconia's sewer system and Angela's in the process of writing a Memorandum of Understanding (MOU) and basically we've come to an agreement with Paul Moynihan in the Laconia Department of Public Works and the Sewer Department for Meredith as to how we plan on doing the sewer relative to billing. We've agreed that when this sewer is built and the building is tied in, Mr. Franks will be billed and the water meter will be read by Laconia. Meredith will have no income from the sewer that's going down the hill into the Laconia pump station. As soon as somebody ties in, either another service across the street or the sewer line gets extended further up the road, Meredith has agreed that they will then take over the sewer including this building and then they will read the water meter and collect the money for the sewer. This agreement has to be written up and approved by the Selectmen but that's the gist of what the two Department people have come up with from Laconia and Meredith. Finally, they agreed and Meredith didn't want to get into the Laconia sewer business for one person but they would if the line extended into Meredith and Laconia agreed they didn't want to own 1,000 feet of sewer line in the Town of Meredith and maintain a line in a different town so that's how we compromised who would do what and when. LaBrecque – We met with Laconia some time ago and expressed to them for this small extension of sewer (150' across the town line), we hoped they would treat it as a sewer service versus Meredith taking it on. Months went by and Laconia said I thought you guys were going to own it. They would collect the sewer bill from this building because there's a cost to run the pump station in Laconia and there's a cost for Laconia's sewage from this building as well as others to go to Franklin. We decided we would treat this for Laconia's sewer connection for now and should the line get extended 600' up the road, it would be good for economic development in the future and at that point I think Meredith, at least the Sewer Department has agreed, that would be a good idea to take over the sewer at that point. We haven't put all of the details on paper yet and put them in front of our respective Boards and Commissions so I want to at least before this Board acts on this application get something that both towns can see in writing. Fluet – One of the things Laconia did agree to is that once Meredith takes over because there's been an extension, they are not going to charge the Town of Meredith for the pumping that's going to occur from their station downstream. They are collecting a one-time connection fee from this developer and they will collect the monthly sewer bill for this developer until there's a service. They are sort of giving up any rights to billing in the future. We would like that to be a condition of approval tonight but that's something for the Board to decide. LaBrecque – We really don't have anything in writing or confirmation of what I'm drafting up from the City of Laconia so it would lessen the pressure for the Board of Selectmen to move on something, I would like to have something preliminary for

both towns to agree upon prior to this Board conditionally approving the project. We also received some comments from the City on drainage. I have not had a chance to discuss those comments with the Town's engineer. The sewer design needs to be submitted to DES engineering bureau to review the design of the sewer. It's part of connecting into the Winnepesaukee River Basin Program. Fluet – We need to go to the Zoning Board for parking in the setback. We need a conditional approval to proceed to that Board. A DPW driveway permit is required from Meredith. We have a NHDOT Driveway Permit. The sewer line does come up through the DOT ROW so we will need an OK from DOT to put the sewer in their ROW. Again, we need the MOU between Laconia and Meredith for the sewer. We already obtained our NHDES Wetlands Permit. We already have Conservation Commission and Meredith ZBA wetland approval for this project. Flanders – Does this project need an Alteration of Terrain Permit? Fluet – No, we're just under 100,000 sq. ft., including the leg that goes down to the sewer. Touhey – Can you give me an idea of the elevation of the parking lot vis-à-vis the road, Route 3. Fluet - This building is all at one elevation so the elevation of the walkway so to speak or the front parking row is 104. The elevation up at Needle Eye is 120 and the elevation at the outlet is 100. One corner of the building was moved forward rotated so this corner moved forward about 8' and made it a little more symmetrical so a car could drive behind the building. With regard to whether or not the building will need to be sprinkled, right now we're thinking no. The Fire Chief wanted us to plan that in the future if something came into this building that required sprinklers, our plan is to have a well here and we are showing a storage tank in the slope here so our well can pump water into the storage tank in the future and the storage tank can feed back into the building. We're showing a 6" and 2" pipe but specifically a 6" coming into the building under the footing so at a later date if we decide we need the tank, we're not jack hammering up the floor. Lapham – Is the one dumpster for nine stores sufficient? Now that you've widened the back a little bit, would there be an opportunity for another dumpster on the southern end. LaBrecque – The applicant appeared in front of the Planning Board for a conceptual discussion in February of 2008 and the application for site plan review was accepted and a public hearing followed on December 9, 2008. There is a statutory requirement that the Board should act within 65 days of acceptance of the application. We have not reached that nor would we reach that if we had another hearing date. The use is proposed retail business, the lot coverage is 26%, 65% is allowed per the district. The proposed parking in the front setback requires a special exception from the ZBA. The wetland buffers are delineated on the plan. Prior to final approval, a wetlands permit from NHDES is required and shall be cross-referenced on the site plan. Lou did mention he added protective fencing around the wetland between Route 3 and the parking lot. Staff has met with Laconia Planning and Public Works regarding the sewer extension and I will be incorporating that into a draft MOU for both towns to agree and review. Written approval is required from the City of Laconia ensuring that all permits have been secured with respect to extending the sewer line prior to the Planning Board's signoff of the final site plan. NHDOT Excavation Permit for the sewer must be obtained and cross-referenced on the final plan. The water to the new building is a well, the water line for fire suppression is

being installed for connection to a possible storage tank location that is shown on the plan. Safety concerns were raised at the last Planning Board meeting with regard to the secondary driveway entrance onto Needle Eye Road. The concerns were that the driveway contributing additional turning movements from Needle Eye onto the southbound lane of Route. At the previous hearing, the Board discussed limiting the Needle Eye driveway to an entrance only. If the trucks are loading on the south side of the building, if that were limited to an entrance only, would they be able to exit out of the entrance that's directly behind them. Kahn – Angela, Paul and I were out here one cold day in December and one of the things that concerned me was the sight distance from the end of Needle Eye and I was under the impression that sight distance was about 350 feet. The lot North of Needle Eye is undeveloped and there's a lot of trees and brush down through the state ROW. I went back there tonight when it was still light and checked it out and you can only get 450 feet sight distance if you look through the branches of the trees where there's no foliage. I paced it off but I came up with about 350 feet of sight distance. (inaudible) At 50 MPH doing a brief calculation, I think you have less than 5 seconds to stop if somebody pulls out and it's about 4 1/2 seconds I think and I very much feel that any addition that we get on the Town tax rolls would be wiped out with a couple good accidents at the end of Needle Eye, if you have Police and Fire and Ambulances responding down there. This development turns into a loser for the Town so I think that entrance or exit at Needle Eye ought to be canted in such a way that only traffic coming in from Needle Eye and going out and taking a right hand turn into Needle Eye should use that exit and that no other traffic should be permitted to turn toward Route 3 or come in from Route 3 for that matter although coming in from Route 3 doesn't particularly trouble me. If you allow any traffic to come in that way everybody's going to come in and go out that way so I think we ought to in effect close down that exit/entrance so it only applies for traffic coming in from Needle Eye and going right onto Needle Eye, otherwise, I think we're setting up a real accident situation. I don't know how you got that 455', Carl, I hope it was not you making the measurement because it is way off. Johnson – I take great exception to that because I was at the site and I have the highway manual and I physically was there when the instrument was set up 10' from the white line which is what you're supposed to do and I was physically at both ends in radio communication with the field crew at the time it was measured and I determined where the point would end without cutting the brush. With brush cutting on there, you could extend it greater than the 455' so I was personally there measuring it and maybe you can pace better than my electronic instrument can but the details are that the instrument is set up at 3' 9" at the point of measurement and you measure to a point that is 3' 9" high on the other end. Kahn – The sentence in Caron's letter about the design guideline Intersection Sight Distance for vehicles turning left from a stop condition is 495', what does he mean by that? LaBrecque – I thought the guideline was 14' back from the fog line. Johnson – There are different standards for different types of entrances. Mr. Caron is applying the American Highway Safety Standards as if we were constructing a new entrance onto Route 3 which we're not. The Needle Eye Road entrance is there. The Highway Safety Manual dictates that its 400' at 50 MPH in both directions from an entrance. If there's any

difficulty with this entrance would be from the traffic in this development that would come out and make a left-hand turn and then try to make another left-hand turn. Kahn – What you're saying, Carl, is cut off left-hand turns onto Needle Eye it won't affect anybody so why don't we cut them off. I'm saying there's a great advantage for having this entrance for the people who live on Needle Eye Road. Kahn – I have no problem with the people on Needle Eye Road using that entrance/exit and making a right turn out. I don't want to increase left-hand turns from Needle Eye, I think it's a dangerous situation and we can argue about which standards apply but the times I was out there, I think it's a very dangerous thing to have any additional left-hand turns off Needle Eye so I'm perfectly happy to cant that thing so people can come in from Needle Eye and go back out onto Needle Eye to make a right-hand turn but I don't think there should be any left-hand turns from that particular access point and that way we control any attempt to have additional traffic making left-hand turns from Needle Eye. I feel very strongly about that, I think it's a dangerous situation on Needle Eye right now and I think to increase the traffic is a foolish thing on our part as Planners. Dever – What's your recommendation for dealing with truck traffic? Kahn – The truck traffic can use the other entrance/exit. Dever and Kahn debated the Needle Eye access at great length. Dever – Why are we dealing with this question now? Kahn – Because I have raised this question before and they came back with a 455' sight distance. I'm not a traffic engineer, I'm just saying let them figure out how to maneuver a truck in the parking lot. I believe this delivery thing is bogus anyway because nobody's going to use it. I don't believe the trucks are going to pull in here and make deliveries to the North end of the building. I think the semi-trailer's going to pull into the parking lot and stop in front of the store. He's not going to work with a hand truck 200' away. Dever – Sure they are. Kahn – You can believe it if you want but I don't believe it for a second. Dever – That's what we exist for to provide provisions for that. We have control over this. Kahn – We do have control over this. I'm looking to prevent having an accident happening at the end of Needle Eye. I don't want Town Police, Fire and Ambulances down at the end of Needle Eye if I can avoid it. Needle Eye, unfortunately, is a dangerous intersection. I don't want more traffic down there. Touhey – Angela, has Chief Morrow been advised of this, does he have any input in regard to sight distances? LaBrecque - Chief Morrow has not been consulted but I can certainly check with him about any accident reports he may have. Touhey – I went out and very unscientifically looked at the sight distances, Lou, and I did not come away with the same anxiety you're suggesting here tonight so let's see what the Chief has to say. Gary LeMay – I have to agree with Lou on the sight distance issues. It is a dangerous situation, Paul Reiss, a member of our neighborhood had a motorcycle run under him. I know I put my brakes on starting on the Meredith side of that hill; you start pumping them and flashing to get people to slow down. So I know of at least one accident and I know there was another one. I don't understand why we need any trucks at all coming on Needle Eye Road. I think a truck can maneuver in that parking lot, come in and go out just as they need to, I think it's a valid concern but I don't see any reason to bring those trucks onto Needle Eye Road and I can tell you from talking to members of our neighborhood, we see no reason to go in and out of there from Needle Eye. If you want to cant it,

that will be OK. If you want to put in a fire one, put up a steel fence or a gate that people can open or the Fire Department can if they need to or those plastic barriers, but I think that's probably our biggest objection at this point is why do we need something coming onto Needle Eye Road. LaBrecque – I can go back and talk with Chief Morrow and also sit with the engineers and see if they can apply a turning radius, its possible you can pull in a truck, back up into alleyway and then head out going forward. Fluett – I just want to make sure you distinguish between a car coming down the hill turning left into Needle Eye because I think that's what you were referring to that you try and pump your brakes, put your left blinker on so the people know you're going to turn and stop in the middle of the road because you might have to stop completely to wait for traffic to clear coming in the other direction. That's not what we're talking about; we're talking about a vehicle exiting and turning left. I could agree that a car stopping and turning left in the middle of the road onto Needle Eye could possibly be a problem if the sight distance isn't long enough, but that's not what we're talking about. LaBrecque – That's what Lou was concerned with not with somebody stopping coming down the hill, you can see a car stopped in front of you in that lane probably quicker than if a car was turning out of Needle Eye making a left turn in front of you. Dever – So does that mean you want to restrict all traffic off Needle Eye Road to a right turn only? Kahn – I have no authority to restrict turns coming out of Needle Eye Road; I do have authority to restrict turns coming out of this shopping center. Bayard – My concern would be the trucks making a left turn coming out. It would be preferable if you could work out some way for them to come out the main exit out onto Route 3. I will check into these things and I already know what DOT has to say because they've indicated the level of traffic generated by this, they anticipate impacting Needle Eye onto Route 3 isn't significant enough to warrant any changes to the highway. LaBrecque – The rear of the building is paved and could be accessed by regular vehicles but not by trucks and so Lou Caron did recommend a guardrail be installed on those fill slopes that are 1:1 and 2:1 for safety. With regard to stormwater management and drainage, Paul Fluett went over everything in pretty good detail and an important component of a drainage design is the maintenance. All notes pertaining to the maintenance of drainage facilities shall be separated out and labeled separately. Maintenance documents of these facilities shall be kept by the owner and furnished to the town upon request. We do periodically ask some businesses and other places with larger parking lots to give us maintenance records of how often and when they are cleaning their catch basins. As I mentioned earlier, the site does drain into Laconia and they did have some comments which I haven't had a chance to discuss with Lou Caron or get back to Laconia. With regards to parking, the parking calculations have been revised. There are 61 parking spaces being provided and 60 required as now there are some landscape islands. The amount of HC parking does meet the minimum requirement and per the Board's concern and recommendation, the landscape planters have been added to the parking lot. Per Bob's comment, I'm going to look to see if there's any substitute for an Ash tree that is also salt tolerant. The site stabilization was recommended during one of the ZBA approval processes for the wetland impacts and so New England Environmental made recommendations and

those have been incorporated into the plan. The lighting is being directed downward as shown on the details to the plan set. The proposed sign area shall be added to the architectural rendering of the monument sign and a note stating the maximum building signage for each storefront is 32 sq. ft. The final plan shall indicate the location of the fuel storage and be approved by the Fire Chief. As you can see on the plan, a proposed Hemlock hedge is located just between the dumpster which is also screened by a cedar fence. The Hemlock hedge is located between the dumpster and Needle Eye Road and that's recently been added. The fire suppression has been considered and the 12,000 sq. ft. building should be limited to retail/commercial use. Any change of use shall be considered for site plan amendment and the possible fire suppression needs by the Fire Chief. A Performance Guarantee will be required to guarantee satisfactory site stabilization during construction and installation of the sewer extension line. The design engineer shall provide a unit cost estimate on forms provided by the Town of Meredith. Staff will review the estimates and make a recommendation to the Planning Board. The Planning Board shall establish the amount of the guarantee following a public hearing. The form of the guarantee shall be either cash or letter of credit. The format of the letter of credit or cash agreement shall be approved by the Finance Director. Prior to final approval, evidence that lots 55, 54 and 36 are merged. This consolidation was recommended by the Conservation Commission during its review of the wetland impacts. The MOU I discussed earlier will be drafted and if the Board wishes to review it prior to giving a conditional approval, I should have that ready hopefully next week and I'd be glad to circulate that around. I'd like to go over the abutters concerns quickly. Some of these concerns came out at a public hearing and we also received a letter on January 6, 2008.

- Traffic and vehicle safety at the intersection of Route 3 and Needle Eye Road.
- Landscaping along Needle Eye to screen the trash enclosure and break up the façade of the large building.
- Shared lake access rights.
- Economic viability.
- Fire safety for large buildings with respect to rear access.
- Vacancies in the building may lead to vandalism.

The Planning Board should reserve the right to review and amend any approval as provided for in the Site Plan Review Regulation Nos. 7 & 17. As far as having a site plan having a conditional approval deadline, that's up to the Board if they want to do 12 months or whatever. I don't think we've received any up-to-date Architectural Design Review elevations. Those concerns that were raised at the last hearing were addressed as we heard earlier from Carl and Paul. In order for the Board to approve the application for Architectural Design Review, the Planning Board must find that the proposed design demonstrates substantial conformity with the general and specific criteria set forth in the ordinance. As you can see, I did recommend that due to the outstanding items with the City of Laconia, the MOU and the drainage comments that the Planning Board continue this public hearing to February 10th, 2009. Kahn – At the first hearing we had people on Needle Eye had

express concern about a ROW along the railroad tracks and the Chairman had said we have no jurisdiction over that and I want to make sure that the minutes reiterate that and we are not dealing with that because we don't have any jurisdiction. That's a civil matter and its not a Planning Board issue as to whether or not a commercial property has access to that. Secondly, the Conservation Commission having recommended the 3 lots be consolidated, how do we assure ourselves that the easternmost lot is not the subject of a subdivision at some future date? I guess we ought to write that into the site plan so there can be no future subdivision of that easternmost lot. Johnson – It's my understanding that all 3 lots are to be merged so this would end up as only one lot. Kahn – I understand but what I'm concerned about when that lot comes up for subdivision, when that easternmost portion is sought to be cut out, I want to make sure the consolidation stands for all time. No further subdivision of the one lot. LaBrecque – I also want to mention one thing from what Lou said about the lakefront ROW, I did call LGC and checked with them and that is a civil matter, its whatever their subdivision documents say, their covenants, conditions and restrictions or if it's a deeded right, that's a civil matter and up to them to deal with that so did confirm that. Flanders – I don't think we're in a position tonight to give a conditional approval. Johnson – The issue about the entrance onto Needle Eye Road though where I think it would be helpful for the applicant to get a feeling from the other members of the Board which way they are heading towards that because that would be a significant plan change. Kahn – Mr. Chairman, I object to that until we have the information from the Chief of Police and from the engineers. I object to voting on this until we have all the information we need. Flanders – Mr. Chairman, I think Lou's comment is valid. I'm not willing to weigh in on this until I have the information from the Police Chief and the engineer.

Meeting adjourned at 8:26 p.m.

Respectfully submitted,

Mary Lee Harvey

Administrative Asst., Planning & Zoning

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

William Bayard, Secretary