

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary; Kahn; Finer; Worsman, Selectmen's Rep.; Flanders, Alternate; Touhey, Alternate (not sitting); Edgar, Town Planner; Harvey, Clerk

Finer moved, Kahn Seconded, THAT THE MINUTES OF DECEMBER 12, 2006, BE APPROVED AS PRESENTED. Voted unanimously.

### APPLICATION SUBMISSIONS

1. **NORMAN V. AND CAROL D. GUILBEAULT** – Proposed major subdivision of Tax Map S11, Lot 1, into 3 lots (3.58 ac., 3.38 ac. and 33.23 ac.) located on Meredith Neck Road in the Meredith Neck District.

The Applicant proposes to subdivide over 40 acres into 3 lots as you've indicated. The largest of the 3 lots, the remaining 33 acres, is developed with a drive, utilities, septic and buildings. The application for subdivision, subdivision plan and abutters list are on file. Filing fees have been paid. The applicant has requested waivers for boundary survey, topography and soils data for the remaining 33-acre lot. I would recommend the waiver be granted for purposes of completeness and that the application be accepted as complete and that we proceed to public hearing. As this is a major application due to the re-subdivision potential of the property, the acceptance and the public hearing must occur at separate meetings. I further recommend that the application be scheduled for hearing for either January 23<sup>rd</sup> or February 13<sup>th</sup> depending on the Board's view of the agenda. The only thing I wanted to point out is on the 23<sup>rd</sup> we do have the large project on Pease Road coming back for public hearing. We have a couple other smaller matters for that meeting. We have a compliance hearing on a 3-lot project and we have a home occupation site plan. Kahn – I don't think we should put it into that first meeting. Site walk suggested for Saturday the 20<sup>th</sup>.

Bayard moved, Finer seconded, I MOVE THAT WE ACCEPT THIS APPLICATION WITH THE REQUESTED WAIVERS AND SCHEDULE THE PUBLIC HEARING FOR FEBRUARY 13, 2007, AND THAT WE HAVE A SITE WALK ON SATURDAY, JANUARY 20<sup>TH</sup>, AT 9:00 A.M. Voted unanimously.

2. **CHRISTOPHER L. JAQUES D/B/A INTERLAKES ANIMAL HOSPITAL:** (Rep. Dave Dolan) Proposed Site Plan to expand existing commercial building and parking area, Tax Map S23, Lot 101, located at 182 Daniel Webster Highway in the Central Business District.
3. **CHRISTOPHER L. JAQUES D/B/A INTERLAKES ANIMAL HOSPITAL -** Architectural Design Review of a proposed addition to an existing commercial building, Tax Map S23, lot 101, located at 182 Daniel Webster Highway in the Central Business District.

The applicant proposes to construct two additions to an existing animal hospital building on Route 3 together with additional parking, grading and drainage improvements. The existing building is non-conforming with respect to the front setback. The additional development proposed for this site has been coordinated with the on-going NHDOT project in that immediate area including the drainage plan and so forth. This site also includes an existing separate one-story residence. The applications for site plan amendment and architectural review, the site plan, the building elevations and the abutter's list are on file. Filing fees have been paid. An engineering technical review fee has been paid. I would recommend that both applications be accepted as complete for purposes of proceeding later this evening and that both applications be heard concurrently.

Finer moved, Kahn seconded, THAT WE ACCEPT THE APPLICATIONS OF CHRISTOPHER L. JAKUES D/B/A INTERLAKES ANIMAL HOSPITAL FOR SITE PLAN AND ARCHITECTURAL DESIGN REVIEW FOR PUBLIC HEARING THIS EVENING. Voted unanimously.

### **PUBLIC HEARINGS**

4. **HARRIS COVE ESTATES, LLC** (Rep. Attorney Steve Nix) Continuation of a public hearing held on November 14, 2006, for a proposed major subdivision of Tax Map U32, Lot 11, into 13 lots (1.62 ac. – 8.127ac.) located off Harris Road and Happy Homes Road in the Shoreline District. Application accepted October 10, 2006.

Vadney – I have been told the applicant has requested that this item be tabled at this time and further in the evening we will discuss a pre-application review of a new plan that they are considering so at this time they've asked the Board to look at this for tabling. Edgar – I just draw your attention to the letter on page 63. Vadney – This is a letter asking to request a design review phase hearing for Tax Map U32, Lot 11. Request the current subdivision application that was formerly accepted by the Board and the public hearing continued, be tabled. The intent of the application is to explore the alternate design pursuant to the request. If after the design review phase requested, the applicant decides to continue to pursue the subdivision layout that has already been accepted by the Board, additional information as requested will be submitted. The applicant waives the 65-day time limit in order to allow this to be tabled. The purpose here is to take the current proposal, put it on the table, leave it there idling while we look at an alternate proposal. Kahn – I think you've already said it, but I think you ought to make it clear to the audience that we're going to look at the alternative tonight. Vadney - The alternative will be done here in just a few minutes.

Finer moved, Kahn seconded, I MOVE WE TABLE THE CURRENT PROPOSAL FOR 6 MONTHS UNLESS WE BY VOTE OR THE APPLICANT BY REQUEST ASKS THAT IT BE TAKEN FROM THE TABLE PRIOR TO THAT TIME. Voted unanimously.

Bayard – If we table it, how long are we talking here, I don't want to have something that could potentially be left open for a couple of years. We should put a 6 or 9 month deadline or something like that. Edgar – I think it's a good idea to put a limit, I don't think it needs to be unduly restrictive but I think it would establish a parameter. I think one year is excessive. Kahn – I'll suggest an amendment to the tabling motion, that we table it for 6 months unless we by vote or the applicant by request asks that it be taken from the table prior to that time. Krochina – Does the public have the opportunity to speak in regards to tabling this? Vadney – I believe on a tabling, it's just a procedural matter. You'll certainly get to comment on the other stuff coming up tonight but as far as this one goes, if an applicant says they want to table it, it's just a question that the Board accepts. Seiss – May I say something. If I'm not mistaken, maybe Mr. Nix can clarify this. I think the last time you were here, you said that something had to be done in accordance with his client's request that this thing be finalized at the beginning of 2007. If you're going to table this for 6 months and it keeps going and going, where's the difference here, how is he feeling about that, shouldn't this thing come to a head sooner or later. Vadney – I think it will, but they have requested to table this and we have no reason to deny that. Seiss – So Mr. Nix in other words what he said last time, they are changing their minds now, they'd like to keep coming with this? We will table the Harris Cove Estates, LLC, as accepted on October 10<sup>th</sup> for 6 months. Vadney – Let me go over one quick one in case anybody is here for this. We have the SRB Properties "Energy Savers", Inc., I have a letter here dated today, the public hearing for the Energy Savers Site Plan Review that was continued to January 9, 2007, this was to allow sufficient time for engineering review as well as site inspection. As of this morning, we have not received a review by the Town's consulting engineer. Because this is a major component of your review, we request the hearing be continued to January 23<sup>rd</sup> or at such time as the Planning Board agenda permits. This would allow us to discuss all of the aspects at that time. Anyway, Energy Savers has asked to have that continued

Finer moved, Bayard seconded, MR. CHAIRMAN, I MAKE A MOTION WE CONTINUE SRB UNTIL FEBRUARY 13, 2006. Voted unanimously.

Flanders – I would suggest that we not renotify abutters. This is a hearing that was scheduled for tonight and if we continue to a date specific, no further notice is necessary.

2. **SRB PROPERTIES "ENERGY SAVERS, INC."** – Continuation of a public hearing held on November 28, 2006, for a proposed Site Plan to erect a 60' x 100' storage building with related site improvements, Tax Map S17, Lot 17J, located at 163 Daniel Webster Highway in the Commercial – Route 3 South District.

3. **SRB PROPERTIES “ENERGY SAVERS, INC.”** – Continuation of a public hearing held on November 28, 2006, for Architectural Design Review of a proposed commercial storage building, Tax Map S17, Lot 17J, located at 163 Daniel Webster Highway in the Commercial-Route 3 South District.

### PRE-APPLICATION REVIEW

1. **STEPHAN NIX FOR HARRIS COVE ESTATES, LLC:** Rep. Steve Nix & Dave Walker) Pre-application Design Review of an alternate subdivision of Tax Map U32, Lot 11, into 18 lots located on Cushing Road, Harris Road, Happy Homes Road and Cattle Landing Road. This layout differs from the application currently pending before the Planning Board.

Attorney Nix – At our last meeting there was quite a bit of testimony regarding the access of this particular project from Harris Road, Cattle Landing Road. At prior hearings there was testimony regarding the access from Happy Homes Road but in response to that my client instructed myself and Dave Walker from Bedford Designs to put together a conceptual plan that shows access to this particular property from Cushing at the 90 degree intersection on Cattle Landing Road. Prior to Christmas I sent out a letter to all of the abutters describing what this proposal is with an 11” x 17” plan of the proposal. We also contacted the owners of tax lot U32 – 1. I originally sent a letter to Joan Ekstrom with an outline of the ownership of that lot that we had determined at the Registry of Deeds and we came up with 6 different owners. Ms. Ekstrom called me and asked if I would send letters to all of the owners which I did to the best available addresses. None of the mailings came back. I did receive an e-mail from Dave Sleeper asking that I e-mail him the plans which I did. We did request a response in writing by tonight from the owners of tax lot U32 – 11 realizing that it was a short amount of time, Ms. Ekstrom explained she wasn’t sure whether we could get something in writing. We had thought that the owners had been talking about this for some time. I did receive a letter from Jacqueline Gard today who is one of the owners and that letter has been copied to the Town. She indicated that this was the best of the options and that she is willing to negotiate with us regarding her ownership of that particular lot. Having laid the ground work of where we are, we’re trying to keep everybody up-to-date and give everybody copies of the plan. This is the new plan on the Board and I will turn this over to Dave Walker. I will give you an overview of what we had proposed. Cattle Landing Road and Meredith Neck Road is in this location, Happy Homes Road comes down in here. We had previously proposed to come in and connect the road and run a cul-de-sac up in this fashion and have a 13-lot subdivision. Mr. Flynn’s property is right in the middle of the subdivision. After the last meeting and meeting with Mr. Edgar, Mr. Manoukian and Steve Nix, we are proposing to have a different access and a different route to the property. I have a copy of a plan. We have not done any engineering or surveying on this, it is a conceptual plan based on the information that we have presently. The wetlands that are located are on the plan, the topographical information hasn’t changed, the boundary hasn’t changed, but there is some survey information that we have not

completed yet so there are some questions that will be posed that we do not have the answers for yet because this is just a conceptual pre-design meeting. One of them deals with the access to Meredith Neck Road and Cattle Landing Road. One of the problems at this location is the change in the pavement type and there's a joint right here that we've located on the plan and we met with the DPW Director and NHDOT and they have agreed that this is the jurisdiction of the road and the road name. Meredith Neck Road comes down to here, stops and that's the jurisdiction of the NHDOT and from Cattle Landing Road out is the jurisdiction of the Town so we have two jurisdictions that deal with the access and the use of those two roads. Vadney – Is the actual line right at Cattle Landing? Walker - There's a joint in the pavement and that's where the two individuals agreed with each other. Vadney - Where is that in relation to the actual Cushing Road. That's about the approximate location of where the DOT and Town change. There was a subdivision and a condominium plan a number of years ago for Gypsy Camp and they had deeded the Town a new ROW extending the real estate and the ROW width in this location. We have to the best of our ability, just scanned that plan in and this ROW line has not been surveyed yet and we just put that on there as a graphical depiction of what we think right now taking the two plans and putting them in there. We've looked at the sight distance along this road. If we move the road over, we can achieve a better sight distance. Right now where the driveway comes out, where Mr. Flynn comes out in this location, there's ample sight distance down Meredith Neck Road, about 400' plus. Going back towards Cattle Landing Road somewhere in the order of 100-150', very limited the curve in there with the grade, that's a difficult intersection. If we move the road over, use the new ROW that the Town acquired from Gypsy Camp, we've preliminarily looked at the sight distances, we've relocated the driveway further out away from the project, we still maintain over a 400' sight distance looking down Meredith Neck Road, but now with the sight distance looking back on Cattle Landing Road, is in the order of about 300-350'. We have not done any additional survey out here so that's why I'm very hesitant to say yes it's 350', it's 400' but we increased the sight distance dramatically in there. Likewise, the grade of this road would have to be raised up and the problem or hurdle of coming out and using this road is that there is a wetland impact in this location. The driveway that goes up to the project to Mr. Flynn's house, there's some culverts in there and there are some jurisdictional wetlands so we would have to do a wetland Dredge & Fill Permit Application in here as opposed to the other plan that had no impacts to the wetlands. The other plan did have some impacts to our 50' buffer zone. We did that in consideration when we laid out the additional roads in through the site staying away from the 50' buffer zone so there wouldn't be any encroachment on the buffer zone in the wetlands within the subdivision but there would be an encroachment here and it would be an impact somewhere in the order again a ballpark number between 2,500 and 3,000 sq. ft. of wetland impact. We have a road coming down in through here. These lots would have their own separate driveways. Lot #8 and Lot #9, would probably be a common driveway in this location that would serve these two lots because we have this wetland finger in here. We've relocated the access road in here away from Mr. Flynn's property because again we have a jurisdictional wetland in here

and we've tried to expand the line of Mr. Flynn's property to include his driveway. Right now his driveway goes over the larger parcel and that's where the old road was laid out back in the 1970's. So we've added a little real estate here to Flynn's lot rather than an easement, he'd have the driveway. One of the concerns during the site walk was the location of our road that we had down in here, the extension of Happy Homes Road, talk about drainage. There was a crest in here that is kind of like a dividing line of the drainage, most of the drainage goes to the north of the property where we had our road come down in here there would be some drainage and we would have to have ditches and collections systems down in here to prevent these lots from having any increase in runoff. With this design, we've stopped the cul-de-sac very near to the crest of the hill so that all the road drainage would go back, go through treatment processes and would be handled back into the site and limit the amount of water that actually goes off the site towards the lake. Again, this is a conceptual drawing, there's a lot of information about drainage we haven't finalized yet but those are some of the design considerations we had on the site walk and were evident at the public hearing. As far as Happy Homes Road goes, our layout includes this part of Happy Homes Road that was laid out by the Town. We've included that real estate in Lot #1. We've kept lots 2, 3 and 5 away from that ROW so if sometime in the future somebody wants to come back and tackle that problem of connecting that road, it is available, it is an option, we're not going to put houses in the middle of it, we're not going to put septic systems in there, we are not proposing to change that at all so that piece still stays there, but it is part of Lot #1. Access to Lot #1 we're proposing to come off Happy Homes Road in this location so there would be one driveway off Happy Homes Road. Lot #5 we're proposing to have that driveway come off Harris Road. The remaining 16 lots in here and Mr. Flynn's will then go out the road and go out through Meredith Neck and Cattle Landing Road. Like I said before, there were questions about traffic, drainage and those kinds of items at the public hearing that still remain to be investigated because this is the nature of this application that we have right now or this new layout that we're proposing. Again, we've tried to be sensitive to the wetlands so we're not in the buffer zones with the roads. Vadney – One question that jumps to my mind is previously you had asked for 13 lots and it has now gone to 18. When we walked that site, the day we walked it, it was substantially wet, but it did show that there was a lot of drainage and a lot of storage of water around the various parts and we didn't have full markings or the location of the 13 houses, but it did seem they were crowding into some wetlands, how can you now fit 18 in there, what is the difference to let you come in for 18 at this time? Walker – By adding the road in here. On our previous layout, we didn't have the road coming into this area so these were larger lots in here and if you recall Lot #12 and Lot #13 were served over a common driveway that came back into here. Lot 13's frontage was over in here. Since we changed this around, there has been a little different configuration of the lots here, but basically Lots 11, 12 and 13 had a considerable amount of real estate as opposed to now we have 12, 13, 14, 15, 17 and 16 in this area with a back lot (18) in this area. Vadney – What's the total property acreage not counting Mr. Flynn's? Walker – I believe it's like 53 acres. Kahn – It's hard to read this, but it looks to me like you're weaving

beyond the southerly dead-end down there, the southerly turn, it looks like you're leaving an easement for something going down to the Happy Homes Road ROW. Walker – Yes, this dotted line was the southerly boundary of the Happy Homes layout in 1926 so we've shown that on the plan just as a way of depicting where it is and incorporated that ROW land into Lot #1. Kahn – I see dotted lines connecting that to., what's that? Walker – That's potentially a possible easement, Mr. Flynn's property has rights to Lot #1 so we're trying to address that, but otherwise those dotted lines are the... Kahn – Is that an easement solely for the benefit of Mr. Flynn? Walker – I believe so, yes. That's what it will end up being because Mr. Flynn has access to beach rights. Vadney – There's a road there now, leaving that road as it is or, have you determined if Mr. Flynn has other foot traffic or... Walker – Something would have to be done in that location. The existing road comes down in this fashion, the existing path, there's a dotted line in there that comes down through and goes over so it would be the new location. Bayard – It looks like 17, 15 and 18, we usually only allow two lots per driveway, we're you looking at putting 3 there? Walker – No, we're just going to run one off of each. Lot 17 is in this location and has frontage along the cul-de-sac. Lot 18 is considered like a back lot or a flag lot where this would be the driveway. The only shared driveway and this is yet to be determined would be between lots 8 & 9 with this wetland finger in here. When we get into the final calculations of all the lot sizes, one of the things we'll look at is possibly moving that over so then the driveway would go around that and Lot 8 would have its own separate driveway, but right now with this plan, it's a shared driveway and will only service lots 8 & 9. Edgar – With respect to the waterfront properties, was there any thought in terms of trying to provide for any future access for those properties, not that that necessarily has to happen, but from a concept planning point of view, is there any thought to providing for that? That may have been where Lou was coming from thinking of who would have rights to this reserved area. Is there any thought to at least provide for some future connectivity to that private gravel road so that if the owners of that road wanted to come out this way, we don't have houses in the wrong locations. Walker – We haven't looked at that because that would mean running a road down through here and then we're getting into additional traffic in here depending on what we end up with Mr. Flynn. Mr. Flynn would only have the rights to use this; it presently is in his deed. The intent is for the additional 17 lots here, none of them would have access to the waterfront. Edgar – My question has to deal with the properties that are depicted in white along the waterfront, issues were raised from the Fire Department's point of view about the ability to get in there for access and one of the benefits of this plan is that it's a very direct shot for anybody in this neighborhood as opposed to having to go through Happy Homes or all the way around Cattle Landing so along that line of improved access and trying to accrue as many benefits to this concept as possible, if there was a time in the future where that neighborhood would want direct access and assuming any shared rights or maintenance or whatever was workable, is there a way in a planning context to at least accommodate a future connection. It doesn't mean it has to be granted, it doesn't even mean that it has to be exercised at this point, but if we put houses in the wrong locations, then we may foreclose any practical interconnection between

that neighborhood and the Neck Road. Nix – In response to that question, it is possible to make the vertical connection to show that as more of a dedicated road that hooks up to the existing layout of Happy Homes Road through that area. As far as building it? Edgar – I didn't say anything about building it, I'm just thinking from a planning point of view if we're trying to look at the total cost vs. benefits, pluses and minuses, to the extent we can improve access to that neighborhood is at least at a magic marker level something that should be examined as much as we can. Vadney – I think we want to be careful there though because assuming that was to be built into this and assuming it was done on the ground in a year or two, we'd be right back to the one that we tabled that we'd have 18 lots instead of 13 lots. We'd be pushing traffic out there. One of the major concerns is we had to cut through the deep ledge at the bottom and at the new cul-de-sac and by not having to cut through that ledge, that precludes you might say without major work, thru traffic on the Class VI portion of Happy Homes Road, but if you go to the East about where the third lake lot lies now, I think we could improve that driveway situation if the folks wanted to, what we now call Evergreen or Harris Road Extension or something like that where it swings from the beginning of your property in the southeast corner if you follow the Class VI for about 600-700' that was one of the things we talked of on the site walk being able to bring those houses that are currently on the lake and develop portions of that Class VI road where they would then come out Cattle Landing, but I would be hesitant to switch to where we're now allowing access to the new cul-de-sac or thru traffic because that's what we just tabled. Edgar – I haven't suggested that we send any traffic to either side street. I can envision the day when someone's asking the Town to take this road over and the issue's raised, were there any provisions in this dedication to address some access issues to those waterfront properties and if the answer is no, it could conceivably weigh in on that as a consideration. Vadney – So you're saying extend the new Cushing Road, not actually extend it at this time but make provisions for it to be extended. Kahn – He's saying dedicate this easement that is being set up for the benefit of Mr. Flynn, dedicate that to the Town and then make some arrangement under Lot 1 whereby the owners of the property to the South of Lot 1 would be able to extend driveways across Lot 1 to what's now that easement and thereby get access to Cushing Road. Vadney – But I thought that's what we were trying to avoid when we tabled Option 1. Kahn – What we were trying to avoid was sending traffic down Happy Homes Road or Harris Road. Finer – Which it would still be. Kahn – We don't ask the developer to fund it, but we would give them the option and if they took it up, you'd have much better access for fire and emergency from a planning standpoint. Vadney – Right from the time we first looked at this, good planning would normally say you don't have a dead-end like we do out there, you'd make it a loop connection so you can get fire trucks in and whatever from either direction but at the same time, this is a unique situation and we don't want to have a thru road that encourages the leaf peepers and buses and whatever making circular routes out in there. Kahn – Herb, it would be on a condition that they sever their connection with Harris Road. Vadney – But then we're pushing 6 or 8 more houses out onto Cattle Landing. Kahn – If that intersection turns out to be a better intersection, then it's probably better from a



traffic standpoint than what you have now. Edgar – If we assume that there is this issue of the 16' ROW and everything, it's just less traffic going the longer route through the entire gauntlet. We also had looked at reduced road standards for the cul-de-sac coming in based on that originally we were only looking at 13 houses, now we're looking at 18 plus maybe six or eight more and it starts to stretch that. Edgar – The purpose of me bringing it up is so you all can will it in or out. I just think the issues have been raised in terms of the accessibility of that neighborhood and if there was a desire at some point in time in the future if we got the houses and everything in the wrong location; it's not even an option. We have a public ROW there that people could hook onto and that might get you to this easement, but if it's dedicated only to Flynn and has no other provision for crossing that little long stem, it would never happen. I'm just raising it so that it can be ruled in or out as the project evolves. Vadney – And I appreciate that, John, I just thought that one of the concerns of the waterfront properties, south of this property, was that they were losing some of their wilderness area if you will kind of ambiance out there and the more we connect it to make it a high speed into town, the less it's like it is now. I don't know, I just think we don't want to go too far back in that direction. Bayard – I think in my mind, all I see is a continuation of that straight line to the edge of the property. I don't see anything dedicated to Happy Homes Road necessarily unless that's decided at some point in the future but that would then perhaps give a few of the front ones, if they wanted to do improvement to their driveway situation and cut off Harris Road, it would have access through there. Vadney – Most of the folks out there have been before us saying they like it just like it is. (Applause from the audience) Kahn – They like it just like it is assuming no development. Vadney – Assuming the development will happen, I think one of our duties is to try and let that development happen in accordance with the law and yet protect these folks in a way they like it, as it is now as much as we can. Kahn – I don't think John is suggesting that we cram access down their throats, but rather that we set up something so they have an option if they choose to take it up and they can speak to that tonight or in the future. Edgar – When we were looking at the earlier proposal, I think the Board said to a person why would we have two roads going parallel with each other within 25' when we know we have access issues and we had talked about whether there were ways to provide for inner connections at a couple pre-determined locations such that if the property owners wanted access to the upgraded Class VI ROW, there would be a couple opportunities where it might be accommodated so it's not a new concept. Vadney – No, but I thought we had talked on the site walk at least and had been discussed a bit here were those end lots, 10A, 10B, 10C, & 10D, there might be a way to tie their driveway into the Class VI, have them go southeast, Harris Road and Cattle Landing and loop around as they do today but not have to use that fairly rough intersection where Evergreen and the stuff comes together right in there. Just let their driveways extend another 60' and they'd be on that Class VI section, turn right and come to Town the long way. Edgar – I guess if we're successful in upgrading that intersection, why would you send them an extra 2 miles. We'll hear from them if they want to go an extra 2 miles, but not to make the loop road, but why would you do that? Vadney – Partly because they asked for it. Flanders – I suggest that

If the Board has anymore questions, deal with those and just let this issue sit for a few minutes and I'm sure we'll get plenty of input when we open the public portion. Bayard – I do want to state that this is not a case of where we're recommending that they go out to this prior road that was proposed, extension of Harris to Happy Homes, it's just a suggestion of an easement that perhaps would follow that straight line down to the border of those properties and that's it. It's not a suggestion that they take these side roads and add any traffic to Happy Homes Road in fact it would tend to reduce some traffic on Harris Road. Kahn – Some reference was made as to where the crest was. Could you go back and point that out again because I can't see the topography on this shrunken version at all. You said the land drains to the north beyond a certain point, where is that point? Walker – We have a knob right here, a high spot and another high spot and then generally the water flows back in this fashion and then it's rather sandy in here and that's what caused some of the concerns when we were doing the Happy Homes Road that there was a large ledge cut in here in the order of 12 feet for proper road design according to Town specifications so with this design, again we haven't looked at it yet, but my intention is to make the cul-de-sac here the high spot of the road and have the drainage go back in this fashion staying away from putting in a road drainage. (inaudible). The high spot crests somewhere in this location. Vadney – What that was, if they had to cut and they did by their plan have to cut through about 12 feet in depth of ledge in order to put, Happy Homes looks nice and flat on his piece of paper, but there's quite a bump right and if they had to cut through that piece of ledge and then have the appropriate side slopes, they would have ended up with about a 100' cut or something through there. Edgar – Mr. Chairman, one quick zoning question. Steve, as you know, the zoning requires 50' of road frontage per lot on an improved public or private road as it relates to side lots, the Happy Homes one and Harris one, could you point out what your thinking is as to what would satisfy that frontage requirement. Walker - On Lot 1 I believe we get the frontage here going down to a Class VI road and in the same fashion down in here for Lot 5. Edgar – That would be on the lots themselves, the frontage? Walker – Right. Vadney – Using the Class VI frontage? Edgar – No, the frontage needs to be on an improved road, not Class VI road frontage. Walker – We'd have to move Lot 5 then? Walker – On flag Lot 5, petition the Selectmen to have a driveway off a Class VI road? Edgar – Just put that on a list of things to follow-up, it may be that as well as a zoning variance depending on where you're at, but just write that one down, 50 feet of road frontage for each lot. You don't have to use it for access, but you need to have it on an improved public or private road. All lots within the subdivision would have to meet that test one way or the other. Flanders – I believe you'll find that those lots that potentially would have access onto Class VI, besides being a Selectmen's issue, that makes the lot non-conforming and would make it a Zoning Board issue as well. Kahn – I'd also point out that we had an open issue as to how we were going to establish that the Class VI ROW actually does connect to Harris Road. At some point, we're going to have to establish that. I know it is your position that it does, but it seems to be the position of some others that it doesn't. Nix – That's still on our list, we didn't feel that was appropriate tonight to discuss that. I decided to speak because of the response to what the

Selectmen were suggesting. My name is Marla Lindquist and my family is adjacent to Lot 1. First of all with respect to access in case of emergency, such as medical, do we not or has anyone thought of a helicopter? Considering we have islands out there, I don't know how costly that will be but it would seem that a helicopter should be used for a medical emergency as opposed to having a fire truck. If there's a fire, it's a long way out anyhow. Vadney – You probably won't be surprised to know that's beyond the scope of this Board. Lindquist – The other thing is that 18 houses are quite a lot for traffic even though this road to me is a little bit better, it's still a big impact as far as traffic is concerned. I appreciate any interest as far as an easement in trying to get emergency access in there but what is preventing these 18 lots from coming down and using the beach and other elements. Chris Krochina – Mr. Chairman, my name is Chris Krochina and I'm an abutter to this proposed subdivision. The first question I have is, do you propose to put in underground or overhead utilities? Walker – Overhead right now. Krochina – What's the estimated cost of that? Walker – I don't know. Krochina – Do you know the estimated costs of the road improvements as you have them laid out on this new proposal? Walker – No sir. Krochina – Do you have any estimated costs on the septic systems? Walker – No, sir. Krochina - Wells? Walker – No sir. Krochina – Land acquisition to obtain a 50' ROW off Cushing? Walker – No sir. Krochina – What it will cost for you to prepare\_\_\_\_\_ so that we could ask a reasonable question and get a reasonable response besides no? Walker – Not at this time. Krochina – Estimated cost of Mr. Nix's legal services for this project? Vadney – We normally don't get into this kind of questioning. If they applicants want to waste money, that's the applicant's business so we don't make any judgment one way or another. If you have a purpose here, I don't mind spending a minute or two on it, but I don't want to tie up the meeting too long. Krochina – Have you done any research in regard to the potential negative impact to abutter's wells if blasting is needed for the roads? Walker – No sir. Krochina – Have you done any research on the potential impact on the wetlands if blasting is necessary? Walker – No sir. Krochina – Does Mr. Manoukian for Harris Cove Estates, do they currently own Tax Map U32 – 11? Nix – No, it's under a binding Purchase & Sales Agreement. Krochina – Are you representing him in that transaction Mr. Nix? Nix – No, I'm not. Krochina – Have you personally seen the Purchase & Sales Agreement? Nix – There is a document in the file signed by Mr. Manoukian and the owners indicating that is the fact. Krochina – Have you seen the Purchase & Sales Agreement? Nix – Same answer. Finer – Mr. Chairman, I want to interrupt and say that this isn't pertinent to tonight's discussion. Vadney – We're here to look more at the technical issues and I don't see that the costs are going to make much difference to the lay of the land so if you could find what you're trying to do and explain to us. Krochina – Well, this is supposed to be a hearing from my understanding on technical aspects and we don't have any technical expertise and I'm questioning some costs that should have been done. We can't ask for drainage, the drainage is not done. We can't ask questions in regard to the surveying because the surveying's not done. Vadney – This is preliminary. It's a conceptual. Flanders – This is a conceptual hearing. They've done some layout work; they are coming in here to find out what the input is. At this point nobody at a

conceptual hearing would spend the money to do the type of work you're asking for, it doesn't make sense, it never happens. Based on the input they get here, they'll decide whether it's worth spending the money to go forward with this plan or go back to the old one so the questions you're asking aren't reasonable at this point. Vadney – I would agree with that. We're here to discuss. Krochina – What's the percentage of square feet of the wetlands on the subject property? Walker – I don't have that number off the top of my head, I'd have to go back and... Krochina – I'll agree with the Board, if you could get back to me in writing on this, is that acceptable so we can move forward so I won't have to continue to ask the same questions. And I'd also like the percentage of the square feet of the wetlands plus the 50' setback. Flanders – Mr. Chairman, I think we could all save a lot of time, he apparently has a written list and if he would provide that list to the applicant, it would make it easier for them to respond and save us all a lot of time. Krochina – Under the current application, Mr. Chairman, the Board went over and went down a laundry list in the minutes and then today they just arbitrarily tabled it. I was under the impression that the applicant was finally going to start doing some research instead of continuing to drag us in for a hearing and they provide us no information. Vadney – The previous proposal tabled earlier tonight was tabled because they think that this alternate proposal would be more acceptable to the residents of that area. The Board said fine, table it and I realize there were some issues that you asked about that are very valid and good questions previously, but the question tonight is, does this proposal tonight look like it is a better use of the land and would be more acceptable to the citizens of that area and that's really what we're here to ask? The cost of the overhead, I don't care how much money they make or lose on it, it's not my business, the same with septic and wells and the like so we need to get down to questions of what do you see as problems if the applicant continues to follow this Option 2? If he follows this Option 2, how does that impact either your property directly or your access and your lifestyle out there? Those are the questions we're here to get, it's more of a conceptual. Does this seem better than Option 1? Kahn – Or do you have any suggestions that would improve it? Krochina – I appreciate some of the Board's interplay with what's good for my part of the area and the perspective of the Happy Homes portion of the area and the other Cattle Landing portion of the area, but I feel what Mr. Manoukian is trying to do is almost try to harass us to turn on each other's element here to try to jockey for a position to divide and conquer us. The issues still are the same; he doesn't have any Class V road frontage. He doesn't have the 50 feet. Manoukian – Mr. Chairman, I object to this accusation. Vadney – I don't think we need to get into picking on Mr. Manoukian directly here or indirectly. The way they have laid out an interior road system is consistent with many other subdivisions we've done in Town. They are proposing extending out and hooking up to Cattle Landing Road in a new method which will improve sight distances, but that intersection if it's as approvable as they think would then tie into the new internal roads. There's nothing wrong with that so that gives them the frontage on the roads that they need. That's very standard, you could pick dozens of developments around here that had a driveway onto the road and then the internal roads are what access the houses. John, do you know of anything they haven't met in that range. Edgar –

Well, if and when they acquire land from the abutting properties, they would have to establish a 50' ROW coming in, that's insufficient at present and then at that point developing roads within the proposed ROW's would create the frontage for each lot as I indicated before so provided that they would get to a full ROW for purposes of that road construction, then the subdivision roads themselves would establish the frontage for the lots. Vadney – Most of the issues, I'm not saying they are not good questions that the applicant should be asking himself what's it going to cost for this or that, but they are not the kind of thing we are here to discuss. We need to know where does this plan not work from your standpoint, what would you like to see us do other than just torpedo the whole thing, are there some suggestions... Krochina – Are you suggesting that's not an option? Vadney – We know that option, but what are the other situations. Krochina – It's just basic things, the wetlands, let's talk about that. Is there less impact to drive 18 lots through a wetland or to build a bridge over the wetlands? Vadney – I already mentioned the lots to him and by the way, not only will this Planning Board, but the Conservation Commission and others will be looking very closely at the wetland issues. That's something we have a handle on, that's a known unknown, we know how to fix it. Krochina – The road could go over here and not even go through the wetlands. He's obligated to show Mr. Flynn's ROW and yet he hasn't definitively drawn it on the map. Vandey – I find that immaterial to tonight's meeting, this is a conceptual design review to see if this idea will float with the public and with common sense. Krochina – It obviously doesn't float with common sense, because nobody besides the applicant has been in favor of this thing. Kahn – Because nobody but the applicant owns the land. Vadney – I'll give you a couple more minutes if you want to ask some questions. Krochina read his letter into the record.

Frank Marino – I live at 394 Meredith Neck Road. I feel I'm an abutter although I've never been officially notified of any of this process going through. When you were talking about continuing Happy Homes Road through that would have a tremendous impact on us because we have a buffer of 5 acres of wetland directly across which is really prime wetland, it's full of wildlife amphibian breeding area and any increased use of this road or improvement of this road would have tremendous impact. I know that the previous proposal has been tabled, but I'm hearing a lot of talk about leaving an easement through there and the possibility that there would be increased traffic under this proposal. Additionally, as you can see there's a pretty steep slope coming down Cushing Road and the improvement of Cushing Road coupled with that slope would lead to a lot of salt use and sanding and plowing and things that will all run off directly into our wetland. If I came before you or the Zoning Board and asked for permission to fill or destroy that wetland, of course, you would throw me out. This is definitely going to have the same effect. On top of that I walk this corner just about every day and I've complained to the Police a number of times to try to get some increased watch down there because the traffic comes flying down Meredith Neck Road. The only thing that slows it down now is this "S" curve which is pretty sharp and forces the traffic to slow down.. If you straighten out that curve, it's going to have a tremendously negative safety effect at that corner. Please take that seriously and have a look at that. It's a very steep upgrade around the corner, people almost have to stop now as they come down there, that's the only thing that saves us. If you straighten that out, it's going to be a highway and on top of that if you have a couple hundred cars a day, a couple hundred automobile trips a day coming through that intersection, it's really going to have an impact on us. It seems to me that this entire project is tremendously contrary to the public interest. I'm not anti-development, I believe every landowner has the right to develop his land within the law, but I think you should do that in a manner that's concurrent with the neighborhood and the environment of the area. Meredith Neck is a special place and the Board has recognized that Meredith Neck is a special place. If you look back a couple of years when Shep Brown's was looking to expand, the Board was very adamant that Meredith Neck is a special place and we want to protect it in a special way. You have suburban type development down here with subsidized lots, these are less than 3-acre lots, probably there will be lawns, there'll lawnmowers, these are not vacation homes so you're going to have a tremendous tax impact that goes along with any tax benefit you realize and there's been plenty of studies that show that in a non-vacation home type of setting, the income benefit to the Town never meets the promises. There's always a tax cost to the Town from a development of this type. We have zoning laws, we have ordinances that can restrict what this developer is allowed to do and they're there for a reason. They are there to allow you to deny anything that's not in the public interest as long as it's outside of those ordinances and I ask you please don't bend those ordinances, don't bend the zoning laws. Allow him to do what he's legally authorized to do and no more because it's not in the public interest. This isn't downtown Meredith, this is a special area out here and people who have moved out here and have done so because of the type of environment that's out there and a big subdivision like this

really doesn't belong out there. If you have to allow it, I have no objection to that. If it was my land and it was perfectly legal within all the zoning requirements to build 18 lots there, I would expect you to allow me to do it, but if it's not perfectly legal, I would ask you to be very strict in the application of all of our zoning laws and regulations and please don't straighten out that "S" curve, it would just be a disaster. (Audience applause) Scott Mackenzie, Lot 10E – First let me say, I would be happy to drive the extra 2 miles. I'm perfectly content to take the 2 miles, it's a beautiful ride. Secondly, my concern here is with water. My sump pump is running tonight, frequently pumping water out from under my house and I'm very concerned with this Lot #3, if that lot gets developed I will have additional water pouring through my lot. I think there's a crest here someplace, but that crest doesn't mean that there's not going to be any trees cut down on the other side of that crest so I would ask that that be seriously reviewed. I also want to say from an access standpoint, I do like this access better in that it's not promoting that circular traffic, I think they did a good job addressing that. There are certainly some surprises though, the number of lots which has been mentioned before is a big surprise and I am concerned with water coming down through my property and I'm also concerned with my well in that I have an artesian well, the water pressure's not great and if we have this many more wells, I don't know what that's going to do to me. Tony Mika – I'm one of the potential abutters. This is a very dangerous area. Right where this gentleman has marked the transition from the State road to Town road, that's where it changes speed from 40 MPH to 20 MPH. During motorcycle week, this place is like a little highway with motorcycles coming down here. As you bring this road in here at the curve, you say there'll be a 300' sight line, I doubt it. What are these contour lines, 5' contour lines? Two feet, OK, so you've got an 18' rise from here to here. You're going to tell me that cars can see you coming out of Cushing Road as they are speeding down here that can be a disaster. Please consider that very carefully. Brenda Gallagher – I have two lots and live on 6 Clark Drive and I also have a lot on Cattle Landing. I have been coming up to the Lake my entire life. My parents have a place on Cattle Landing and my father's been coming here for almost 70 years. There's been a lot of changes and to tell you the truth, Cushing Road at one point was the same width as Cattle Landing. Cattle Landing has really widened through the years so if I have to choose, I'm not for this at all, but through Cushing Road I think that's the way it was meant to be because at one point it was the exact same width as Cattle Landing. Also, my husband loves astronomy and there'll be a lot more light pollution so I want you to take that into consideration, maybe having it written in the deed to have non-glaring lights or something. A lot of towns don't recognize the light pollution that's going on in the area so I'd like that to be limited. I also agree with the other gentleman, I really don't want you to bend for any extra rules or anything; I'm really not for this at all but I just wanted to state my piece. Vadney – Further comments please. This is your opportunity to, you will have other opportunities too depending how this moves, but this is a good chance where you can get your licks in on these guys early. Bill Gale at 94 Cattle Landing – I have only one item. I agree with the other speakers that I'm not in favor of the subdivision going in but I would like the Board to consider the extra traffic that any subdivision out there would cause at Pleasant

Street and Route 25. That is already a bad intersection now and in the summertime there's always a backup going onto Route 25 and any additional traffic that the subdivision would bring will certainly make that situation worse and affect everybody on Meredith Neck Road, Cattle Landing and everyone that's out there. Lynn Montana, Meredith Neck Road – I'm not an abutter but I was a Planning Board member years ago and I also was personally very involved in helping develop the Meredith Neck zone which required the 3 acre zoning and one of the reasons we did that was because we felt that Meredith Neck was a unique situation. There were a lot of fields and farm lands and we didn't want to see it just developed into a residential area with small house lots which the previous zoning allowed a much smaller lot size and higher density. This particular piece of property, as far as I'm concerned, should have been included in the Meredith Neck zone and when we created the Meredith Neck zone which was voted unanimously, it was just like overwhelmingly voted by the Town. I'm not really remembering that this parcel wasn't included in the Meredith Neck zone, maybe the Planning Board can help me with that. Was it changed afterwards? Vadney – No, I don't believe it was changed. Edgar – The Meredith Neck District as we now know it today was previously part of the Forestry Rural District. That was the switch from F/R to Meredith Neck. When it was Forestry/Rural, it was 3 acres and at least on my watch, it was 3 acres. It may have been a higher density when you were on the Board, you and I haven't served together Lynn so I don't know what the zoning was specifically when you were here, but when it went from Forestry/Rural to Meredith Neck, basically the use tables changed to eliminate the potential for convenience stores and anything of that sort and it was strictly the residential uses that were roughed over so the preamble changed that identified the uniqueness of the Neck but essentially it was that portion of the Forestry/Rural District. This property as long as I've been here has been part of the Shoreline District. We have the oddity and have had the oddity since and this was prior to my watch, maybe on your watch or somebody else's, but we have the oddity of non-waterfront shoreline properties throughout the Town of Meredith that has been the case for a long period of time. This is arguably one of the largest ones that has that characteristic where it has not that much waterfront and a lot of acreage but we haven't had any zoning changes that's affected this property. To my knowledge this is in the Shoreline District and on the very tippy part of the end of Meredith neck whoever crafted the ordinance 20 years ago did not include, this was part of the Shoreline District for whatever reasons they had at the time. Montana – When we changed the zoning from Forestry/Rural to Meredith Neck, we weren't allowed to change the boundary lines of the zones. So for some reason this chunk of land probably should have belonged in the Forestry/Rural zone and somehow it didn't and ended up in Shoreline. While on the Planning Board, one of the things that I noticed that happened under my chairmanship and others that were there before me is that the Planning Board could ask the developer, they couldn't enforce it maybe, but they could certainly ask the developer for certain things. I remember one time right in the middle of Town somebody wanted to put a metal roof on a building that looked like a tomato soup can because it was copper and it was like a big tomato soup can cut in half and it was just not appropriate for the downtown architectural structure



and we asked him not to do that and sure enough they went back to their architect and changed it. I'm not saying this gentleman is going to make any changes, but he might take into consideration the Planning Board asking him to perhaps consider this like the Meredith Neck zone and try to stay with the 3-acre zoning, at least that would be an improvement I think and I don't see any reason why you couldn't request that of him because it really lends itself to belong to the Meredith Neck zone except for the parcel on the lakefront. The other thing I would also suggest to the Planning Board is that they consider is in the plan when and if the time comes that you approve it, you make a commitment and write it right on the plot plan that these lots can never be re-subdivided because you've got a 40,000 sq. ft. lot minimum in the Shoreline District and all these 3 and 4 acre lots can be bought and re-subdivided at a later date and I would suggest that if you do approve this plan for whatever size lots and however number there are that it is a definite requirement that they cannot be re-subdivided down the road. Whether future Planning Boards obey or not, that's their problem. It happens all the time that they don't listen to you but I would really ask you to consider that. (Audience applause) Vadney – One other thought based on one of Mr. Krochina's comments, most of you probably know, but if you don't I'm going to remind you here, these additional lots will not have access to the lake. Mr. Flynn's is a grandfathered one or deeded or whatever it may turn out to be, but based on the current Town rules, these new lots other than Lot 1 that will be a lakefront property, the others will not have any deeded access to the lake. It doesn't mean they can't sneak down there or whatever, but the law does not encourage that. Edgar – Mr. Chairman, if I could just shed some additional light. The way we've handled some things like that in the past when we've hit some things that we want to make sure all property owners are flagged on certain stipulations is to build something like that into the decision. We note it on the plan, we put it in the deeds so we'd see a specimen deed and then we'd probably be looking at some form of covenants or restrictions on the property or a homeowner's association for some period of time, we'd build it into that so when we get to anything that needs to be stipulated or conditioned by the Board presumably by agreement but one way or another if it's part of the Board's will, we look for continuity between the decision, the plan note and the deeds. Any legal documents, so there's continuity throughout with respect to the beach rights, that would be a practical way to address that so anybody buying into the property in any way shape or fashion is going to know they don't have a legal right to the beach. My guess is it will be a little bit self-controlling because it's going to be a higher end waterfront lot consistent with a lot of the waterfront development on the Neck so my guess is that once that's made clear as to who has what rights, you're not going to have 17 houses worth of traffic trying to funnel down to the beach. We would also add into that, it's a function of the zoning that that wouldn't happen either. That would be against our Waterfront Right-of-Way provisions in the current zoning. We would also look at that technique for wetland-related issues and building envelopes and work with the Conservation Commission on that. We try to get our arms around whatever the maximum cumulative wetland impact is so that when we look at some of these envelopes and we'd have to spend time looking at the building envelopes to see if by going to 18 or whatever the number is that they are

all reasonably developable and if we're working around a lot of wetland setbacks, we would want to see a stipulation that there be no further buffer or direct wetland impacts so whenever we get to a more formal proposal, we would want to know for a fact what the buffer and wetland impacts are and be able to lock and load it at some point with the other regulatory agencies, meaning the ZBA and the NH Wetlands Bureau who receive advice from our Conservation Commission so we would try to stipulate that in the same fashion as we would the other matter of beach rights and potentially the issue of no further subdivision. We certainly have considered that on other projects so we have mechanisms where we can employ those kinds of techniques into the review process. Bayard – Consistent with that, when we do have such a lot of wetland areas such as this, we have in the past stipulated that there not be the granting of waivers, the people that go on these properties agree not to ask for a waiver to build their house in the setback or possibly even in the wetland so that it's not a case of where you have a layout which may look perfectly acceptable and then everybody wants to sort of for a better view or something end up putting their house in a wetland which could have some adverse impacts on the lake or properties down closer to the lake. Ms. Montana mentioned that Planning Boards do often times work with applicants to you might say arm twist or cajole to find ways that we can do projects better and more fitting with the Town, I just mention that here because that's the real reason for the pre-application meeting like tonight where we're discussing the conceptual. There is no requirement for pre-application review, they could just file and come in and once in a while that happens, but in this Town for the most part we do pre-applications on almost everything because that is the chance we as a Board and you as the public get to make some comments before they've really put a lot of money in on the ground and that's why I'm really begging you to make all the comments you can if there's a particular lot that troubles you, tell us why because this is the time it can be moved easily because it's only a dot on a piece of paper. That's why we do these pre-applications and as you can see, they do take a bit of time. Rudy Koczera, I live at the corner of Patricia Drive and Cattle Landing – I was at the initial meeting back some time ago when I think the initial 13-lot subdivision was proposed and to me looking at the choices between what's being proposed now in this pre-application hearing vs. what was proposed there, this one at least in terms of access and eliminating the necessity of combining Harris Road and Happy Homes Road is infinitely better than what was proposed in the 13-lot subdivision. I don't think anybody who lives out on Meredith Neck wants to see more traffic out there but that's not for us to judge. There are certain rules and regulations that the Town has and we rely on the Planning Board to make sure whoever's developing that property complies with all those rules and regulations. Certainly, the access coming up around that particular corner, I drive that every day because that's where my home is and certainly as one gentleman mentioned, that particular corner slows people down. I have been the great beneficiary in the Town's infinite wisdom of having in the front of my property a nice ugly guardrail that certainly stops everybody from driving into the lake. We will be willing to move that guardrail any place that the Town would want to assist in making sure anybody else that's driving along that road doesn't go off the road. I'm not sure I really have

anything else to add, I think I made my point with respect to the guardrail. I think when you compare the two different proposals in terms of access, I think from my perspective and I know other people have different feelings on different lots, but in terms of access and the way that this proposed road would be coming into the property is infinitely better than what was proposed before. It seems to me also that if there is a proposed road where Happy Homes and Harris Road already has been proposed and back in 1927 or whenever that happened, that's going to be there forever unless somebody changes it so it doesn't seem to me to be anything else that needs to be done in terms of protecting that. The Town may want to prevent that from ever being tied together. I think that would be the worst thing that could happen to that particular area of Town in terms of making a loop out there and I think that if this proposal and like I said before, if this proposal and that area's going to be developed, having the access right off of either Cattle Landing or Meredith Neck Road wherever that turns out to be and however you turn that corner, you're not going to slow cars coming down because they slow down in front of that corner and once they get around that corner, they keep going. Believe me, I live there, I've seen it and right now we have slow months out there but during the summer time, I have no option but to put a cone out there in front of my property to try to slow cars coming down so you're not going to slow people down no matter what you do out there. Vadney – I think there was a comment from the back row. Joan Ekstrom – Thank you, Mr. Chairman, getting better but not much. In regard to Happy Homes Road, could not the property owner of #1 go straight down and end this here? The reason I mention that is the wetlands are not only on U32 – 11, but on U32 – 1 and I have some things here for the Planning Board to look through if you would. There are 15 pictures here of wetlands on Happy Homes Road and there's not fixing that. You can change Happy Homes Road, pave it and do everything, but the wetland is right there on the road and this is where the wildlife is, where things breed, it's wonderful there but wonderful is not the answer that we're looking for. The answer is to hopefully dead-end Happy Homes Road and leave that the way it is and on the other end, leave Harris Road the way it is, leave Cattle Landing the way it is and if access is going to be through Cushing, then that's probably what has to be but 18 lots, if you want to drop an atomic bomb in there with all the trees that are going to be gone, with all the wetlands destroyed and the blasting, it's going to be a wasteland and start all over again. I don't know what you can start over again with wetlands like that, but all of the blasting and everything, if everyone could just close their eyes and envision what that's going to be like, it would be unbelievable. If is a big word, but this is an if and probably from the logic of a 5-year old, Vatche Manoukian can acquire by purchasing the land from Shaun Flynn, does this not open up all of these lots here to come right down to the water if Mr. Manoukian decides to do that? If this lot is sold to Mr. Manoukian, can he not do anything he wants with that? Edgar – I don't have the numbers right in front of me, Joan, but the answer is no and the reason for that is the Town years ago established a formula that's in the Zoning Ordinance, I can't cite it exact, but essentially for any backland property to have deeded access to the waterfront and that's essentially what we're talking about, those back lots having deeded access. There's a formula of sorts in the ordinance and don't hold me to

this but it's something like 150' for the first unit, 100' for units thereafter or something to that effect. They have about 300' of frontage so you might get maybe two or three beach rights if they went that route. I think that's probably why it's not common area. Ekstrom – There would be more than one beach right if that were to happen. Vadney – There could be maybe 3 or 4. Edgar – The reality is that you'd have the one waterfront lot and you have the second Flynn lot and we would run the numbers to see what the zoning would permit. It would not permit 18 lots to funnel down to the waterfront. You're probably looking at and it's not what's being proposed as best as I understand it, it certainly wasn't part of the original proposal and that's the kind of thing that when we talk about no further subdivision, no further wetland encroachments, all those kinds of things, those would be the kinds of things that would be important to memorialize because if the applicants represented that there aren't going to be deeded beach rights and if the Board is relying upon something like that as part of an approval, then it's fair for the Board to make those stipulations in the approval and so the way it has been represented is there would be a house lot there and the Flynn rights and when we get into a formal review of either this application or the other one, we would need to probe that and get that very clear on the record and in all those documents that I mentioned before but the ordinance does allow notwithstanding what I just said, the ordinance does allow a formula so that you don't have overcrowding of the waterfront. It's called a funnel provision that's in the zoning and a property with 300'+ of frontage, probably could have a couple rights to go with it. Vadney – By the way Ms. Ekstrom, there are times in these meetings when I think both sides of the head table would welcome 5-year old logic. Joanne Marino – I just wanted to go on record to say that I'm opposed to putting a subdivision of 18 houses. I think it's a very high number of houses. A subdivision in that area, it's just too countrified to throw a subdivision in. A lot of us have moved into the area to get away from that. There's nothing wrong with the subdivision, I wish that the number of homes were lower and I can't understand actually with all the wetlands how 18 could get in there so I'm hopeful that they won't. I know people have to develop their land and they have every right to, but I wouldn't put in that many houses. If I owned the acreage, I really wouldn't, I would consider the people that live there, the environment, the animals, everything and one more point, I walk that road, I walk from one end to the other and it's very dangerous and it doesn't matter if it's in the off-season, it's the road and then there's a deep gully. If you're walking a dog, you have to constantly be looking behind you so traffic is definitely an issue to consider also, fast traffic. Vadney – There's one part you can't even get off the road now, there's a fence in the way or guardrail. John Coleman and I live in Tommy's Cove – I feel as though I'm an abutter and I've been hearing traffic all night and I attended the last meeting and I remember somebody saying well it's only going to be a matter of 14 cars, as I recall the old plan and I was thinking most people today, particularly if they are thinking of building in an area like this, have at least two cars and that's not counting guests on weekends or what have you. My wife also walks the road more than I do and last year she was literally knocked off the road by a vehicle pulling a boat trailer. That's not fiction, that's a fact and that's not a nice thing to have to live with. Also, living down here in Tommy's Cove, I'm very concerned about runoff

from Happy Homes if the road is widened. There are at least two brooks or streams that I'm aware of, I know for a fact there are wetlands up there because I've walked them. I just put in a new well, a new septic (state of the art). I had a pass for an old one and I got my year of grace and decided to do it the right way and I went the extra mile. We hope to move up here, we were going to winter over to see if we like the snow or not. We did find out that we do like flamingos but we don't like them in Tommy's Cove. I don't mean to run on but seriously I'm very concerned about this and I hope you and I'm certainly aware that you must know about the traffic and I'm also a grandparent and somebody said you can't walk the road. I have been coming to Tommy's Cove since I was 17 and you could walk the road and the great thing about coming up to Tommy's Cove and Meredith, it was Lake Winnepesaukee, it was country and we love it and I know you folks do. Vadney – The rule of thumb on that is for every house you can expect 5 round trips or 10 one-way trips a day per house so 18 units, you could look for about 180 trips, that's the number. Sam Travis at 84 Cattle Landing – I'd like to explore a little bit about zoning. I know nothing about it and I'm new to the community. I have never been involved in zoning in any community. I heard from the lady that was here that was on the Planning Board I guess at one time that when it went from a Forestry District to a Meredith Neck District, it would have been assumed at that time that the restrictions on this parcel of land would have been at 3 acres but it wasn't done for some reason. What does it take to change the zoning, how long does it take and what would it take to change that zoning so we could restrict the number of lots that would be available to any developer there? Vadney – Because they have already filed Application 1, tabled currently, that one having been filed, it's too late. If that should pass, it passes. If it should fail and if Option 2 doesn't go forward, there is a window where you folks could petition and it's too late to get on this year's Town Meeting. It has to go to the Planning Board and Town Meeting, but you could petition for next year's Town Meeting. Travis – And the next year's Town Meeting is in March of 2008. Vadney – It wouldn't apply to this one anyway because they've already filed. Basically, either one in this case, it's too late. Option 2, you do have time I suppose, we'd have to look at the window but there may be a way that you could file against Option 2 but I'm not sure of that. ?? - They are still asking you to do things in either of these that you don't have to do. They don't have the right amount of access to Cattle Landing Road if they want to go this way. Vadney – They have proposed ways where they will gain that access and make it legal. They don't have sight at that exit. You would have to bend to allow change to the road. Vadney – Yes, except if they were to go out with enough money and buy enough land where they had those things, it would then meet the rules. Skinner - They are not going to be able to buy the road. Vadney – I don't want to get into that argument tonight. You do have a good point and we are well aware of it. We, the townspeople that you represent, have the right at this point to turn them down because I know we're not going to straighten out that road and give you the sight view to allow you to put in this big development and they want another road, Happy Homes Road, you have the right representing us because there's enough people here that you can recognize that this is not in the public interest and... Vadney – We are well aware of that but this fellow has the floor right now.

Travis – I was enjoying that. That’s exactly where you wanted to go. Travis – Absolutely, Does anyone else have any ideas how we can restrict bring them. A question, your Plan 1 had 13, Plan 2 has 18 and in terms of the size of the lots relative to 3-acres using that as a baseline, how many less than 3-acre lots were in Plan 1 vs. Plan 2? Walker - Plan 1 generally had 2½ acre lots in here, Lot 13 was like 7½ acres, this is 8 acres, this is 5 acres, generally the additional lots came from that area with the addition of that road and these lots now are 3½, 4½ , 2 1/4 generally in that area. With 13 lots, what would be the average number of acreage? Vadney – There’s about 52 acres on the lot that would be about 4 acres. Edgar – You have to factor out the ROW. Travis - Is there anything you would do voluntarily to back away from the number of lots you are now proposing? Nix – We’ll have to discuss that after tonight’s meeting. This is a non-binding hearing and we’re listening to what everybody has to say just as we did last time. Vadney – This is an opportunity to spill all you want to say out here. They take this in and they’ll make their business decisions from that so all of your comments are well taken. Travis – Just another question. Zoning is one way we can do it, but there’s a timing issue relative to when they filed and when it can be put on the Town Meeting docket. What else is there that a community can do at this point? Vadney – At this point, I guess basically what you’re doing, keep coming to these meetings as laborious as they are and help us steer this, if you will, into a better project, maybe kill it, I don’t know where it will go. Travis – Are there restrictions in the regulations if held to the letter. Are there restrictions available to the Board that if held to the letter could reduce the size of it? Vadney – There are things we can do.. Travis – I know as you get into wetlands and such it might if they don’t meet wetland regulations. Vadney – There are things we can do to a degree, yes, but I’m not going to comment on what they all are tonight, I don’t even know them all, I’ll have to think about some of this and we’ll have to get with various people and discuss them. Nix – There is something else you can do. Mr. Manoukian wants the shorefront lot and the backland and the development rights or all that land could be purchased or his rights in the Purchase & Sales Agreement could be purchased. If we got enough people together down at the end of the Neck, I don’t think it would be impossible. Travis – What the attorney said was that the owner of the land’s primary interest is the shorefront but the back lots very possibly might be for sale or a portion or a development rights purchase. A comment came from the audience stating at an inflated price. Nix – It’s too bad when somebody walks into a negotiation with that kind of attitude, but it’s an option. Travis – I just said, which means? I didn’t know the definition of it. Nix – The property is made up of a bundle of rights and one of those bundles is the right to subdivide and it’s possible to purchase those rights, either all of them or even a portion of them. Edgar – The effect being that the property would then be in conservation for all practical purposes. Nix – Well, you could do all of the development rights, that’s more money or a certain percentage of the development rights so in other words you could control it on a sliding scale. Is there any tax advantage to giving some of that to a conservation group with some money as well? Nix – Yes. Travis – So that’s been explored. Vadney – That’s a detail way beyond this meeting, but there are things that can be explored. Travis – If there’s an opening for that, that’s good.

Vadney – Actually, Mr. Krochina's comments about how much it was going to cost to put the telephone poles out there has come to the forefront here. Seiss, Harris Road – Six months is the next meeting, am I right? Vadney – No, the one that we tabled, we tabled for six months, we can bring it out on a vote sometime between now and then. Seiss – Where are we going to go after tonight's meeting, where are we going to go to get this thing resolved one way or another? Another question, would it be a good thing maybe if some of these good people write in to your people some of the proposals we had so you have it in writing or take into consideration where we're having a lot of problems here. You have a house down on the corner, you've gone from 14 to 18 which is more than anybody anticipated except when we got the letter on the 21<sup>st</sup> from Mr. Nix. That lot down there, you're going to have to build a road out. There's a question now of the deed. What's stopping somebody to get their boats down there, swimming down there and change the complex of this whole picture? All of that has to be ironed out. At the final end of everything when you get the notes from people and what you've discussed today, are you going to have a proposal or are you going to make a judgment on what should be done on this? Yes or no on certain things, yes or no on 18 homes, back to 14, all these other things that we've considered. When will that come about? Vadney – Having heard what you said here tonight and comments from the Board, experience will now weigh their options, one was mentioned here possibly selling some of the development rights restricting the property that way, this is not a filed option at this time. This is a pre-application look to say this is what we're thinking of doing. They've already got Option 1 which they filed and have had a couple of hearings, it's now tabled while they discuss this one. We couldn't have two on the table at the same time, so that's why we put one on the table so they can now consider submitting this one. If they submit this as a formal proposal, we will do an acceptance, you will be formally noticed if you're abutters, you will be noticed as always, there will be advertising, there will be public hearings throughout this, we will probably walk the site again looking at the house locations, the Conservation Commission will get involved and look at the wetlands, we'll certainly have to scrub the intersection and make sure what they've told us is doable and that it meets with Town requirements. The Selectmen will get involved as part of that and the Planning office, we will look at the number, we may do a little arm twisting or begging, we will do what we can to make this within the property owner's rights, make it a good development that also is copasetic as much as we can and I know it won't make everybody happy, it doesn't always make me happy either, but we'll try and make this fit the neighborhood as well as we can. That may be a reduction in sites and we can't just say 8 instead of 14 or 6 instead of 18 or whatever, but we can look at it from a very stringent standpoint as far as wetland buffers and other environmental impacts and stuff like that so this is not the last meeting, this isn't even the first meeting, this is a pre meeting. There will be a number of meetings after that if they file Option 2, we'll have a number of meetings and we'll go through the process that I just described. Seiss – That sounds good, but it seems that all these people that keep coming back here are looking for something to be done sort of like yesterday because it has been over and over again and we can understand your position, you have to hear this out, get all the

details, but it's got to come to a head sometime so when is the next meeting? Vadney – We don't know because they haven't filed. If they don't file, it won't be. Seiss – What did I hear earlier tonight, six months, what was that about? Vadney – That's Option 1, the one that was previously heard. Seiss – Why are we even being involved in that, I thought we'd be looking for a second motion on this with these people. Vadney – No, this is a pre-application design review. We tabled Option 1; we're not discussing it all tonight. Granted it's the same piece of land and a lot of the facts are the same, but we're not discussing it. We are discussing this pre-application conceptually, there's this new transportation access to Cattle Landing, no access off Happy Homes except for one and maybe one off the other direction. Does this concept fit what you folks want and I know it doesn't please everybody; it doesn't even please the Board probably, but how close is it? They are picking up facts first and vibrations second on whether or not it's worth it for them to go forward with it and that's up to them. Seiss – Is this gentleman now the owner of this land? Vadney – He has an option. Seiss – OK, he's still not the owner. Vadney – That's correct as far as I understand. Bayard – I think I mentioned this before, this is very common for an applicant to come in prior to owning the property and if it meets whatever the conditions are, then they go forward and purchase it. If it doesn't, I guess the deal doesn't happen. This is not uncommon; this is not some strange convoluted thing that's come up. They do this very often, if you're going to buy a piece of property, you want to know what you can do with it before you pay for it. I think that's the thinking behind what people are doing. Seiss – But the people here also would like to see it come to a head. I think that's what it's all about. Bayard – Remember, this is a pre-application review and to be honest with you we generally we don't have much in the way of public comment on pre-apps, we tend to have them at the end of the meeting. They are very conceptual. This one has had a little more history maybe than many, but it's sort of a high-level look at something and it doesn't tend to get into a lot of details. We can't tell you if this house is too close to a wetland, it's all pretty conceptual at this point. When it's filed, then we get into the real deep details on it. Seiss – then the people can write in to you with other comments about this whole thing. Vadney – We welcome the comments here, we welcome letters. Craig Skinner – I own the garage. – You're looking for concepts, review and thoughts on this and let me just give you some of my own. I was here at the last meeting and it seemed that the concern at that point in time was access. I think the access has been addressed relative to getting rid of trying to improve a road that people just simply don't want to be done but then there seems like a bait and switch also. At the last meeting we were talking about 13-14 homes and this one all of a sudden, we've jumped to 18 so I guess what I would like to know as a conceptual thought is "why"? In listening to the discussions that have taken place here, I'm hearing how special Meredith Neck is, how pristine an area it has been, how over 20 years timeframe they've tried to keep it a quiet, relaxed and reserved environment and why would there be any consideration relative to increasing the sizes of the number of lots available by making a better access for Cattle Landing and Meredith Neck Road and everybody else out there so I guess what I would like to know as a taxpayer and a citizen of the Town, what's the Board's view on this? What's the



Chairman's view on this and on increasing the number of lots? Then I'd like to know the rationale behind the proposed owner's revision plan to increase the lots almost by 50% if you work the numbers out. Vadney – I think I can answer both of those with a comment I made earlier. The first comment made after the presentation I asked about why it went from 13 to 18. Skinner – I don't think there was an answer. Kahn – Running the road out through Cushing permitted them to put a cul-de-sac in the southern part of the property that they weren't going to be able to get to before. Skinner – I don't think that's an adequate answer so I don't consider that an answer. This whole road wasn't proposed before. These lots were larger and these were the 5, 6, 7, 8 acre areas so what they've really done is just redefined the development and pushed more grouping of homes into the same square footage of land. I don't know how that becomes any more useable because we have an exit this way. Kahn – I'm not a proponent here but if you look at proposal 1, the cul-de-sac ended well short of where that junction is and you would have had to curve the cul-de-sac around and then you have a cul-de-sac that exceeds the Town's maximum length. Skinner – They could not have done that in that present plan? Kahn – What's our maximum length of a cul-de-sac, John? Edgar – 1,000 feet. Vadney – There are other things that plan into it, let me just say that it wasn't an error that the first comment I made after their presentation was about the number of units, I wanted to make sure that was on the record that at least the Chairman was aware that the number had gone up. I guess you could say I was being polite but it is obviously something that is on our radar screen. Edgar – Why don't we ask Steve, Vatche or Dave to address the question directly, not just where the acreage came from but what was the rationale in going from 13 to 18? Walker – I guess my rationale was since we were coming in here, we were going to build this road and we'd have better access to this area of the subdivision in trying to maximize the development for what's available and what's permitted by zoning. Vadney – An applicant is here to make money and I don't blame them for that, but that doesn't mean we have to let them. It certainly is an issue the number of units out there going from 13 to 18 is something I suspect everybody in the room picked up on fairly quickly and I think the applicant is well aware of that at this time. Ekstrom – Would it behoove me to resubmit all of these letters that were documented as being received? Vadney – No, if they've already been received. These were from 2006 regarding Option 1. Edgar – We don't have Option 2 yet so I think the answer would be that if they pursue Option 2, if you get a notice that they are going forward with some version of this form of access, I think what the Board did at the last meeting is they allowed those letters to be part of the file for Option 1 and my guess is I would be surprised if they felt otherwise under Option 2. It's the same similar set of facts so you would approach them at that time, if and when we have a filing, with the same question you asked under Option 1 to see if the Board would incorporate the old file into this Option 2. That would be the simplest way of doing it. Paul Weston, 14 Barnard Ridge Road – I would state tonight that I think the magic of Meredith is slowly being drained out of this community. I want to begin by saying I thank you all for serving on this Planning Board and our fine Planner tonight. You folks are on the firing line in trying to preserve this Town in what we really wish to have as a Town. I'm here tonight, I live a couple miles away

from this development, but every vehicle I submit to you that wants to go eastbound to Center Harbor and Moultonboro and Maine and beyond uses Barnard Ridge Road off the Neck and we must not only think about the excessive use on this lot, we must think about the excessive use of the infrastructure out there, the road network on the Neck, but it also affects the queuing up of traffic on the village end of Pleasant Street and the queuing up of traffic on the high school end of Barnard Ridge Road. This is an excessive plan and I'm going to join the chorus tonight to say that I ask you to reduce the number of lots on this parcel and again thank you for your time. (Audience applause) Krochina – In regards to these contingencies and if these things aren't filed then the restrictions that the Planning Board puts into this application as it proceeds, what is the procedure if these conditions aren't followed in the future? Do we come to the Planning Board or is it a Selectman's issue? Vadney – It varies, it can be back to the Planning Board, it could be to the Selectmen or it can be to Superior Court. In many cases, Superior Court, they are civil matters at that point and they go to Superior Court. Edgar – Mr. Chairman, if I could interject partially, I know Mr. Flanders is going to want to speak to this as well, but to the extent that there are conditions imposed on a project that are a function of the approval, when the Planning Board says thou shall not re-subdivide or whatever, the reason why I like to see them on the plan, in the decision, a function of the finding, in the covenants and in the restrictions so that it is very, very clear what the deal is. We often will look at covenants and restrictions and specifically not allow a homeowner's association to modify those documents, notwithstanding this Board's approval so if it's a significant enough issue for the Board to make a condition of its approval, then the Town has very direct standing relative to the enforcement of the conditions of its approval and if we had those kinds of violations brought to our attention, the Town would be well positioned to enforce its regulations in its related approvals. We do not, as a matter of course, enforce all the other covenants that are not a function of our approval. Most of you probably have deeds that say you can't have clotheslines outside or you can't have farm animals or you can't paint your house a certain color, there's a lot of things out there like that, we do not get involved in civil restrictions, but if there are restrictions that are a function of this approval process that the Board's relying upon and conditioning in its approval, the Board can enforce those, the Town of Meredith can enforce those. The Town of Meredith's Planning Board does not have enforcement capability that's not enabled by regulation, it's effectively the Board of Selectmen is the jurisdiction from which the Code Enforcement or the legal authority stems from so it would be the Planning Board, Code Enforcement Officer and Selectmen working in tandem to enforce any decisions of the Board. Krochina – (inaudible – no mike) Edgar – As a practical matter, one would start with the Code Enforcement Officer and then, if necessary, goes to the Selectmen and they would certainly be looking for my input and any input from the Planning Board. ?? – It has been my personal experience that these restrictions put in as conditions for allowing development like that don't hold. I watched what happened out at the Gypsy Camp peninsula. We went to numerous meetings, I believe the Town was even sued over their initial approval of that project and there were many conditions put on that project that were contingencies of the allowance and then the builder

came in and just did what he wanted to do in direct violation to so many of those contingencies and I believe it would really come down to the people to take the matter to Court if they wanted it enforced so I don't think anybody should rely on the likelihood that the Town is going to go in and enforce any of these limitations. Vadney – Let me make the point that if there were violations out there at Gypsy Camp, I have no idea. I certainly don't live there and the only way I would know about them is if you've brought them to the Selectmen, to John, to me or take it to Superior Court. I hear about them that way too. Nix – In closing, I wanted to say we've heard and taken pretty copious notes tonight regarding the input from the neighbors and we will be contacting Mrs. Ekstrom and the Sleepers again to discuss the possibility of obtaining the access through Cushing Road and we'll look at the other issues in the near future. I think that's the best we can say at this point. There were a lot of things that were put on the table tonight. We will continue as we have to update the abutters and we'll try to do that directly as we have so people have it in their hands and I think we've heard the message. Vadney – Any last burning issues. Gordon Nolen – I live next to Scott MacKenzie. On the one lot that's drawn in they neglected to draw in my home which means I don't have to pay tax on my house, right? It is impossible for me to be more eloquent than many of the gentlemen and ladies, when this lot was first purchased; one of the purchasers was Jimmy Stellos who was a partner at that time with Tamposi. I talked with him about this property one day and I asked him what he was going to do with this property. Over coffee I happened to have had some experience in real estate sales and he said the highest and best use for this property would be for somebody to put a nice home on the lakefront and have a big estate up at the top, cut some trees, put a helicopter pad up there like people with assets do nowadays and I agreed with him. I thought it would be a good idea for the highest and best use of that property. In my very ineloquent manner, I think I can sum up a lot of the facts that have been aired tonight. This is an abomination, I don't know how to spell the word but I can see it and I can feel it and I think everyone in this audience except 3 people probably agree with me. Amen. (audience applause) Vadney – Without turning to the audience again, I'm closing the public portion of this pre-application design review and saying thank you for your comments. If this should go forward as Option 2 or whatever else we end up calling it, if it should go forward, we need many of these comments either written to us or come back and speak them to us in formal hearing so it will be on the record for what you need. Kahn – In the hopes of cutting any future meetings shorter, I would suggest that the minutes of this meeting be part of the file of any application that is filed so that people don't have to repeat themselves. Hearing closed at 9:27 p.m.

### **PUBLIC HEARING**

1. **CHRISTOPHER L. JAQUES D/B/A INTERLAKES ANIMAL HOSPITAL:** (Rep. Dave Dolan & Andre Kloetz, Bauen Corp.) Proposed Site Plan to expand existing commercial building and parking area, Tax Map S23, Lot 101, located at 182 Daniel Webster Highway in the Central Business District.

2. **CHRISTOPHER L. JAQUES D/B/A INTERLAKES ANIMAL HOSPITAL:** (Rep. Peter Bolton, Chris Williams Architects) Architectural Design Review of a proposed addition to an existing commercial building, Tax Map S23, lot 101, located at 182 Daniel Webster Highway in the Central Business District.

Dave Dolan – The existing use on this property is the Interlakes Animal Hospital located on Route 3. The property is located in the Central Business zone. This is Daniel Webster Highway, Reservoir Road abutting to the south. There's a lot of construction going on in the area right now as part of the reconstruction of Route 3 and 106 intersections for the roundabout that's going in there. Again, the existing Animal Hospital is located on the east side of the frontage on Route 3, there's an existing residence on the lot, a shed and a pole canvas covered structure/storage building on the property as it currently exists. There are two access points off of Route 3, there's a gravel drive to the north of the building and a pretty much wide open gravel area from the south of the building to the sign and a piece of fence at the intersection. There are two points of access off of Route 3 and then gravel drive access from the existing parking lot onto Reservoir Road. There's also a gravel driveway access in the rear of the hospital and provides access to the residence. There's some gravel parking to the rear of the building. The property is serviced by municipal sewer. There's a sewer line that crosses the property and services the Kuzina property to the north as well as provide service to both the hospital and the residence. That location as shown on the plan is based on Bob Hill's input, there were no ties available, but to the best of his knowledge that is the location of that line and it adequately services all the properties. There's no easement that we found on record for that sewer line to the abutting property. The water on-site is an existing well located adjacent to the residence that provides service to both the residence and we haven't shown the lines but there is a line that exits the residence and crosses to the hospital in approximately this location. There's also, as part of the improvements proposed by DOT and a drainage easement, this is the gray-hatched area on the plan that involves a replacement and maintenance of these drainage structures across from Reservoir Road. Those have in fact been replaced at this time by the State, they did that work a couple weeks ago. There are some wetlands on the site, there's a small wetland 1,520 sq. ft. in size that was located after our design review meeting last summer that's shown on the plan, that's a non-designated exempt wetland. Most of it is located off the property and there's a brook that flows out of this culvert southerly and eventually to Lake Waukewan. The limits of the bank of that brook were delineated by Nicole Whitney, a certified wetland scientist who did the work for us and we have shown on the plan here and on the plan that was submitted, a 75' setback from the edge of the bank of that brook. The DOT did and I was able to locate an approval number that we'll add to the plan, but DOT did get a Wetlands Bureau Dredge & Fill Permit for the replacement of these pipes and it also called for installation of some riprap at the outfall of that culvert. We've noted on the plan a dug well and that has since been filled in during the recent work by DOT and we'll update the plans as necessary to reflect that. I would point out as John already did in his initial reading of the application that the existing hospital building encroaches

entirely on the roadside setback and the existing gravel parking extends right out basically to the edge of the traveled way on Reservoir Road. The proposal here is to expand the hospital building, the construction of two additions and there's a 20' x 40' addition proposed on the north side of the building and then an addition on the rear of the building that in part replaces what was a deck here. The northerly driveway entrance to the property is being eliminated and we will add a note to clarify that it is being eliminated. The southerly driveway access off of Route 3 is being more defined and that's proposed to be 30' in width to access the parking on the side of the building and a 30' wide driveway is proposed exiting that parking area onto Reservoir Road and also the proposed driveway to the rear of the building will be 30' in width. It's shifted slightly to the east away from the abutting residential building. Prior to this plan being developed, but subsequent to the design review, the engineer for this project, Mark Moser, met with Lou Caron on site along with John Edgar and the applicant and I believe Andre was there as well just to get input into how to handle storm water runoff for the site. This plan has been submitted to Lou for review, but we haven't heard anything back from the Town's consulting engineer as far as any input. We're proposing 20 parking spaces, it includes two handicap spaces, one to the front of the building and one to the rear. This plan incorporates the use of some concrete block retaining walls along the back of the parking lot here and the purpose of that is to control the grading in this direction towards some proposed structures which I'll show you on the next plan as far as storm water treatment, the grading and the drainage. We've got a total of 20 parking spaces proposed on this plan. We submitted along with the application some guidelines that were for a veterinary hospital that were established by the American Animal Hospital Association and there's a couple of ways to look at that. They have a recommendation based on square footage which if you look at the table; they have a square footage listed and associated with that is the number of staff and then the number of veterinarians. Currently, there are 3 veterinarians on site. The total gross floor area of the hospital will be around 7,000 sq. ft. I had discussed that with John, he had some questions on that, it's noted on the plan as 4,900 sq. ft., however, that didn't take into consideration the number of clinic floors in the proposed additions so that has been revised and using the guidelines based on sq. footage alone, you'd be looking at a requirement of 37 spaces required just for the hospital and then two for the residence, however, if you looked at the guidelines as far as the parking spaces required based on staff with 3 physicians and 5 supporting staff, you'd be looking at about 22 spaces required, plus the two for the residence and it should be pointed out that the residents are the Jaques who happen to be two of the veterinarians working at the clinic which is our reasoning for requesting the waiver for the 20 spaces shown. The minimum number required would be in the area of 24 to a maximum number based on the AAHA guidelines being 39 spaces. There are 3 rooms that are used for treatment of animals or client visits whatever you call them so basically there's potentially 3 people at a time seeing a vet, possibly 3 waiting, 3 on their way out. If you look at those numbers, you come up with about 18 potentially on-site at a time as far as the use of car spaces just to try and run through what we think the parking requirements would be suited for this site. Moving on from that to the lot coverage,

if I didn't confuse you enough already at this time of night, it's going from 33% to 50%. The next plan shows the grading and drainage as proposed and again has been submitted to Lou Caron for his review. We show the proposed relocation of the existing 8" culvert and again that has been done. This catch basin has been replaced and there's actually been some pavement placed around it at this point. There's a small bile retention area proposed that would handle some of the storm water runoff from this portion of Reservoir Road and from this portion of the parking lot and also proposed was a treatment tank to handle some of the storm water runoff before it exited the last catch basin here into the brook and it's my understanding based on some of the more recent studies that have been done on those, that they are not the most recommended best management practices for storm water treatment. Based on my conversation with John yesterday regarding that and not hearing back from Lou Caron yet, but anticipating he might want to see something different as far as storm water treatment probably in the way of infiltration as an alternative, I've been assured by Mr. Moser that if that's required by him, that option can be utilized on-site as an alternative. There was a question brought up prior regarding how waste would be handled from some of the animals. I just want to state there's no kennels proposed to be outside. Everything's going to be contained inside. Animals would be walked outside and solid waste would be handled by disposing of it and having it removed from the site through their waste disposal providers and we're anticipating that dogs or animals would be walked along this section of the parking lot and possibly this end of the building in the area of the dumpster which by the way we've shown the proposed dumpster location to the north of the proposed addition and the relocated LP tank that is going to be above ground as far as I know, we'll provide some protection and that will be added to the plan to prevent vehicles from damaging the tank at that location. There are some existing lights that are floodlights on the corners of the building as it exists now and there's also I believe a street light on a pole across the street that provides lighting and we're proposing to relocate what were floodlights on the exterior corners of the existing building to the exterior of the proposed addition. The sign that's out in the ROW now will remain, as well as the existing walkway that is in the ROW and I have been told by Linda Smith who's the ROW administrator at NHDOT that that will be allowed to remain and that those have been discussed with the Jaques that they will allow them to remain in that place. Just to point out, the actual traveled way of Route 3 is actually being moved further away from the building by about 10 or 15 feet from its current location. Part of their presentation is also for architectural review and I'd be willing to answer questions at this point on anything or turn it over to Mr. Bolton to discuss the architectural review. Worsman – You had said the road was being moved 10 feet, but doesn't that mean they are still going to have the breakdown lanes so truly you're not.. Dolan – This defines the edge of pavement as proposed based on the plans we were provided by NHDOT. Worsman – But as it stands now, is the edge of pavement going to change so it's not only the traveled way that's being moved 10 feet, it's the entire edge of pavement? Dolan – Correct. Question asked (inaudible-no mike) Dolan's response - I received via e-mail from the design engineer this section of the project; it might be 300-500 feet. I think it would more like 600' or so. Vadney – I don't

know if I've got any specifics, but I do have a gut feeling that this is crowding the lot pretty well. I realize you're within the lot coverage and stuff like that, but the house and business are on the same piece of property and that's about  $\frac{3}{4}$  of an acre. Dolan – 33,000 sq. ft. so about  $\frac{3}{4}$  of an acre and we will require 3 special exceptions as well for this project. One for the expansion of the non-conforming structure, a second for the parking within the setback although it's already within the setback, but we're modifying it and the third for construction within 75' of the non-designated brook. Vadney – On that  $\frac{3}{4}$  of an acre, nearly one quarter of the acre is from the house west. I rode by there the other day and looked at the elevation change which is pretty substantial. I feel I need to walk the property to see how that elevation change works with that parking. It seems troublesome. Has anybody else taken a look at that? Kahn – I drove by today and there was a lot of activity. I didn't stop, but yes I would like to do a site walk. Edgar – Mr. Chairman, if I could, you know my view on site walks, I don't think there's ever a substitute for being on the property. We recognized at the outset that the intricacies of the grading were really going to be critical here and that's why we had the engineers kind of meet on a preliminary basis before we really got into it. I do have the engineer's letter but it came in at 4 o'clock this afternoon so I haven't shared it with anyone. You don't have copies of it nor do they. So in fairness to them, I didn't want to get into a whole lot of it. We are looking to try to within reason maximize the treatment of the parking lot recognizing that it's in the Waukegan Watershed. There isn't a philosophical issue and in fact the idea of going with more infiltration probably would save the project some costs because we're not putting a \$50,000 tank in the ground, we'd be doing something more with gravel and under drains and things of that nature. That's the summary substance of the engineering report. There's other incidental comments about dimensions and some other things, but essentially that's the piece from the engineering point of view, not the grading but the engineering that's got to get nailed, but having said that I still think it's appropriate to visualize the property with the engineer so that the walls can be pointed out and exactly how this would play out and you can visualize. It was helpful to us I think when we were all out there walking the property and I think it would be equally helpful to you folks, but the grading plan per se is not at all an issue with our engineer to the extent there's an engineering issue is if you look at CB4, that's basically one of the larger units, either CB4 or drop manhole 1, either one of those I'm not sure which one it is, but that's the general area where the interceptor would go and the idea is to try to get a higher percentage of the parking lot through something other than just sumps and the engineers have talked about that and I think that's all workable. One of the issues that was mentioned at the pre-app was the issue of the northerly driveway and it's use or discontinuance. The plan was silent on that. I think the concerns that we had expressed at the design meeting is that is probably not adequate. Vadney – He did mention the north driveway would be discontinued. Dolan – And I did mention we will add that note to the plan. Vadney – I wasn't clear on what your deliveries are going to be now. Dolan – There's an island proposed here. This is all wide open gravel except for the street sign and a piece of split rail fence right now and this would be an island and we've shown an area here that's inside the island partially in the ROW, but it's

noted on the plan as a loading and unloading area. Most of the deliveries will be via box truck or UPS type of truck; however, if there was an occasional trailer up to 50' long, it could actually pull in here and be entirely off the traveled way. Vadney – The things delivered are boxes that they just pick up and lug. Dolan – Boxes and I believe animal feed. Kahn – I heard in passing that with respect to parking, because two of the doctors live in the house, two of the spaces wouldn't have to be duplicated. What if the doctors made so much money that they bought that land at the end of Meredith Neck and didn't live in the house any more? What I'm saying is if that house is rented, you're short two parking spaces. Dolan – Unless there was a stipulation that this business had to be owner-occupied as far as the residence goes. Edgar – One thing that's really important that the waiver's predicated on is the number of employees because by your own numbers, a 4,700 sq. ft. animal hospital could have as many as 16 employees on average so if we're at 8 and if we're relying upon some of the waiver logic which I think is reasonable that if they happen to have more area per provider and maybe more comfortable facilities or why ever that is I don't know, but that's all well and good but if any waiver's predicated upon the number of employees being not greater than 8, I think you've got to be very clear that that's part of the deal because if this grew into a 16-person which are the average numbers you were kicking around for a hospital of that size, then you very well could have a problem and the purpose of really scrutinizing the parking isn't to make the math work, it's to make sure we don't have people pulling over on Route 3 or pulling over on Reservoir Road or parking on abutting properties and that's what it's all about so there's a certain degree of flexibility with the parking as a practical matter but we've got to make sure at the end of the day it's going to work. Dolan – I would assume that any waiver consideration that the Board may give would be predicated on any restriction on what the residence is used for as well as what the number of employees are on-site. Vadney – We certainly have to look at the whole lot and both buildings. Kahn – Continuing along the same lines, I heard something go by about there being 3 examining rooms. There's something else, if you start with 5 examining rooms, now you've got more people waiting with animals to get into the examining room, waiting to get out of the examining room, what were you figuring about 3 cars per examining room? Dolan – No, if you had 3 exams rooms and each of them were full with one car per exam room, there's 3 more waiting and 3 on the way out, those are nine right there. Kahn – That makes sense to me. Edgar – Then you add the employees 9 and 8 = 17, 17 + 2 = 19, 2 for the house, you're in that 20 number zone. Dolan – I might not have been as clear the first time around but I tried to... Kahn – I heard it go by, I just wanted to check it, but it seems to me then another added issue, not only should the house be owner-occupied, but there should be a limit on the number of employees and the number of examining rooms. Dolan – So you anticipate having more than that? Jaques – In my plan there are 4 exam rooms, there's not 3 people waiting for each exam room, it's so we can get things cleaned up and get someone in and waiting and prepared. We currently have about 13 spaces that we use and that's adequate for the time being. I would anticipate potentially 30% more cars within the next year or next 3 years and after that we will have to squelch growth. As far as the house, it's worth more to me as parking spots than living space essentially.



Right now, we need the space, not just for the comfort and safety of our customers and pets coming, it's essential that we move on this now and create more space for the customers and I was certainly willing to put more spaces in there which they didn't feel were necessary because the use currently is not more spaces but we could find places next to the house to put more spaces also and so we could do that and there's space underneath one of the floors to put, but that might be in the number that you counted. Edgar – So if we have 4 exam rooms, if we use the logic that someone's in, someone's waiting and someone's going in or out, 3 x 4 is 12 plus 8 employees. Jaques – We use them interchangeably, clean them in between and get somebody into one, but they are not all constantly having 3 people waiting for each room. Kahn – You've got an animal in each room and you've got 2 people waiting to get into that room and the doctor is moving from room to room. Edgar – Chris, how does it work? Is that correct? Jaques – We're not planning on having more than 2 doctors (inaudible). Kahn – I'm still seeing it as 3 cars per room. Bayard – I don't think I have to recuse myself because I have sent my pet to this place before, but it does give me a little bit on insight because I've gone there and frankly, there's more than enough parking, very few spots seem to be used. One way out of it that we've used in the past is to perhaps designate a couple of areas, in fact I was almost looking at this design here and thinking maybe they could even designate some of the ones they have here as proposed and not even use them because like I say, when I've been there it has not been busy at all as far as parking goes. There are people waiting a little bit, it's not like the place is totally empty but it doesn't seem to have a high volume, it's not like the antique shop where there's people walking around. You pretty much go in there, you drop your pet off and a lot of times you don't even stay there with your pet so I don't have as big a problem maybe as it might look on paper, but like I say one of the options might be to designate a couple of spots as they become needed. There's certainly an option that even leaving the house there, he's under the impervious at 50% instead of 65% so there's room you could put parking with a little building up of the grade I suppose behind the house or somewhere down more toward the house. We'll look at that when we get out there, but I'm thinking into the future and I certainly appreciate your explanation of how you operate, but we have to look to a degree at the long-term use. You could sell that hospital to somebody else that lived somewhere else and operated it in a different way and we have no more input on it at that point, it's just a change of ownership so we want to make sure we plan for the building correctly. John, you've been on the property, would there be space to put additional parking out behind the house, like the employees could park out there if it became a problem. Edgar – The two concerns would be (1) we're using a retaining wall to level out the platform in the area closest to the brook and (2) on the other side of the building if we bring a driveway around, we're also going to eliminate parking where the driveway would go through those last two spaces so long term, if the business is really growing and we have every reason to suspect it might, certainly the applicant indicated the house could be on the block to go somewhere. I think the owner-occupied thing makes some sense, but to a point. I think the applicant would really want to think hard and fast about that as to whether they want to be restricted to that and whether or not there's another way to skin the

cat in terms of some other way to limit things to make it palatable so the property is gently sloping heading down through the rear lawn area, I don't know what the degree of that retaining wall is and whether it's reasonable to put any kind of a break in it to bring some parking around the back, it adds to some of the brook wetland setback issues the more you crowd stuff around the back, you'll add to that buffer impact. I'd be curious to see where the additional parking could go other than where the house is and even where the house is, we're running a retaining wall along the entire length of the frontage of the house to get up to grade so unless the house was gone and there was a substantial regrading and kind of pushing the retaining wall towards where the rear of the house is and putting in a bank of parking, I'm not so sure you'd be able to squeeze a whole lot more on the property. I think before we did all the grading, the last time around we were looking at 23-24 spaces and obviously with the retaining walls and everything else that we've gotten more information, I think probably a couple got snipped somewhere. My guess is more as a practical matter; I don't see a lot of extra land here where you could squeeze a whole lot more in there. Vadney – This is an animal hospital, what else could conceivably go in there without having to come back to us, what would be just a change of use. Edgar – I think, and I'd have to check with Bill, but I think the reasoning that allowed this to go in under an occupancy permit was because it had been used as office space before. It was Wood & Clay and they did a lot of house design work and construction, it was basically office space. Vadney – I'm just thinking if it was an office building, it could go back to being an office building, but it would still come to us as a change of use. Edgar – In light of the waiver issues and if you just took it numerically and I'm not suggesting that that's the only part, but if you look at going from 20 to 37 it should raise a flag and say wait a minute, so we could run some numbers to see what if it was a general office, 1 for 200 sq. ft., it's 4,700 sq. ft. and you can do the math, but they've pretty well maxed it out. I'm comfortable that this works from a flow point of view. I think it would be a good idea for you to walk it to visualize a little bit. You can rely upon showing some additional parking if needed, it might mean the building, if all of a sudden we get to 30% growth and we've got people parking on Reservoir Road, maybe you review and amend and you pull them back in and say either you scale something back and demonstrate how you're going to scale it back or the house goes and maybe that will be a luxurious position to be at. ?? (inaudible – no mike) (More talking going on amongst people – still inaudible because of no mike) Vadney – I'm comfortable with you folks having worked out an operation, you wouldn't be recommending this if you didn't think it would work for you, I just want to make sure we've got any long-term things nailed down when things change and then it may be very simple. Tom Kuzina – He's saying they are putting additional building here, isn't that State property, does he have a grandfather clause here? Dolan – This pin here is the edge of the ROW, that's the edge of the State property right here so we're not going into the ROW more than we already are. Kuzina – I don't think that's true because this wetland actually comes across here. The sign I have for Kuzina Floor Covering, I had to get a permit from the State and that sits approximately down in here so there's a problem here to me that I had to get a permit from the State for me to put my sign in here on Route 3 which is almost

parallel with his building now. Now he's going to put his proposal on State property, I don't know about that maybe I'm wrong. Also, this wetland is actually, Ames came there and actually if you go there tomorrow, you'll see all the tags that come across here. There is a dirt driveway that comes down here and then it goes right down to the end. It drops right down into my property. There is nothing here that he can put on that building, I can't understand this. And then a dumpster where we have a runoff that comes all the way down and goes into Waukegan and he's going to put a dumpster there and by the way, he talked about the animal waste, he's going to throw it in a dumpster. I don't know if you can actually dump a certain amount of animal waste in a facility today without having the process of chopping it up and it goes into a septic system which most animal hospitals do today so he's just saying that he's going to throw all the dog waste and animal waste into this dumpster which is right next to wetlands and it's going to flow all the way down. I have a pipe that was installed in this wetland that comes right across here and flows right down back behind the property back there so if he's saying he's going to be doing all this, that means if this waste from the dumpster is leaking, would come down and flow into Waukegan. Another thing, I thought if I'm not mistaken, if you go there tomorrow, you'll see it all tagged off for wetland area right in here. Its tagged wetland area and they don't show that here at all. Where they are proposing to pull in here, it shows the tags for wetland, I don't see that there. Another thing is, I'd like to know, I own an apartment downstairs so if they are going to have dog facility and walking outside, I want to make one thing clear, I have my own well and they are going to walk these dogs around, what's going to happen to my well if there's a problem. I have a hairdresser there, I have my business and I have an apartment downstairs. Vadney – Is it a shallow or drilled well. Kuzina – Shallow well. I'm concerned about that. They are on a well. I would be concerned about that too, that's what kind of bothers me about there, but then when he's putting the dumpster near my property. Another thing is too that people come out from the hairdresser's, they sit outside at the picnic table waiting to get their hair done and stuff, I don't want to have the dogs barking, I don't want to smell animals. Even though they're inside, I hear barking every other day now. I don't know if you're even supposed to have them in there, but all of a sudden I'm starting to hear all that because he's getting bigger and bigger and I think it's a big thing today for these places that have animals, they are getting bigger and bigger with these animal hospitals and everything and I'm concerned about my property and my tenant downstairs doesn't want to walk out and say what's that smell today. What's the dog barking all night, are they going to call me up? I don't know what happened at the beginning, I was never warned when they first came in there, I never got anything from the Town that he was going to put in an animal hospital in there, but obviously it was just going to be a day thing, I guess that was supposed to go and that was it and they shipped the dogs or the cats out and that was just a one-day animal hospital. Now we're going to get it full-time and I'm concerned about that and I think that might cause a problem with my property. Vadney – That does give us even more reason to do a site walk on this to look at the dumpster and the offsets and the wetland. Edgar – Tom, could you point out on that site plan where you saw the wetland flags, you were blocking my view and I just

couldn't see when you explained it. Kuzina – What they have for their proposal there, this comes way over this way. This is an incline that goes right straight down into this wetland and by the way what caused this wetland was there was a road here that they put in and it started filling up here so he put a drainage that went all the way down here to ease the problem, but this wetland comes all the way across here which you would see if you went tomorrow. I can't see how they could put the building there, there's no room there. Like I said, down through here, go there tomorrow and you'll see the flags that Dave Ames put up because he asked to go on my property to check. Edgar – Are the flags on the top of the slope or the bottom? Kuzina – The top of the slope as well as the bottom. Edgar – Because the grading plan shows a pretty steep drop-off down to that wetland from 776 down to 770, there's at least a 7' or 8' differential. Kuzina – It goes right down. They are right on the hill actually where Dave actually put the markers, they are all on there. Edgar – One point of reference for the Board when we do the site walk is, see the telephone pole that's flagged, is that coming from the DOT survey, Dave, the utility poles that are referenced in the ROW opposite that wetland on Route 3? Do we have pins out there or something that could flag that corner pin? Dolan – We can double check or make sure that property line is staked, whatever we put in there may get disturbed at this point but we can put in a stake at that corner we had earlier to stake this line so we knew where that wetland was and then before we had anyone go out on the site to delineate the wetland knowing most of it was on the adjacent property, Dave Ames offered to contact Mr. Kuzina to get his permission to delineate that wetland prior to us going out and locating those flags and the certified wetland scientist looked at the whole site of the Jaques property and hung flags on the entire site whether it was a wetland or the stream edge on this portion of the property. Edgar – What I'm getting at is it sounds like the Board is probably going to want to visit the site and what would be important is to have a couple markers in the field that correlate back to the site plan, obviously property pins would be one and maybe building corners or something like that, just to get an orientation to where the footprint of the building would be in relationship to some of these issues. Kuzina – The question I have here actually is this is an existing building, at the end of this building is a dirt driveway that they put down here. After that it falls straight down. If you took a quick little right, you'd be right down below and fall down into my property and fall over and they are going to put a building there, take a look. Vadney – One of your questions about the ROW in the front of the property, there's probably no piece of land in New Hampshire right now that's been surveyed more than that strip right through there, the State's put about 9 million dollars out there in the last two years getting ready for the road widening so we should be able to nail that as good as you could anywhere as to where that State ROW runs. Edgar – I know anecdotally that they have incorporated the DOT plans in the planning for this project in terms of the drainage plans obviously because they are on the site as well as the edge of pavement and the ROW so Dave surveyed the property, but we also have the State survey. Were there any inconsistencies between any of your work and the DOT's plans? (inaudible – no mike) Dolan - ...which were the centerline stations set every 50' and confirming what we had done to determine where this ROW was, we were also able to use the

State's control and re-establish the centerline and then the width of the sideline of the ROW and it was consistent with what we had come up with based on our survey so I'm pretty confident that as close as surveyors are able to measure which is pretty accurate, but its not splitting hairs even you'd like to think so, we've got that plan pretty well established. The building is behind the ROW line and the proposed addition is no closer to the ROW than the existing building. (somebody's talking-inaudible-no mike) The ROW does not move because the centerline of the road moves. Barry Lukatch – I'm located right here on the corner of Reservoir Road. I also live in the building and my bedroom happens to face their building so I think probably we see most of the activity that goes on there and are probably best able to address the parking issue as far as what we've observed and I would like to let the Board know that. I have never seen a parking problem over there so far. What I am curious about is a couple of things if I could ask. Is this going to be a boarding kennel now or is this strictly day service in and out? Jaques – (inaudible – no mike) I have really not had any problem as far as barking dogs or anything at night or whatever, maybe occasionally we've heard something but nothing that would be annoying. One of the concerns that I do have though is these stairs coming up here from this lower parking lot? Dolan – Yes. Lukatch – And this is still the primary entrance into the building, you're going to maintain that as your primary entrance? I don't know if it's a concern, but I guess my question would be most of your parking is down here and this is where everybody has to walk to enter with the pets and in foul weather in the winter and everything else, this is a long walk for people to walk up these stairs, come up here and go through the entrance so it's only going to be natural that people are going to try and park here and I don't know if it's possible, I don't know whether you could make a change or whatever, but it would seem to me if you could have an entrance where they were just coming up from the stairs here so people could come in here and come up from here, it might make people more inclined to use this parking. I'm just looking at it from a perspective of we're always going to pick the closest parking space we can get, everyone at this stage is used to pulling in here that is coming into the business, occasionally they'll come around from here so even though the spaces are here, I think it's going to possibly be an issue as to their usage so I would just toss that out as encouragement on what you might be able to do. The only other issue that I've had that I would like to address is when people are here, they tend to walk their pets and have them go to the bathroom before they go into the vet. This is where they are walking them, right along Reservoir Road and this is where they are depositing their scat and I have observed that multiple times. It hasn't been a big issue for us because it's down on Reservoir Road, but I just think whether you're observing it or not, you should be aware of that because that's where most people, they get out here, either they have been in to see you or they are going in to see you, if the dog needs to go they usually walk them down Reservoir Road so I think that's something that should be defined, there should be some kind of defined walking area that would satisfy everybody, people on both sides as well as your customers and a place where, when they poop on the ground, somebody would be able to go out and clean it up on a regular basis so it didn't create an on-going problem. I do have one last issue that I would just toss out to the Board and I'm not

sure how you're going to address this, but I come back to the square footage of the building and I come back to the possible future usage. As long as Chris is here and he's running an animal hospital, I don't think there would ever be a problem with the parking from what I've observed so far, but the concern would be if it does turn into office space, this would never handle the parking so I don't know how you would address that so it would meet his needs, but also look toward the future. I know Herb that's one of your big issues, but it is something that could be a major conflict in the future and people will be parking over here if this is full so that's an issue for me as well. Edgar – One way that's been addressed in past projects, Barry, is that if because of any waivers that might be involved or any concerns like that, would be to stipulate that any changes in occupancy so even if it went from office to office, if we're going from something other than an animal hospital rather than that simply being an occupancy permit, it could require site plan review and the significance of that is all offices aren't the same. Some offices have a lot of high-patron activity. You can have some offices that are strictly employee driven for which there is virtually no patron activity so it really depends on the animal and we have in the past built in some stipulations going above and beyond the zoning to basically say that we're approving (X) and if something were to change, it would necessitate a public hearing and a re-review to see if the parking was adequate as a safety net. Lukatch – That would be great because I understand it could easily satisfy future use but it may not and just so there was some way of making sure you could pick that up. Vadney – That's one of the things we have to make sure we get nailed down. I think we've beaten this pretty well. Kuzina – The gentleman here says he's talking about hearing a few dogs a few times and I'm hearing them more and more lately, what's going to happen in the future here, is that going to deface my building and am I going to have a problem Peter Bolton from Chris Williams Architects – We're tasked with the elevating of the existing building. You all know the existing building and on the elevations, the existing building is shown here, a portion here and on the end here. The footprint of the addition's about 1,450 sq. ft. The existing building is wood frame, clapboards, architectural grade shingles, 3 stories; we've kept the addition 2 and 3 stories, 2 stories on the end to break down the scale. The proposed addition is wood frame, clapboards, architectural shingles, wood windows and clad. I've kept the roof lines somewhat varied and articulated just to cut down the mass of the building. Kahn – I'm confused as to which is the Route 3 side. Flanders – I think the elevations are labeled incorrectly. Kahn – Which side is the stairway that comes up from the parking lot? Bolton – The stairway's shown on this elevation. Edgar – The elevation that Peter's pointing to would be the view from Reservoir Road. Vadney – Standing in the street looking west, that's the west elevation. Bolton – On the end facing Reservoir Road, that's the steps walking around the building. Kahn – How can we improve that entrance so we don't have people crowding into that parking lot? How can we make it safe in the winter, an exposed stairway, how can you improve that? Bolton – In the final details, if you keep it open as much as possible so it's not like an avenue through sort of an alley. Jaques - I'm proposing to have that walkway heated if possible if we don't use up all our money in the preliminaries, then we'll be able to do more. Bayard – Is this a doorway down

here at the bottom next to the stairway? Bolton – Yes, it is. Vadney – And that's another door at the top of the stairway. Bayard – I guess what I'm saying is could you somehow make that an entranceway to direct traffic internally as opposed to doing it on the outside. Jaques – We could. It would disrupt the whole flow of the way the whole hospital is designed and we have work spaces we have to consider. Vadney – We want to be careful here on how much we tell him how to run his business. Jaques – It really is a pretty short and small building, it is a walk up there and the bulk of our cars would come to the upper parking lot and overflow would go to the bottom and if they find this too far to go up, they can go in that doorway with the patients going out the back and that way we avoid conflicts between patients coming in and patients going out. That's also a handicapped accessible area there too. We also will have handicap accessibility to the bottom and there will probably be a lift for handicapped folks and pets also on the inside to get up to the main floor. Kahn – Why don't you put the stairway inside right where it is, but bring your wall out so the stairway is an internal stairway and put your door at the parking lot level? Jaques – It potentially could get covered by a roof, it depends on how we calculate the space for that or are we going to need more parking spaces for that amount of space too? Kahn – We're talking staff and examining rooms and the house at this point. Jaques – It potentially could get covered for snow issues. It's still relatively a walkway from down there to up there is a lot shorter than the walk that I have when I go to the hospital in Concord. Vadney – Any comments on the architectural look of the building. It seems to fit what's there and what's there looks nice. Edgar – They have asked for the Board to exercise some setback relief pursuant to the architectural ordinance, it's not something you necessarily need to act on tonight. The Architectural Ordinance gives the Planning Board the discretion to provide for setback relief if in the Board's opinion it is necessary to accomplish some of the objectives of the architectural review. On this one, it would be the northerly addition and it has been reviewed from a departmental point of view which is one of the requirements of the ordinance. Chuck, Mike and Bill have reviewed it and have no concerns. Flanders – Mr. Chairman, we're going to be doing a site walk on this and we obviously won't be giving it an approval tonight, we still have some zoning petitions to take a look at. Vadney – We could do the site walk the same time we do the one on the Neck. Hearing closed at 10:30 p.m.

Edgar – I'd just point out that this is a small site so if you were to incorporate it on the 20<sup>th</sup> when we go out on the Neck, this is a small site and once you've walked it back and forth, it won't take long. It would be reasonable to do them together.

Kahn moved, Finer seconded, THAT THIS HEARING BE CONTINUED TO FEBRUARY 13, 2007, AND THAT WE HAVE A SITE WALK ON JANUARY 20<sup>TH</sup> AT 8:00 A.M., STARTING WITH THE ANIMAL HOSPITAL. Voted unanimously.

**TOWN PLANNER'S REPORT**

Vadney – We have a couple of petitions. Edgar – Mr. Chairman, we just simply need a motion to accept the hearing date for the 30<sup>th</sup> of January. Vadney – We've had two petitioned zoning changes both in Chemung and what we need to do is set a hearing date, John and I have talked about this and we just need the Board to agree with this and move on, and to hold a special meeting of the Planning Board on the 30<sup>th</sup> of this month. Edgar – There will be no other Board business and I just want to impress upon you the importance of having a quorum at that meeting because we are obligated to have the hearing, we are obligated the following Tuesday to hand off the Warrant with your recommendations on these petitions to the Town Clerk so if for some reason we didn't have the meeting on the 30<sup>th</sup>, we're up the creek without a paddle so we have to have the meeting on the 30<sup>th</sup> to meet our publication requirements, etc. and I've built into the draft notice a snow date for Wednesday so in the event we have the snowstorm of '07 on the 30<sup>th</sup>, I wouldn't have to renote the hearing, it has been incorporated in the original notice so we're looking for a hearing on the 30<sup>th</sup>, a backup date on the 31<sup>st</sup> and it's critical that we have a quorum. Vadney – The snow date is for snow, it's not for the fact that we don't show on the 30<sup>th</sup> so we do need to make sure we've got a quorum on the 30<sup>th</sup>. In the meantime, study the two petitions, one being about cluster housing in the Forestry/Rural District and the other one is for going from a 10-acre to a 12-acre minimum in that zone. Get your thoughts together on it, we'll hear the public and you need to make up your mind because we need to vote whether we support it, they go to Town meeting anyway, it's a question of whether we agree with them. Edgar – That's correct, it's important to understand that essentially you're operating as a hearing officer. These are going to go to Town meeting. The role of the Board is twofold, one to be the hearing officer and (2) to make a recommendation that will be in the warrant as to your recommended approval or disapproval of the petitioned amendment and that would follow the close of the public hearing. You would deliberate and then identify what your recommended position would be and that's part of what goes on the printed ballot. Kahn – We deliberate on the spot that night. We should not deliberate in advance of that. If anybody asks your opinions about these or whatever, I would highly recommend you defer any discussion, say we appreciate your interest, come to the hearing and tell us what you think. You don't want to get sucked into any ex parte discussion. Somebody's going to get aggrieved no matter which way this goes and the last thing you want is someone saying I heard so and so at the general store saying that they thought this was a great idea or bad idea. We don't want any of that creeping into it so keep your comments to yourself, get the thoughts going but don't speak with folks about the merits of these proposals, let that play out on the 30<sup>th</sup>. Kahn – When these go on the ballot, does it say anything more than the Planning Board recommends or can there be any explanation? Edgar – No, the petition the way it's presented will be the way it is on the warrant and following that there'll just be a simple statement immediately following the description of the article that says the PLANNING BOARD RECOMMENDS APPROVAL OR DISAPPROVAL. Vadney – By the way, we cannot change the wording, that's the wording signed by the petitioners. Edgar



– There’s no amendments, there’s no negotiations. Kahn – My question was should we and I’m not begging the question, should we decide that we recommend against, can we state a reason? Edgar – Not on the ballot, it’s not provided for in the statutes, my guess is the answer would be “no”, but I think as a practical matter, the public may be interested in what your position is and you certainly can state your reasoning in other ways. Vadney – Isn’t there something for the Selectmen when they recommend or don’t recommend, don’t they sometimes put a comment there? Worsman – We just passed it on to you. Flanders – I don’t think you’re allowed to do that. Edgar – The statute reads: “Each petitioned amendment shall be placed on a ballot which may be separate from the ballot used to elect... a notation on the ballot stating the Board’s approval or disapproval shall immediately follow the question’s description.” That’s all the statute says.

Meeting adjourned at 10:40 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 \_\_\_\_\_.

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William Bayard, Secretary