

PRESENT: Vadney, Chairman; Bayard, Secretary; Bliss; Kahn; Granfield; Flanders; Edgar, Town Planner; Harvey, Clerk

Bayard moved, Kahn seconded, THAT WE APPROVE THE MINUTES OF SEPTEMBER 24, 2005 (SITE INSPECTION) AND SEPTEMBER 27, 2005, AS PRESENTED. Voted unanimously.

### APPLICATION SUBMISSIONS

1. **KIM W. AND DONNA C. WEILAND** – Architectural Design Review of a proposed addition to an existing Bed & Breakfast (Tuckernuck Inn) Tax Map U07, Lot 14, located at 25 Red Gate Lane in the Residential District.

Application, elevation drawings and abutters list are on file. Filing fees have been paid. Recommend the application be accepted as complete for purposes of proceeding to public hearing.

Bliss moved, Bayard seconded, THAT WE ACCEPT THE APPLICATION FOR ARCHITECTURAL DESIGN REVIEW FOR KIM W. AND DONNA C. WEILAND FOR A PROPOSED ADDITION TO AN EXISTING BED & BREAKFAST. Voted unanimously.

2. **GREATER MEREDITH PROGRAM FOR CHI VAI PHU AND YOONG CHAN PHU d/b/a PHU JEE CHINESE RESTAURANT** – Architectural Design Review of proposed facade improvements, Tax Map U06, Lot 61, located at 55 Main Street in the Central Business District.\*

The applicants propose to renovate the façade of an existing structure located on the corner of Main and Water Streets. This program involves storefront replacement and signage and general improvements. It has been coordinated and funded by the Main Street Program. This renovation project was selected as the winner of a recently held Extreme Makeover competition. The application, elevation drawings and abutters list are on file. Abutter mailing fees have been paid. The Greater Meredith Program has requested the \$50.00 filing fee be waived in the spirit of the community involvement and volunteerism and donations that are making this unique project happen. Recommend the \$50.00 fee be waived and the application be accepted as complete for purposes of proceeding to public hearing. Voted unanimously.

Bayard moved, Flanders seconded, THAT WE ACCEPT THE APPLICATION OF THE GREATER MEREDITH PROGRAM FOR CHI VAI PHU AND YOONG CHAN PHU d/b/a JEE CHINESE RESTAURANT FOR PROPOSED FAÇADE IMPROVEMENTS. Voted unanimously.

3. **NORMAND AND ROBERTA MORIN d/b/a CASE N' KEG** – Proposed Site Plan Amendment to establish a sandwich shop with 21 seats, Tax Map U06, Lot 139A, located at 5 Mill Street in the Central Business District.\*

Last year the Board approved a Site Plan Amendment to expand parking at this location. At the time, the expanded uses were not known and it was understood that the applicant would come back at a point of time in the future for any additional use. The applicant now seeks to establish a 1,200 sq. ft., 21-seat sandwich shop. Application, site plan and abutters list are on file. Filing fees have been paid. Recommend the application be accepted as complete for purposes of proceeding to public hearing.

Bliss moved, Granfield seconded, THAT WE ACCEPT THE SITE PLAN AMENDMENT APPLICATION OF NORMAND AND ROBERTA MORIN d/b/a CASE N' KEG TO ESTABLISH A SANDWICH SHOP WITH 21 SEATS. Voted unanimously.

### PUBLIC HEARINGS

1. **EDWARD P. AND CAROL Y. MICKUS:** (Rep. Tom Hahn w/FORECO) Continuation of Public Hearings held on September 13 and September 27, 2005, for a proposed Boundary Line Adjustment between Tax Map U08, Lots 1A-2 and 1A-3, located on Red Gate Lane in the Residential District. Application accepted September 13, 2005.
2. **EDWARD P. AND CAROL Y. MICKUS** –Continuation of Public Hearings held on September 13 and September 27, 2005 for a proposed Site Plan to construct a 3-unit, multi-family building with related site improvements, Tax Map U08, Lot 1A-3, located on Red Gate Lane in the Residential District. Application accepted September 13, 2005.
3. **EDWARD P. AND CAROL Y. MICKUS** – Continuation of Public Hearings held on September 13 and September 27, 2005 for an Architectural Design Review of a proposed 3-unit, multi-family building, Tax Map U08, Lot 1A-3, located on Red Gate Lane in the Residential District. Application accepted September 13, 2005.

Tom Hahn and Mark Condodemetraky – UTILITIES (sewer/septic): #1 under this section in the staff review is asking to show the three separate services, sewer line connections between the proposed building and the sewer line so that the connections don't tie directly into a manhole but connect into the

sewer line itself. We need to obtain, this is a modular building and we need to look into the plans for that to see where the sewer connections are coming out of the building and we'll add those to the plan for next time. #2 asks that the detail be provided for an inside drop design for the manhole where the new sewer line is connecting in with the existing sewer line on the driveway into Red Gate Lane. I believe the detail is included on Sheet 7 that we had previously submitted, but what we can do is add a note on Sheet 4 which is the sewer line design just to cross reference that the detail for the inside drop manhole is on Sheet 7. DRAINAGE/STORMWATER MANAGEMENT. I think I handed out a USGS topo. The concern I believe from staff and I think you may have seen it on your site visit is to where the primary water coming off of the building site is going to go and I think we had mentioned before that around the building site itself, the main flow of water is going to come down a riprap swale into a level spreader and then head to the west or northwest and the concern was where that water eventually goes to make sure it doesn't come back into Red Gate Village. On the topo that I had passed out to you, we are showing the lines between Red Gate Village and the site. There is a ridge line, it actually has some bare ledge on top of it and that's a development point of the drainages so that the primary site drainage is going to stay to the west and continue west towards the lake so that water from off the site is not coming back towards Red Gate Village and towards Water Street. The Engineer has done some drainage computations on the lower end of the driveway which is leading towards Red Gate entrance driveway and I believe there were some questions as to computations based upon a certain soil type and if Mark wants to speak to that or if you have any questions about that? Continuing on, there is an existing detention basin on Red Gate Village property and we've been searching for the original data. John had made note that in the Town file there is a note that the detention basin was adequate in design for Red Gate Village, but there were no calculations or numbers as to what the capacity of that basin was so we have been attempting through the original engineer to contact the architect involved and also Meredith Housing Associates to see if they have anything in their files. So far, we haven't come up with any of the original data so I guess if we don't find anything, then we need to go to plan B and do some calculations on our own or to take some additional measurements out there to find out what that design capacity might be. Under SITE STABILIZATION, there is a request for clarification of the Erosion Control and Site Stabilization Best Management Practices. I believe if it's not enough, we can add more, but on Sheet 6 which is the erosion control details, Note #1 refers to conforming to the Erosion Control specifications that DES puts out, but if that isn't enough, then we can add an additional note to that if desired. Under SNOW STORAGE, on the site plan, we had added last time that snow storage areas

will essentially be at either end of the parking area. FUEL SUPPLY – We've added to the revised copy of the site plan that I handed out tonight that the fuel will be LP propane gas. We put locations on both sides of the building and at the moment the plan is for probably 250 gallon tanks and once we confirm that, we'll add that to the next version of the site plan. Under PERFORMANCE GUARANTEE, I don't believe we've obtained the forms necessary to do the cost estimates so that's still an item that we need to pick up. Under LEGAL, we are working on obtaining a drainage easement from Meredith Housing Associates. The second paragraph asks about maintenance of the driveway, sewer line, water system and what not so on the site plan we've added Note #16 that those items will be owner maintained. Under Boundary Line Adjustment, part of the legal items are still in progress as well as confirming the mortgage on the subject site in connection with the drainage easement. We still need to work on confirming whether or not there's a mortgage on the Meredith Housing Associates property and if so, then a partial release would be needed. I just received an e-mail from Mike Faller and I think several of the items in his e-mail have already been addressed here. Again, one of his questions was concerning the driveway drainage calculations and whether the existing 12" culvert will handle the flow. We still need to confirm those numbers based upon the soil question. The 12" culvert that's there can handle basically 1000 gallons/hour. The final calculations that we'll provide will confirm that the culvert can handle the flow coming off the bottom 200 feet of the driveway. Mike also has a question about any deed restrictions on access over the entrance road to Red Gate Village so I'll provide, I've got a couple copies of the deeds that created the easement as well as the conveyance of the easement in the landowners deed and a couple plan references there so I'll leave this with John for staff review. There are no deed restrictions per se. That's all I have. Kahn – Going back to the drainage, you've got this topo map which shows the drainage circling around to the northwest and when we were on the site there was a skidder made wetland in there that was going to collect some of the water but then I guess it is going to flow off to the northwest. This is an old topo so the homes that are shown on it are not the homes that are there. I just want to make sure that the drainage from that skidder made wetland doesn't end up in someone's back yard on Water Street. Hahn – I guess the best I can say at this point is that I'm not sure how long ago the logging occurred on that property, but based upon the vegetation that I've seen, it's probably in the 15-20 year category so I guess I would offer that if there was going to be a problem, it would have occurred by now. Kahn – Did it occur within the last couple days? Vadney – Your answer to him seemed to be that there's been no problem in 20 years, but there's been no development in that spot. I guess his question is once you develop that couple of acres, what will be the increased flow in that direction. Hahn – Yeah, and as far as this site goes, I think you can see there is, I don't have the overview up here, but we're talking

if I remember correctly, it must be about a thousand feet? I'm just thinking that the distance from the site, the water's going to be filtering through woodland and it's probably close to a thousand feet to the nearest house. Vadney – Are there any defined depressions or drainages down through that drain or is it pretty much just seeping through the woods. There are some ridges, but there are no clearly defined drainages until you get about two or three thousand feet northwest of where the site is. That's where the first clear brook crosses underneath Water Street. Edgar – I wanted to bring to the Board's attention that the multi-family aspect of the project requires a Special Exception from the Zoning Board of Adjustment. In order to get to the Zoning Board of Adjustment, they need conditional approval from the Planning Board. We have reviewed the requirements for that manhole as Tom had indicated and I just suggest our standard practices in the approval should be made subject to the Sewer Department's final signoff on the two items that were mentioned this evening. The driveway runoff for a 200' length of driveway in itself is not a lot of water, but the 12" pipe that's existing under the driveway is not normally something that you would put in the ground under today's standards. You would normally oversize it. If you can put a pipe in, typically we like to see a 15" pipe. The cost of the pipe differential is minimal and you get a little bigger bang for your buck so it's not a big deal, it's just that we don't want to create any kind of issue with respect to winter maintenance or anything like that with anything topping over the 12" pipe. So if we have the calcs, I think we've broken off the drainage in two different directions, A1 and A2, just run a quick number to verify that the 12 incher won't have a problem with what's coming down the Red Gate Village driveway and the proposed driveway. I think we could verify that easy enough. I just noted that the drainage analysis that was submitted is predicated upon the Gloucester soil type which is a pretty good glacial till fairly deep soil and I think from our site walk out there, you probably see the classic situation where the way the County may have mapped it in 1968 is probably not what's out there on the site. It's fairly ledgy or at a minimum a very stony site so that may change the numbers a little bit and what it sounds like is its probably not an issue for the capacity of the 12" pipe, but it's something I think you have a responsibility as the abutting landowner to make sure that it's going to work so it's a small exercise, but I think it would be a prudent one. In terms of separating out the two catchments on the project, A1 and A2, perhaps we could have Mark just, he's the design engineer, maybe he can do a simple verification of exactly what the flow path is going to be to ensure that we get the kind of northwesterly extension of that drainage and maybe we can just have Mark verify that as well. With respect to a couple of the other odds and ends, the fact that the electronic worksheets haven't been forwarded is simply my responsibility and is something I've not gotten to, but what I've suggested here is that we would set up the Performance Guarantee review as a

compliance hearing item. Basically, there are two items for purposes of a performance guarantee, one is going to be site stabilization and the other would be the air connection to the sewer. We're not talking real huge numbers here because we are not looking at a subdivision per se and that can certainly be handled at a compliance hearing. The other verification from the drainage point of view is just looking at the downstream. Here again, we're not sending a lot of water downstream, but we are sending it into a detention pond and quite frankly, I don't know what the standard of care was in 1983 in terms of what they designed to. We don't want to cause a problem for ourselves downstream on Water Street. Here again, not a lot of water, it might be just something with a little bit of verification on the engineer's part coupled with the drainage easement that might take care of things in that regard. I think we certainly have made progress, as we noted the last time, we've changed the driveway profile, basically for all practical purposes, the Water and Sewer Department has signed off on where we are at this point. I think with a couple verifications on the three drainage issues, I think it would be prudent and we could put that one to rest so that would be verifying that northwesterly direction for the bulk of the drainage, the capacity on the 12" cross pipe and the ability for the existing Red Gate Village detention basin to receive additional water. We do have three applications, one is a Boundary Line Adjustment so we should be looking at three votes. The Boundary Line Adjustment is good to go with the exception of the pins which we typically require verification that the pins have been set prior to recording of the mylar so that's pretty straightforward. You have the site plan we've been speaking primarily to and then you have the review of the elevations of the building under architectural review, which you've seen at a prior hearing. Vadney – It seemed to me that a lot of questions discussed were will and not have and are still to be done. Do many of these things rise to a level of doing staff things or... Edgar – I think for the most part they are relatively minor. I think the design engineer is verifying the 3 drainage issues. They are relatively small enough in scope where I think that would be reasonable. A Special Exception is a standard condition of a project like this. Final signoff by Water and Sewer is administrative. Verifying a couple of plan notes relative to snow storage, fire chief signing off on the fuel tank locations is a standard condition. The only thing that would necessitate the discretion of the Board would be the performance guarantee. If you wanted to add the drainage improvements to come back at that same compliance hearing, I can have those verifications come back to you if you felt that would be appropriate. The way this is structured in the staff review, there would be a follow-up hearing at a minimum for purposes of reviewing some construction numbers and so if you want to tag something else to that scope, it would be coming back for a final review. Kahn – A question, I'm perfectly willing to do this on a compliance hearing basis, but what was it that was going to be done with respect to the

water flowing to the northwest? What verification are we looking for? Edgar – Just verifying from the engineer's point of view that it in fact, confirming what Tom has said giving you the USGS topo, if you want the engineer to go out in the field, it's his design and we're representing that it doesn't need easements out in the back and it's all basically going to go in a certain direction a thousand feet away. Kahn – I'm perfectly happy to accept that it's going in that direction, my concern is when it goes in that direction, who's yard does it end up in? How do we verify that it's going to be dispersed to a sufficient extent that we don't have to worry about it? Edgar – The best I can say, Lou, that's the responsibility of the design engineer. Mark Condodemetraky – I work with George Condodemetraky and there should be and there is sufficient vegetation and growth and permeability in the soil that as the water does drain from this site to the northwest towards any other homes or any other area, the vegetation will sufficiently slow the velocity of the water in order for the ground to allow permeation into it. And again, it's not massive amounts of water that we're worrying about. If it survived this last week and this week coming up, we're doing well. For the way he designed this based on the movement of the water, there is sufficient vegetation in this area, there is sufficient distance from where this development is occurring to where there is existing development. The velocity of the water will be slowed, that there will be ample permeation from the water into the ground to allow for sufficient drainage going in this direction so it's not going to end up in anybody's basement, it's not going to end up washing out streets or taking out homes or creating any damage. That is the way we designed this so those are our assurances. Vadney – In rough terms, how big is the area being developed in acres and how big is the rest of that lot, for example? Mark – After the Boundary Line Adjustment it's going to be about 7.38 acres and I believe that on here it's 13% so it's roughly an acre that is being disturbed. Vadney – And that northwest drainage kind of takes the long route across that property? Mark – Yes. Flanders – I think we need to do this in 3 pieces. We have 3 different things in front of us so I would be prepared to make a motion.

Hearing closed at 7:30 p.m.

Flanders moved, Bliss seconded, I MOVE THAT WE CONDITIONALLY APPROVE THE BOUNDARY LINE ADJUSTMENT CONTINGENT UPON THE PROPER RELEASES AND THAT COULD BE HANDLED ADMINISTRATIVELY BY STAFF FOR EDWARD P. AND CAROL Y. MICKUS, TAX MAP U08 – LOT 1A-2 AND 1A-3, LOCATED ON RED GATE LANE IN THE RESIDENTIAL DISTRICT. Voted 6-0 in favor of the motion.

Edgar – Mark, I think it would be helpful for our file if your company or George could send us something that basically speaks to what you just shared with the Board. His stamp is on the plan and I think it would be prudent for the

Town to have something in the file that basically speaks to what we said in that we will have sufficient vegetation, permeability and distance for that amount of drainage to infiltrate into the site so that it won't cause any issue relative to downstream abutters. Mark – We would be more than happy to provide that to the Board.

Bliss moved, Bayard seconded, MR. CHAIRMAN, I MOVE THAT WE GRANT CONDITIONAL APPROVAL FOR EDWARD D. AND CAROL MICKUS FOR A PROPOSED SITE PLAN TO CONSTRUCT A THREE-UNIT MULTI-FAMILY BUILDING WITH RELATED SITE IMPROVEMENTS, TAX MAP U08 – LOT 1A-3, LOCATED ON RED GATE LANE IN THE RESIDENTIAL DISTRICT, WITH THE FOLLOWING CONDITIONS:

- (1) THAT A SPECIAL EXCEPTION BE OBTAINED FROM THE ZBA AND CROSS REFERENCED ON THE FINAL PLANS;
- (2) ANY APPROVAL BE MADE SUBJECT TO THE SEWER DEPARTMENT'S APPROVAL OF THE FINAL PLANS;
- (3) THAT THE DRAINAGE BE LOOKED INTO FURTHER AND THAT MIKE'S CONCERNS REGARDING THE DRAINAGE THROUGH A 12" PIPE BE CONSIDERED THROUGH STAFF AND THE DESIGN ENGINEER SHOULD VERIFY THAT THE RECEIVING DETENTION BASIN THAT WOULD RECEIVE DRAINAGE FROM APPROXIMATELY 200' OF DRIVEWAY RUNOFF HAS SUFFICIENT CAPACITY WITHIN THE ORIGINAL DESIGN INTENT TO ABSORB ADDITIONAL INPUT FROM THIS PROJECT;
- (4) FINAL PLANS SHALL CLARIFY EROSION CONTROL AND SITE STABILIZATION BEST MANAGEMENT PRACTICES AND BE INCORPORATED IN THE PERFORMANCE GUARANTEE;
- (5) FUEL SUPPLY TYPE, TANK SIZE AND LOCATION SHALL BE IDENTIFIED ON FINAL PLANS AND REVIEWED AND APPROVED BY CHIEF PALM;
- (6) THAT A PERFORMANCE GUARANTEE IS REQUIRED TO GUARANTEE SATISFACTORY SITE STABILIZATION DURING CONSTRUCTION, AS WELL AS THE PROPOSED CONNECTION TO THE MUNICIPAL SEWER. THE DESIGN ENGINEER SHALL PROVIDE UNIT COST ESTIMATES ON FORMS PROVIDED BY THE TOWN. STAFF WILL REVIEW THE ESTIMATES AND MAKE A RECOMMENDATION TO THE PLANNING BOARD. THE PLANNING BOARD SHALL ESTABLISH THE AMOUNT OF THE GUARANTEE AFTER A PUBLIC HEARING. THE FORM OF THE GUARANTEE SHALL BE EITHER CASH OR LETTER OF CREDIT. THE FORMAT OF THE LETTER OF CREDIT OR CASH AGREEMENT SHALL BE APPROVED BY THE FINANCE DIRECTOR.



- (7) A DRAFT DRAINAGE EASEMENT SHALL BE SUBMITTED FOR STAFF REVIEW. TO THE EXTENT THE RED GATE VILLAGE PROPERTY IS ENCUMBERED BY A MORTGAGE, A RELEASE WILL BE NECESSARY. IF THERE IS NO SUCH ENCUMBRANCE, APPLICANT'S ATTORNEY SHALL SO VERIFY IN WRITING. AN EXECUTED EASEMENT SHALL BE REQUIRED PRIOR TO FINAL APPROVAL.
- (8) IF THERE IS A MORTGAGE OR MORTGAGES ON TAX MAP U08, LOT 1A-2, THEY WOULD NEED TO BE RELEASED PRIOR TO AND IN CONJUNCTION WITH THE RECORDING OF THE MYLAR. IF THERE ARE NO MORTGAGES, APPLICANT'S LAWYER SHOULD SO CONFIRM IN WRITING.
- (9) WRITTEN EVIDENCE SHALL BE PROVIDED THAT THE CORNERS AND ANGLE POINTS ASSOCIATED WITH THE BOUNDARY LINE ADJUSTMENT HAVE BEEN SET PRIOR TO RECORDING OF THE MYLAR.
- (10) THE BOARD RESERVES THE RIGHT TO REVIEW AND AMEND ANY APPROVAL AS PROVIDED FOR IN SITE PLAN REVIEW REGULATIONS NOS. 7 & 17.

Voted 6-0 in favor of the motion.

Vadney – Do you have any photos or anything of the architectural design.  
Kahn – We had them at the prior meeting. Any discussion on the architectural design or a motion?  
Flnaders – Mr. Chairman, I would just like to ask a question. In the first hearing, a couple questions were asked about this, is this the exact same plan you're submitting tonight or has there been changes?  
Hahn – We had, I think initially we may have submitted some proposed floor plan elevations, but in terms of what was submitted with the formal application that should be what you have.  
Bliss – What is the color?  
Mickus – We haven't decided yet. It probably is going to be a beige.  
Bliss – I would just like to add, I would like us to at least put a verbal color into that because the architectural design review is color and if we don't have a color in that motion, he could paint it purple or something else so I would rather have it in writing. I like the design, I just think not having a color doesn't fulfill all of the architectural design regulations.  
Flanders – I would like to make a suggestion that you know we've taken care of the things they need to proceed to the ZBA, there's no need for us to rush the judgment on this right now and I'd like to see us get the full packet of information. It's not going to delay them in any way.  
Vadney – They can go to the ZBA with what they have.  
Flanders – I'd like to make a motion that we continue the architectural design review to the next meeting... Do you want to come back at the next cycle for the Architectural Design Review? Does the ZBA have the capability of acting in one meeting on this?  
Edgar – By virtue of the conditional approval that you

have for your site plan , you're clear to go to the ZBA so if the Board were to continue this hearing, it doesn't affect your proceeding with the ZBA. Hahn – We are going to be before the ZBA in a couple days and if they were to act at that meeting, then we could come back in two weeks. Bliss – If I could go one step further, I would have no problem having staff at least get that final item, I don't think we as a Board need to see it, but I think it needs to be somewhere within the Planning Office, they need to see some colors. Edgar – I don't have a problem doing that as long as you guys are comfortable with it. Edgar – Basically, this is a ranch style building, it's not going to be visible from a public way.

Bayard moved, Bliss seconded, I MOVE THAT WE APPROVE THE ARCHITECTURAL DESIGN AS PROPOSED FOR A THREE-UNIT MULTI-FAMILY BUILDING, TAX MAP U08, 1A-3, LOCATED ON RED GATE LANE IN THE RESIDENTIAL DISTRICT WITH A CONDITION BEING THAT THE COLORS BE SO NOTED AND REVIEWED BY THE TOWN PLANNER OR HIS OFFICE JUST TO VERIFY THAT THEY ARE IN KEEPING WITH THE GENERAL DESIGN REVIEW CRITERIA. Voted 6-0 in favor of the motion.

4. **KIM W. AND DONNA C. WEILAND:** Rep. Kim Weiland

Pictures submitted to Board. The lower left picture is from the rear of the property and the small one-story bump out if you recall the site plan is what's going to be torn off and that is where the two-story addition will attach to the existing building just to the left of that second story window so that window is not blocked. The finish on the addition will be similar with double-hung windows, window and door trim will be similar. A notable feature on the Inn is this wide clapboard. The original structure which is the front half of the Inn, which was built back at the turn of the century, used this wide clapboard wood siding. The prior owners in subsequent additions have used a masonite product to match that reveal. Where we have done some residing for maintenance reasons, we have gone to a hardy pine product that shows the same reveal and that's what we intend to use on this addition. The color, I think there are a couple of color pictures. We just had the Inn painted this spring and the color of the addition will be identical to the existing. Edgar – Other than to draw your attention to the application, Section D of the application kind of goes through the different elements that Kim has summarized and speaks to the siding, corner, the trim to match, the color to match, etc. All of the design elements of the additions are intended to complement the existing building. Hearing closed at 7:50 p.m.

Bayard moved, Flanders seconded, THAT WE APPROVE THE ARCHITECTURAL DESIGN REVIEW FOR THE PROPOSED ADDITION TO AN EXISTING BED & BREAKFAST, TAX MAP U07, LOT 14, LOCATED AT 25 RED GATE LANE IN THE RESIDENTIAL DISTRICT. Voted 6-0 in favor of the motion.

5. **GREATER MEREDITH PROGRAM FOR CHI VAI PHU AND YOONG CHAN PHU d/b/a PHU JEE CHINESE RESTAURANT:** Rep. John Pettit

John Pettit – I work for Chris Williams Architects and I'm one of the members of the Dream Team involved with the Greater Meredith Program and this project that involves Phu Jee's Restaurant at 55 Main Street. We are proposing to facilitate a rehabilitation of the façade involving replacement of windows and new signage bands and that sort of thing. We submit to you three exhibits which are part of the package that were presented to you earlier. At the top of the submittal, we have our proposed final scheme. We estimate circa 1935, 1940 and then we have this photo which represents the structure just about two weeks ago. We are involved in, I think our concept is, basically we are looking to take it back and remove the existing cladding that was put on for maintenance purposes. We estimate probably in the 50's. We are supposing that beneath this there was wooden strapping attached and this material was just applied over the masonry probably with no alterations to the structural masonry. We are anticipating being able to take that off and rediscover this arched opening. We will propose to respect the existing storefront for the antique store and reconfigure it in a very similar fashion. We want to remake the storefront here using high performance modern windows and that sort of thing but in keeping with the scale and configuration of the existing structure. The building, just for background purposes, was constructed in 1911 and it's a modular masonry building, early concrete block basically with a rough coursing up to this tinted band, there are lintels that are tinted. Those would all remain the same. Above this band here we have sort of a roman brick masonry that's also... and takes us up to the cornice which is a red brick masonry. None of that would be altered in our proposal, but we are in the scope of work looking at replacing the high performance windows in keeping with the original windows on this upper level and replicating the existing façade on the lower level. Granfield – Is that band that's up there where you have the name going to continue all the way to the back of the building or stop at the end of the window? We are anticipating, I mean that is something we are studying right now, but our initial concept is that would stop at the break point in the high portion of the building that goes to a lower portion which is essentially the kitchen area, but that would take us significantly around on the side street. Granfield – So that would be past where the current big window on the side is now. Pettit – It would definitely

extend past the existing window on the side. I didn't address that but the idea there is also in keeping with the store and this sign band that would probably be in a very dark green or dark black green with a, it wouldn't be gold leaf for budgetary purposes, but it would replicate gold leaf. Bliss – Is there going to be anyplace like on the old window where it says Chinese food or anything on the windows themselves? Pettit – This is conceptual but the intent is like Archie has employed now and in keeping with this type of structure historically there would be lettering on the windows so we would think that both of the storefronts would have some sort of signage employed in the glass. Edgar – This approach is very similar to what the Board had approved conceptually when we looked at the Village Perk across the street where we've gone back to the old photographic records to use that as a guide for this façade rehab. It's not an historic preservation in the literal sense, but we've basically used the historic evidence as a guide toward rehabilitation. Hearing closed at 8:00 p.m.

Bliss moved, Granfield seconded, MR. CHAIRMAN, I MOVE THAT WE APPROVE THE ARCHITECTURAL DESIGN REVIEW FOR THE GREATER MEREDITH PROGRAM FOR CHI VAI PHU AND YOONG CHAN PHU d/b/a PHU JEE CHINESE RESTAURANT, TAX MAP U06, LOT 61, LOCATED AT 55 MAIN STREET IN THE CENTRAL BUSINESS DISTRICT. Voted 6-0 in favor of the motion.

6. **NORMAND AND ROBERTA MORIN d/b/a CASE N' KEG:** (Rep. Carl Johnson)

The Board saw this project not too long ago when this was actually two lots of record. The existing Case N' Keg facility located on one lot and the vacant lot next door. At the time we came in for expansion of the parking, this lot was merged into the Case N' Keg parcel so now we have one existing lot of record. What's being proposed here is to incorporate inside the Case N' Keg building a small sandwich shop which would have 21 seats available inside. The majority of the business would be generated as takeout. The parking calculations are generated based on the existing configuration of the Case N' Keg building. Currently, the majority of the area that's a sandwich shop, prior to the renovations was storage. The parking calculations can be seen on the chart at the right with the existing retail business netted out, the proposed 21 seat sandwich shop included, requires a parking of 24 spaces and there are 24 spaces provided on the site as a result of the prior approval of the Board. We've made some modifications to the site plan reflecting some of the improvements that have been made. As you know, there's been a considerable amount of improvement to the building. There was relocation and lifting of the sign to provide for safety sight distance. It was somewhat

an obstacle for vehicles pulling out and it's now been lifted and is no longer a problem. The parking has been reconfigured such that all of the parking now in front of the building faces in. The overhead doors which were formerly located in this area, got relocated to one large overhead door here. All the deliveries and associated things with the Case N' Keg business now go around the back of the building and come in this overhead door. There was a modification of the existing entrance. There is now a walkway that wraps around the building underneath a porch roof. There's been a considerable amount of landscaping done. There's been a general upgrade of the Mill Street ROW which includes a significant amount of granite curbing. The incorporation of the sandwich shop inside the existing Case N' Keg building essentially does away with any future structures appearing on this portion of the property. If you've had a chance to go by, you can see the improvements. If you've had a chance to go in, you can see that the parking works quite well. The traffic flow is a lot better than it was. Vehicles getting in and out, deliveries and so forth have been greatly improved. It did require a filling of a small area of the wetlands here that is to be reclaimed by native species. The invasive bamboo species, which the State of New Hampshire despises, has been eradicated. There is a staff review and there are a few comments regarding it. All of the utilities here are existing, sewer and water and so forth. There are no changes to sewer and water. Any type of grease traps and things that are associated with a food shop are reviewed by the Sewer and Water Department and are handled under the Building Permit process. It is an approved use in the zone. This is zoned Central Business. We do not have to go for any Special Exceptions to be proposing a sandwich shop in this particular location. We did have dumpster on the plan. I can add a note. Right now the Case N' Keg business has pretty much mostly dry items and it's actually handled inside the building and a company actually comes in and takes the material that's inside the building, wheels it out and takes it off site. That's not expected to change greatly. The dumpster that would be for the proposed sandwich shop would be located in one of two locations. We are proposing it here, largely because the location of a dumpster is highly predicated upon the ability of the company that provides the dumpster to get in and take it out. They happen to be very particular about where you show it on a plan. It would be safe to say that a majority of the time, they don't like where I put it on the plan because they like it to be in the easiest place to get the vehicle in and get the vehicle out. The location over here is such that the dumpster vehicle could get in, back into the dumpster and drive out so you wouldn't have any dumpster vehicles backing out onto Mill Street, it would be self-contained. If there was an additional location of the dumpster that might be better suited to both the dumpster company or the business here, we will bring that to the attention of Mr. Edney, the Code Enforcement Officer, to determine whether or not that's a significant enough change to warrant

bringing it back to the Board, but right now what we intend to do is to stick the dumpster here and put a screening in front of it to largely shield it from the view of Mill Street. The signage also was handled, depending on the company that actually goes in here as a sandwich shop, there would most likely be an additional plaque to the existing sign in the front and signage on the side of the building. Because of the frontage here on Mill Street, there's adequate signage available to accommodate the existing Case N' Keg signage, plus any additional signage for the sandwich shop. That would be handled under a sign amendment. The general site as you notice has been significantly upgraded and if there are any further questions from the Board, I would be happy to try to answer them. Bliss – Who's the franchise you're thinking of for the sandwich shop? Johnson – Right at the moment, it's tentatively Subway. The Site Plan Review Regulations do not distinguish between a franchise, like a Subway Sandwich Shop or Ed's Sandwich Shop. It's a sandwich shop, it's 21 seats, but right now the intent and the negotiations are with Subway. There was actually a Subway Sandwich Shop in Meredith at the former location of the Mobil on the Run. Kahn – Are we doing to be dealing with distinctive Subway signage and decoration? Johnson – I would say that the Subway franchise probably dictates their signage to some extent,. Kahn – Should we require approval of the sign down the road? Flanders - I would respectfully disagree with Carl's last statement. We don't have a pylon in front of the Volvo garage either, Carl? Bliss – With that in mind, when we make a motion, I would like to see that the signage does come back to us for approval. Florence Nutter – If it's going to be a restaurant, are they going to have a restroom? Johnson – The restroom would be inside of the building and part of the sandwich shop. Hearing closed at 9:12 p.m.

Flanders moved, Bliss seconded, MR. CHAIRMAN, I MOVE THAT WE GRANT CONDITIONAL APPROVAL TO NORMAND AND ROBERTA MORIN D/B/A CASE N' KEG FOR A PROPOSED SITE PLAN AMENDMENT TO ESTABLISH A SANDWICH SHOP WITH 21 SEATS, TAX MAP U06, LOT 139A, LOCATED AT MILL STREET IN THE CENTRAL BUSINESS DISTRICT WITH THE CONDITION THAT WHEN THE OCCUPANT OF THAT SPACE IS IDENTIFIED THAT THEIR SIGN PACKAGE COMES BACK TO US FOR REVIEW, THE CODE ENFORCEMENT OFFICER SHALL RULE ON ANY CHANGE IN THE DUMPSTER LOCATION AND THE BOARD RESERVES THE RIGHT TO REVIEW AND AMEND. Voted 6-0 in favor of the motion.

Edgar – In terms of what the expectation is for final plan signatures, it would be an initial location with pad and screen and then the flexibility would be there if we need to tweak that. With respect to the sign package, you would

review that in the context of a public hearing. Vadney – We don't want to be persnickety on that, but some of that signage can be pretty ugly.

### **PRE-APPLICATION DESIGN REVIEW**

1. **STEPHAN T. NIX FOR MILE HIGH REAL ESTATE, LLC:** (Rep. Steve Nix) Pre-Application Design Review regarding a 10-lot subdivision including reclassification of an existing Class VI road layout connecting Happy Homes Road and Harris Road, Tax Map U32, Lot 11, located off Harris Road in the Shoreline District.

Flanders – Mr. Chairman – For the record I would just like to disclose that in my duties as the Code Enforcement Officer in Gilmanston, I'm working with the Boy Scouts and they are being represented by the Bedford Design Group. I don't think it's a conflict, but I wanted to put it on the record.

Steve Nix – Attorney representing Mile High Real Estate and with me is David Walker, the engineer and Vatche Manoukian, owner of Mile High. This property is located off of Cattle Landing Road. It was before the Board sometime ago. The property on the Tax Map is outlined here. This is the Neck Road which turns into Cattle Landing Road and comes around and turns into Harris Road. This is Happy Homes Road coming in this direction here. The property again is outlined here. On the tax map, there are some right-of-ways and there's a road shown from a prior subdivision done in the 1980's. Those roads were not constructed. There is a driveway that leads to one single-family residence which on the tax map is shown as #2. That driveway comes in from this corner and goes into the house on #2. The proposal and again this is a non-binding discussion tonight so the Board won't be making any binding decisions, it's more informational to put information on the table and have meaningful discussions both with the Board and the abutters. Vadney – Is it clear that this is called a pre-application and they are just deciding how they want to go forth and your comments will fit into that as well. On this map Happy Homes Road comes out in here and comes up to the property line. On this road, Harris Road, the public portion comes up to this position and comes up the property line right here. There was some discussion, this property does come out and hit the Neck Road in an area that's approximately 30' wide which isn't wide enough for a conventional Town road. We did some research into the status of Happy Homes Road and from the Meredith Town Road Book written by Harold Wyatt, we found reference to both Happy Homes and Harris Road which took us to a layout that was done in 1926 and that layout starts back up here on Happy Homes Road at the beginning and there's a very specific metes and bounds description that

brings Happy Homes Road all the way through this property, the public right-of-way portion of it and it's right here and then it hooks up to the end of the public Harris Road here. Again, this was in 1926, a very detailed metes and bounds description. That starts on the third page of the handout. The first two pages of the handout are the history written by Harold Wyatt who had a great deal of knowledge of the roads in the Town. This particular geometric layout that's shown on this plan is the metes and bounds description from this layout. Apparently, they knew what they were doing because this layout that comes through the property follows the grade of the land, it avoids wetlands and it's essentially the best place to build a road to connect these two. From this documentation, it is my client's position that there is a Class VI highway that exists from 1926 that hooks up the end of Happy Homes and the end of Harris Road. Vadney – Say that again, you're saying they laid it out in 26 and it's been a Class VI since then? Nix – That's correct. In New Hampshire when a road is laid out according to statute, the only way to abandon that road is through a discontinuance which is done through the Town Meeting and I researched the Town Meeting warrant articles from 1926 to 2005 and essentially looked at every single one of them and this road has not been discontinued so the law in New Hampshire is that once a public ROW has been established that it remains essentially in perpetuity. That is the background on this layout of highway coming through here, it's a Class VI highway. This proposal would propose to construct that highway and to change the classification to a Class VI highway. Also to construct a cul-de-sac and again this is a very preliminary design so this cul-de-sac may be longer on here than what would actually be constructed and then subdivide 11 lots. There would be one shorefront lot and 10 backland lots. When you come out of this lot, there is a gravel driveway that takes a left and heads down towards the shore and this lot owner would have a right to access onto this new road and then to go out. That's essentially the proposal. Vadney – Would the existing home continue to have access the other way as well? Nix – The soils have been mapped by Jim Gove. Dave Walker, Bedford Design – We've surveyed the boundary here, Jim has flagged all of the wetlands and done the soil mapping. We've indicated the wetlands in here. Jim can talk about the significance of those and some of the vernal pools. Based on our calculations on his soil mapping when we take the total property of 53 acres, we subtract the wetlands and then a possible number for the area of the ROW, we get somewhere about 20-21 possible lots out there based on soils based lot sizing, but we are only proposing right now 11 lots. Vadney – I want to make sure I understand the word right now? You are saying, once this is subdivided would there be anything that would be eligible for further subdivision. Walker – I don't believe so because, like this lot here has several acres, but according to your regulations, they must have at least 50' of frontage in here so this lot has limited frontage, but is a larger lot. We looked



at these lots, I'm jumping into Jim's expertise on the wetlands, but we met with the Town staff and we took your wetland ordinance to heart and we wanted to look at this from an environmentally sensitive area. We know it's location, we know it's one of the last pieces of property down here and there are some significant wetlands in here so we tried to position the lots where we're not doing impacts to the wetlands, we're not changing any of the buffers. Jim Gove, Gove Environmental Services – A team from my office came up and as noted they flagged the wetlands, they have a soil map out here. We also wanted to be here for any questions about any threatened or endangered species or any significant habitats. This past spring in addition to contacting Natural Heritage Inventory, we also conducted an investigation out here to see if any of these wetlands were acting as vernal pools and we found that several of them were. The largest and most extensive vernal pool area actually lies right in this zone and so as we looked at this and put in our suggestions to the development team, our thoughts were that we would try to maintain as much of a distance as possible from this particular area from development so that, in fact, we are looking at something here that doesn't have any direct dwelling impact and also maintained a fairly significant distance for any potential house locations away from this particular area because we have found that to be an area that has vernal pool species. There were a couple of other hits from the Natural Heritage Inventory. Just because we're in the area of the Neck, they mentioned the common loon, I don't think we have a lot of impact as far as that's concerned and also a couple of different lady slipper varieties, the grand horn lady slipper. We also didn't find any of those on this site as well so that's sort of in a nutshell what we're looking at here. Nix – The conversion of the road is something that we will have to work on reclassification of the road from a Class VI to a Class V is something we will have to work with the Town, both the Planning Board and Board of Selectmen regarding the classification. The connection of those roads is very beneficial from a health and safety standpoint and allows a circular access for fire equipment, emergency services, police. It also allows the length of travel to people who are at the complete other end to be lessened, but it appears that when the... Vadney – Put your finger where Happy Homes leaves Meredith Neck Road and where at the lower end after it's crossed your property? I was just trying to get a feel for what percentage of the people living on the Neck would start going that way instead of the other way. Nix – There is a bad corner in here so it's always hard to tell, but maybe more people would prefer to go a little longer distance. Vadney – There are a few bad corners on Harris Road too. Nix – I think that's pretty much where we are. We did look at other possibilities for future subdivision and to leave rights-of-way and because of the combination of the pre-existing subdivisions and the wetlands they affect, like this lot here there is a wetlands

complex that affects, we did an analysis of where we could leave rights-of-way to access other parcels and we weren't coming up with anything that really made sense short of dead-ending a 50' ROW to a parcel of land that due to environmental factors, nothing could be done with it anyway. So we have gone through an analysis of that utilizing this tax map out here. Vadney – Does that mean you're saying that you intend to not re-subdivide. Nix – Well, when this subdivision is done because of the length of cul-de-sac issues, wetlands issues, defacto it's done. Edgar – A general question, Steve, have you folks evaluated Happy Homes Road in terms of its intersection with Meredith Neck Road, the width of the traveled way, its suitability to absorb 8 or 10 more homes and traffic. Walker – No, we haven't done that. Nix – I drove down there looking at Happy Homes Road and there is one area in here where there's some rather large pine trees that squeeze it down. There's probably some drainage work that needs to be done out there, but generally, it's in pretty good shape. Flanders – Have you evaluated the sight distance coming off of Happy Homes Road in each direction on Meredith Neck? Bayard – I assume these are existing homes. I'm looking at Lot #6, there's two houses there. Nix – There are some existing buildings. There is a house out here, there's a barn, there's a few small sheds. Unless someone expresses an interest in buying this lot with these buildings on there, these buildings are not of any great value and probably would be razed. Bayard – And the same is true for... Edgar – There's a lot without a number and that's because it's an out lot, it's not owned by the developer, it's owned by somebody else. Flynn – The unnumbered lot is my lot. It is owned by myself, Shaun Flynn and my wife Julie. Vadney – And you were here at the previous meeting we had some months ago? Flynn – Yes. Krochina – There was already a meeting on this Mr. Chairman? Vadney – It was on this piece of property, but... Walker – I believe I was here September 14, 2004, a year ago and we just talked about some of the issues and we are now just getting going with the survey and wetlands. Lindquist – Who are you representing, the sellers or the buyers? Nix – The buyers. Lindquist – Has the property not been sold? This road that you propose based on a 1926 layout and has never been discontinued, how could it have been if that was always a private road? It has just recently become a public road. It never passed a perc test. Creating a circle pattern here, would have continual traffic coming into the town and would be a definite public health hazard, fuel exhaust, noise pollution, I think it's outrageous what you are trying to do. You are actually giving 10 more lots beach rights if that's what you plan to do and when the property was sold, it was my understanding that only four (4) houses were allowed beach rights. Some of the survey markers down there are actually on our land, they are not in the right position so I don't think this is even an accurate map and I question, I don't know the exact acreage now, but I think

that's a lot more people going down to the water (cannot make out). There's a national wildlife refuge across the way with loons. Vadney – We do have some fairly strict rules on water access. Nix – The waterfront parcel is being proposed as one lot. The Flynns currently have rights to access the water. Under this proposal, there's not enough frontage there to allow these back lots to have frontage to the water. Because of the location, the State of New Hampshire requires 150' of frontage per unit. This particular lot has around 300'. Again, it makes more sense to leave it in one piece so this will not be lake access for the back parcels here. Vadney – There's not enough frontage to divide up the 11 lots, but the ordinances would also prevent granting deeded access to those additional lots. Nix - The local ordinance would allow some, but you have to compare both State and local and between the two would be precluded from allowing all these lots shore frontage. Edgar – When we reviewed this at a staff level just talking about trying to look at alternative layouts, this is the alternative they have come back with to provide basically a building site for the 350' of frontage. Vadney – So that one lot would have water frontage and none of the others would have deeded access? Nix – Except Mr. Flynn who already has deeded access. Krochina – I'm confused on who actually owns this. Does Mr. Flynn own this or not? So you rent? Flynn – We own the one lot, it's about 2 acres. Vadney – It's a strange situation, but some 20 years ago he bought his lot and it was the only one sold from what I remember from a year ago. Flynn – The house we live in was built for the in-laws of the owner of all the property. We are the third owners. Nix – This is the original subdivision from about 1980, somewhere around 1980 they had a complete subdivision done down here and Mr. Flynn's lot is the lot right here and all of these lots at that time had access down here, but his was the only one sold. Vadney – Flynn's lot was sold many years ago and is now excluded from this subdivision. Krochina – This subdivision was approved by the Board? It's only under one tax map lot number right now. Nix – That's correct. When was that approved? I was never notified of that. Lindquist – I wasn't made aware of that. How can you approve a lot division when someone hasn't bought? Lindquist – I knew the original owner and she said the area they are trying to develop never had a perc test done, it's all woodland. O'Grady bought the property, built a house for his in-laws and sold the house that is no longer livable (cannot make out) I don't know how much water frontage is there, it is unclear on this map as to where Lot 31 is because the Happy Homes Road lies very close to this. (cannot make out) Vadney – There is only enough frontage for one shoreline lot. Nix – There's enough frontage for two lots, but the applicant has decided to retain this as one lot. Krochina – When was that approved by the Town and when was everybody given notice on that subdivision? Nix – This one was approved sometime in 1980. Krochina – There should be a date on there. Nix – Yes, but it's very difficult to read. It is pre-1980. Vadney – In the

late 70's probably. Krochina – The Fosters owned it in 1975. O'Grady didn't own it until 1980 so it had to be after so it had to be after 1980. How did it get subdivided if nobody was noticed of the subdivision? Krochina – My grandmother is Jessie Harris so she's been there. Krochina – My mom was opposed to this. Vadney – It's relatively a moot point because the subdivision itself died except one lot was sold out of it owned by Mr. Flynn. Is that the correct situation? Nix – That's correct. Challenging this subdivision does nothing except affect Mr. Flynn. If you want to challenge this subdivision, have at it, but only Mr. Flynn will be affected. Vadney – Is that clear? That subdivision has expired, it wasn't acted on. Nix - Mr. Chairman, if the abutters would like to argue that this subdivision has not expired, we will not challenge that. (??)I live on the corner of Patricia Drive and Cattle Landing Road. It seems as though I've been a frequent here on a number of different issues that have come before different Boards within the community recently. I would like to ask a couple of questions? You say you will not challenge that's a subdivision, but on the other hand you want to have the road that was proposed back in 1926, if I understand your question to have that as a legal road and continue without waiving that right also? Vadney – That the Class VI road was established by the Board of Selectmen in 1926 has no bearing whatsoever on who owned that land then or now. That road was laid out and never been abandoned so that's something the Planning Board can't deal with, it's State Law. That's not something like a subdivision that's done by the Town ordinance. Let me re-phrase the question. You have this road coming in that would make a continuous loop as I understand it coming up Cattle Landing Road, Harris Road, back down Happy Homes and back out to Meredith Neck Road. Happy Homes is a dead-end road, Harris Road is also a dead-end road so you are going to be making a continuous loop here. Why can't you just access and leave a dead-end someplace? I'm just talking about the road itself. Why do you need to make a continuous loop out there? Nix – I think without having discussed this with my client, I think I can venture to say that if the Planning Board were to allow a cul-de-sac to be constructed in there that would meet the needs of everybody, the continuous loop is necessarily something we are looking for, but from a planning standpoint, generally the Planning Boards in towns look for loop roads... Vadney – This is a conceptual hearing and one of the things we most likely will require, if this goes forward, would be a traffic study of the situation down there on the Neck and kind of a study that included travel times from the far ends of Harris Road now and propose what they would be and try to get some engineering judgment on that. Ed Talbot – 33 Happy Homes Road – I would like to go on record as being opposed to this proposition of having a continuous loop. I've

lived there since 1975. The people that live there actually help the Town maintain the road because of the frost heaves and such that goes on on the property year-round. Those of us that live there do our best to take care of the road. It dead-ends which keeps the traffic down and keeps people going slow on the road. The only time we have other people coming in there are people that get lost which are the same people that drive all the way around to all of the mailboxes at the end of Harris Road. I have two grandchildren that play out on Happy Homes Road. That's why I bought the property in 1975 because it was a quiet little dead-end road. If you increase the traffic which will be monumental, you can't just consider the twelve houses, I don't care how many houses you want to put in there and as far as I'm concerned, I wish you all the luck in the world that property's been vacant for a long time, you have 50 acres, you should be entitled to do something worthwhile, but to make that connection to have that road now, it would become a racetrack. It will be just like we're down in Loudon on Route 106, they'll be going around that thing all day and all night long. Right now there's plenty of wildlife on that road, we have deer that go there year-round now, going back and forth on the road, you can check with the Department of Natural Resources and the Fish & Game. It is a highly populated area for deer and if you've got cars whizzing back and forth there, not only the automobiles that are involved in the 10 or 12 lots that are going to be in there, I've walked that road all summer and I'd like to tell you every time I go for a walk, I have one or two people stop and ask directions where they are going so all of those people aren't going to stop anymore, they are just going to keep going around in a circle. The impact on the road is going to be a disaster in terms of maintaining the road. The Town has a hard time as it is maintaining the road. I would like to suggest as a resident of Happy Homes Road that you reconsider the plan and make access down there on the road where you've already got Cushing Road, make that your access. You've got the property. That way there I'm pretty sure all these people here will go away happy and you'll be happy having your subdivision. Joan Ekstrom – The property is owned by one party, is that correct? Nix – I think there might be multiple owners, but yes. Ekstrom – Is the entire property for sale as one parcel? Nix – I don't represent the seller. Lindquist – (cannot make out) Ekstrom – We are five generations at our property on the lake so I know pretty well what's going on here. My father, Mr. Sleeper, maintained that road from 1936 until his death and I do know for a fact that Happy Homes Road in the last three (3) years has been increased approximately 35 feet. Every time that plow goes up there, it goes a little bit more. If anyone would care to take a walk with me, I will show you as you go into the woods on this property in question, you will see barbed wire encased in the trees that go right across, all the way across, Mr. & Mrs. Harris put that up to keep all of us out of there. They didn't do too good a job, but it was pretty good. The barbed wire is still there all the way across the property at

the end of Happy Homes Road. Shaun Flynn – I just had some questions with regard to the beach rights and access to the beach. On the plan it's not really shown. Apparently, the access is down an existing dirt road and it more or less meanders through the woods. Also, I see at Lot #6, I assume that's still going to be accessed off of the current Cushing Road as everyone refers to it. Is that true? Nix – Lot #6 would have access off this strip right here. They would actually own a strip right in here. There's a proposal here for your right to access both what they are calling Cushing Road to the Neck road as well as giving you access down to the proposed new road to the cul-de-sac and then your rights to the beach would be the same rights you have now. Flynn – As far as accessing down to the beach? Nix – That's something that we need to sit down with you individually and talk about it. Ralph Pisapia, 22 Harris Road – I submitted a letter, unfortunately or fortunately it rained all day Saturday and the Sox weren't playing so I decided to put my thoughts in writing so you have my thoughts and I ask you to seriously consider my concerns. First of all, I would like to ask a few questions about this plan. (1) I would like to get some clarification of the proposed road here and this map here which shows a different alignment, I believe Mr. Nix said that's a Class VI road, but this is the tax map and it shows a different alignment so which one is the correct alignment? Nix – That's an excellent question. The tax map and remember tax maps aren't perfect when it comes to cross lots. In this case, it shows Harris Road coming down as a private ROW on the south side of the property line and you can see it on this map right here, the traveled way which is the private Harris Road. There's no question that road is there, it's a private road. We are not disputing that at all. This ROW that comes down through here was the ROW that was laid out under the name Happy Homes Road or under the Happy Homes Road layout, which started way back here and came down through. We have two different roads happening here, one is a Class VI public road and one is the private Harris Road. Pisapia - I'm going to have to research that a little further because I tend not to agree with Mr. Nix on this. Another question, the proposal before the Board is for 10 lots. I think Mr. Nix just said there were 11 lots so which is it, is it 10 lots or 11 lots that are being proposed. The plan shows 11 lots although this is a non-binding discussion so whether it's 10 or whether it's 11 will be something that when the official application goes before the Board, we will have an exact number laid out. Edgar – We are looking at 10 plus the out lot which gets you to 11. You have 10 numbered lots on the concept plan. Nix – No, 11. Edgar – In terms of the total impact including the out lot, you would be at 12. It's not clear to me and maybe the Board could explain what is the implication of the reclassification of a Class VI road to a Class V road. What is the implication to the Town as far as responsibility of the Town? Vadney – That's a Selectmen's issue and that's why we have Mr. Flanders here? They control the Class VI road situation. Flanders – First off, the change in

classification is strictly a Selectmen's issue. The Planning Board has no jurisdiction. A Class VI road is a laid out road that has not been maintained for a period of time which this obviously is because it hasn't ever been maintained so the decision for it to become a Class V road would rest with the Board of Selectmen. Once it becomes a Class V road, then the Town takes over the maintenance of it. Normally in a case like that when something like this has happened in the past, the cost of changing it from a Class V to a Class VI which is substantial is on the nickel of the developer so the tax impact if this were to be changed from a Class VI to a Class V road would be "0" for the taxpayers of Meredith. Pisapia – Initially. Flanders – Right. Vadney – Keep in mind for everybody, classification of a road has nothing to do with how good a road it is. It is strictly a question of who maintains it. Class I is a Federal road, Interstate 93 type thing. Class V is a local road that is maintained by the Town. A Class VI is a local road that's not maintained at all. As a matter of fact, if they start maintaining it, it can upgrade it to a Class V whether they want it to or not so there's a lot of rules that go with it. Pisapia – The next topic I would like to talk about is traffic volume and traffic safety on Harris Road and Happy Homes Road. For those of you familiar with that area, it's a pretty slow paced area. There's two dead-end roads that come in, Happy Homes and the other is Harris, both of those are dead-ends so we don't get a whole lot of traffic. I believe there's a high likelihood that if you connect those two roads and change the classifications of the road and upgrade, you are going to increase traffic and increase speed. To me that means that the safety of the existing residents is going to be affected. Because of that I believe the Board should require a traffic study. I believe you mentioned it and the traffic study should be throughout the year, not just during winter time because we, I would venture to say that the traffic in the summer would be much greater than it would be in the winter so there are also some considerations for the Board and that is pedestrians and cyclists. Currently, we have a lot of folks who walk those roads. There are no shoulders on any of those roads. A lot of people ride their bicycles up and down those roads and I would like the Board to make sure that is considered in that traffic study as well as what upgrades are needed to both Harris Road, Cattle Landing Road and to Happy Homes if this road is connected because of the safety issue that will be there. Another issue with this proposed connector that Mr. Nix mentioned is that the intersection of Harris Road, right now the road continues along this private ROW which I think is the actual Class VI road, but he's going to take the road off in this direction and he's going to create, if we have to continue access Harris Road as we are now, this is going to be a real safety hazard for us, for all these residents here. We residents here. We get down here and this traffic is moving in both directions, we are going to have to, the line of sight is not going to be very great. That needs to be studied in the traffic study and I think some remedy needs to be

considered to make sure we have safe entrance onto Harris Road. Alternatively, I think they need to look into following the existing alignment. I'm not advocating that they construct the road, but I'm just saying that if the Board is going to approve something, they should at least follow the existing alignment. Otherwise, you're going to create this island in between the new road and the existing road and that's going to cause some problems in there. As Mr. Flanders mentioned in his response to my first question about impact on the Town, property taxes as we all know have not gone down for some time and I suspect they are not going down in the next revaluation either. Adding 11 more houses and the types of homes that are likely to be built in a neighborhood like this are going to impact the area. The Board has already approved five (5) new lots just in the last year. There's quite a few new lots that are going to be built on and I believe there's a tax implication here and the Board should require some kind of impact analysis on our property tax both from schools and from police and fire protection. We are a long ways from the Fire Station and there is no, everyone out here is on septic and wells. On that topic, I ask you to consider that all of these lots are going to be uphill from my well. My concern is that OK we're going to have at least 10 more septic systems and 10 more wells that are going to be above mine, one of them will probably be below us. What impact is that going to have on my well? I would like the Board to have some information available that we can make a determination on the effect of those things on my well and I assume the other property owners would like that information as well. The rest of my concerns are in my letter. I am a little confused with this discussion about the waterfront lot. It sounds from what Mr. Nix said that there's only going to be one residence constructed on that site. Is that correct? That's not going to be a community beach? Vadney – That's correct. Pisapia - There's not going to be any more than one boat that's going to be located there? Vadney – They might have two boats, that's not my business, but that will be the only house that has access to the water at that point. Pisapia – Just take my letter for what it's worth, but I think I've got some legitimate concerns and I think a lot of the folks here do. In particular, I'm concerned about our safety in all honesty. I think the volume of traffic that this is going to create for us and the speed of the traffic is going to completely change the way of life down there. It's a quiet community on both roads and this is going to change our way of life. Nix – I just want to thank you for your comments. I took some good notes here. You raised some issues that we will absolutely look at and address. They were excellent, especially the intersection down here with the existing Harris Road. You raised a really, really good question about that and I appreciate that. Vadney – I want to thank you also, Ralph. Pisapia - It looked to me like there was at least one lot there that doesn't have an adequate building envelope and I would ask the Board to, when they look at this lot layout, that you assure that each of those lots has sufficient space for a building and outbuildings,



wells and septic without having to go back to the ZBA. In other words, we request they not be given any waivers. Vadney – This is a conceptual type of waiver and we look at those in detail when the time comes. Vadney – I want to thank Ralph also for his excellent letter and while I'm at that, I would like to point out that we have also received letters from Mrs. Bostrom, Mr. Treadwell and Mr. Sleeper, some of your neighbors down there and those will be part of the public record. I won't take the time to read them tonight, but they will be available in the Planning Office. Gordon Nolen – If possible I would like to sign my name to Mr. Pisapia's letter because he accurately reflects my concerns. I could send a copy by e-mail of Ralph's letter if it would have any effect on the legitimacy of his concerns because it actively reflects mine too and I think this guy right here has the same thing because he does everything I tell him to do. Charlie Tanzee - Harris Road - I have a couple concerns, I have 3 children that ride bikes on that road so I certainly fall into that category of people that are very concerned with traffic and I also walk that road regularly walking the dog, so I know that it's an issue having that continuous loop. I'm worried about the speed of traffic, I'm worried where you go on that road when cars are traveling that because there is no place to go. There's no sidewalk or any place we can go. Lastly, I would like to voice my concern about water. I have two problems with water. I either have too much or not enough. In the spring time, I have water in my basement that I'm constantly pumping out. I would like to be assured that all of this development up here isn't going to cause a ton more water to come down into my yard. Vadney – We do look at that carefully on any subdivision we do. I would like to point out on the transportation part, in the interest of time here tonight I know the Board has received loud and clear your concerns on the thru traffic, the need for traffic study, the safety issues down there and I'll even add one to it that I'm going to throw into the mix. Right now you don't see many tour buses going down there because they can't turn around. If we make that a loop, you're liable to see a lot of tour buses going by. We will look at that, we could even look at something like for safety purposes and life safety, a road that went around, but that would be blocked with breakaway barriers. Those are used in some places so it's not a thru road, but it could be in a fire emergency or something, but we'll look at everything like that. As far as that goes, as far as your comments tonight, I would like to ask you not to make many more comments about the transportation issue, we have heard that loud and clear. (??) Another situation is my well, which has on occasion historically run dry. It is an artesian well and I would be very concerned that these additional 10 lots drawing well water would affect my well so I would like that carefully studied. Richard Seiss – I live on number 11 on the down side of the property. I have never seen any other road on any other maps and I've looked at plenty of them. The only road that was really shown is our little road, a private road and there was always shown a line of continuance going around. It never had

anything on the other property. Another point that is very important, when you put a big road in like this, what will the builders do? Are you going to have an abutment between our road and their road? How high? How low? Where is the water going to flow? Are they going to put catch basins in and things like that because that is a higher piece of property up there and when it rained the other day and any other time, it comes careening down your hill and you have all kinds of water. This could upset our road as it is today. We are the only ones that maintain the road. The Town won't even come in unless there's a shotgun going on or an insurrection, that's the only time they'll come in. We have to take care of it, we have to plow it and everything else so that's an important thing to consider, if they put that road in for any reason, it has to be maintained or worked out in such a way that it will safeguard our position on the road and I'm very disappointed because I always told my kids they were going to put a Home Depot up there. Vadney – We appreciate those thoughts about the drainage, the water and the septic and without judging this particular project one way or the other, this Board always looks at those things in detail once it comes in to us as a proposal so those will be covered. Bob Erickson – Do I understand, Mr. Nix, that from this plan the rest of this is landlocked and cannot be used it further? Nix – Under today's rules and regulations, you wouldn't be able to do anything further. Erickson – What if you did use Cushing Road as your entrance, could you then open up these for development? Nix – There's two issues with Cushing Road, one is at the end down here, it's only 30 feet and it's insufficient to put in a public road that meets today's standards. The other issue is the sight distance on that corner is horrendous and when we walked both ways looking at possibilities of fixing it, there just isn't a fix. Erickson – But there are no wetlands issues or anything? Nix – In this corner out here, the abutting lots have already been subdivided out into building lots so from a practical standpoint, unless somebody's going to come in and buy another building lot, you don't really end up with an economic development that works. You're just building roads with not a lot of gain. Vadney – Let me ask you a question on Cushing Road, what is the legal status of Cushing Road is it a long driveway or a road? The question is who maintains it? Flynn – I do. Vadney – It's not a public road, it's long a driveway. Flynn- It's a driveway. Kahn – I have a question. I recognize this is not an official map, it shows Cushing Road as coming all the way through where this cul-de-sac is through this so-called Class VI road. What's the status of that? That road goes all the way to the beach. Nix – This one was never constructed, there's nothing on the ground out there. There is a traveled way that goes through the woods that gives a flimsy access down, but it's not in the ROW so the plan was abandoned. Mr. Flynn

has access to the public highway. He has access to the beach. It's our position that because the plan has been abandoned that the rest of the right-of-ways have been abandoned. On top of that we're providing access to the Flynn lot to the new road as well as the existing access out to the Neck Road. Vadney – Right now, Cushing Road is not even a public ROW, it's his private driveway. I just want to make sure that we're clear in the record that it's not a road, it's not a ROW, it is a driveway. It belongs to him and he can do what he likes with it. Nix – That's correct. David Sleeper – At the time that the O'Grady plan was accepted, was not that road accepted by the Town as a laid out road. Vadney – There is a difference between a subdivision with a road going through it and an accepted road by the Selectmen and it appears from the question I just asked, that is not a Town road. Does anybody disagree with that or have any more information. Edgar – A subdivision does not constitute the acceptance of a Town road. (??) Who has the right-of-way then? Who's driveway is it? Vadney – The people who own those, legally we could subdivide a piece of property, put a driveway up and put 10 houses off a cul-de-sac at the end, that could be a private road. The town can come in and accept it as a Class V road and start maintaining it, but if they don't take that formal procedure by the Selectmen laying it out, then it remains in private ownership and is just a driveway. Krochina – So then there is no public thru traffic from what you just said? Vadney – On Cushing Road, that is not a road, but the Happy Homes one apparently from what Mr. Nix has told us from the legal papers was laid out by the Selectmen in 1926 and it doesn't expire because it was officially laid out by the Selectmen by State law. Haley – But never built. Vadney – What we're talking here is ROW. You can go walk on that if you want, you can hunt or you can do whatever you like, but there is no road there. There doesn't need to be even a tree cut, it's a ROW. Krochina – The Town's position is that's a legal ROW right now. Vadney – From what Mr. Nix has said and we'll have to have that verified. Krochina - So we're into an issue of law so that should be before the Court before Mr. Nix should even be able to address the Board. Vadney – It probably wouldn't need to go to Court. Joan Ekstrom – Is Cushing Road, is it a possibility that's one whole parcel and it's owned by the owner, can't that be made for access and egress? Flanders – It's not wide enough. Vadney – They believe that where it enters onto Meredith Neck, the angle it enters, the grade that it enters and the width that it enters at aren't sufficient to make that a road that the Town would accept. Ekstrom – But if they acquired enough road to make the width. Vadney – If they could find a way to bend it around and bring it on at a better angle, etc., anything's possible. Ekstrom – It is very interesting that the pre-application review was applied for on the 26<sup>th</sup> of September for this Planning Board tonight, October 11, 2005, after all the summer people have returned to their winter homes. It's really difficult to get as much out there as we got out in a very few days and I'm sure you will be getting more letters and

more comments. Vadney – If they come forward with a formal application, the abutters will be notified, it will be in the newspapers and I expect we will hold the next meeting in a bigger room. Lindquist – I've lived there. Originally, this was an area where people came in the summer. I know a lot of townspeople and some of the people in Laconia knew Mr. Rice. A lot of you people think we came in with lots of money to buy this property and are resentful of us. We didn't. My father came in, he worked two jobs. He built that place for us to grow up in. It's a quiet place. Now other people have come in, they wanted to live there year-round. That's fine, we want the children to grow up in an area that has peace and quiet. My father is 87 now and handicapped, He remembers a lot of the people who used to live next door. We don't want Meredith to turn into another Laconia, not that we resent Laconia, but it's becoming that way with the Harley-Davidson. If they put mufflers on that would be fine, but they don't. We need our peace and quiet. You call this Live Free or Die in God's country? What are you doing to it? You have two large houses on Cattle Landing Road which are much more than Tamposi's were asking for this land. Why are you letting a developer come in? You could put 3 homes and make four times the amount of money. I would like to see the total map of this place. We don't know where this goes to. Patricia Drive is up in there, when was that put in? My understanding with developers is that they put in roads and then they do things. Talking about Police things, this is going to have to be policed all the time because there are going to be people coming down and they are going to be using this little road and that's what your idea is right here and as far as fire safety, my uncle used to be a fire chief, circles are not the best way. This is a total outrage and we pay our taxes. We gladly pay our taxes because you take care of our land and our property. Vadney – I'm not going to disagree with you, but I will say the folks that did own this property also pay their taxes and they have property rights. Our job as a Planning Board is according to the ordinances that you folks pass at Town meeting, we do the best of our ability to apply those ordinances so that the barren land that wants to get developed is done so in a way that is within the ordinance. Lindquist – You have four pieces of land with big water rights. You can build houses that are cleverly built with much land on them, would be less of an environmental impact and get more taxes and maybe you people want to own land down there and get water rights, that may be your choice. I do know there is somebody who does own on Cattle Landing Road. This land should be carefully developed, when you take and excavate that land, it can never be replaced. You can never change it back. We do not want to make this a city, we want to keep it country and I'm sure Mr. Rice who used to ride through Tommy's Cove and out in his mahogany boat would turn over in his grave as to what you would like to do. I'm not angry at you, I'm just angry at what's trying to be done and I don't understand why you are secretly, as Chris Krochina says, allowing these plans. Vadney – First, let

me tell the crowd. We take our lickings in public here. If you keep that in mind you're welcome every 2<sup>nd</sup> and 4th Tuesday night, to come watch. Talbot – I would like to know if I may address a question to Mr. Nix? I would like to know if you were able to could obtain the proper amount of footage on Meredith Neck Road, would you folks reconsider your plan of putting the road in for access down that Cushing Road, if you had the proper amount of footage out on Meredith Neck Road into that subdivision. Even though you don't have the footage, you and I both know, you could put a set of lights out there to allow access. Nix – If there were the proper amount of footage and the proper sight distance out there, I'm sure my client would reconsider. Krochina – You don't have it, that's the whole key. Jim Sleeper – If you go out Happy Homes Road, you don't have any better sight distance onto Meredith Neck than there is at Cushing. You get out there and look closely, there's not very good access sight distance off of Happy Homes Road and if you come out Cushing Road, you could easily put in a T-intersection with the existing Meredith Neck Road where that steep grade is, put a STOP sign or whatever it takes, but you've got just as good a chance of designing an entrance at Cushing Road as you would down at Happy Homes, that's my point. Nix – And I think the response to that is the engineers would look at the intersection at Happy Homes and that may end up being one of the off-site improvements that are necessary. We'll look at the Cushing Road issue again. Vadney – And any traffic study that we have done in support of this or we have them do in support and we review with our own engineers, will look at those sight distances at all the different locations that apply. (??) Once again, if they do come in Cushing Road, it opens up a lot more of this property for development so you can get more than 11 lots. Flanders – I was just going to say the sight distance is the purview of this Board to deal with so if somebody gives them some additional footage to make that Cushing Road 50' that doesn't mean it's going to happen if the sight distance isn't appropriate. It is not happening, OK, because safety is one of the things the Planning Board deals with. Vadney – We'll look at that every way we can. Just a point of information, Meredith Neck Road is state-owned, therefore, it's a State issue when it comes to sight distance in that area. I would have to say sight distance is a concern. Vadney – All of those would require a NHDOT approval for driveway and/or road. Terry Cheney – Wanda Reed is my mother and she is one of the abutters. In driving out Happy Homes Road, there's a rise and turn where I sometimes hope that I don't meet a car coming over in the middle because it's really not very wide so the question is, if they have to widen Happy Homes Road, who ends up paying for that? The existing part of Happy Homes Road. Vadney – The short answer to that is if this was to go forward, the bulk of the cost if not all of the cost would come out of the developer. Cheney – Including all the way out to Meredith Neck? Kahn – How wide is the ROW on Happy Homes Road? Nix – It's the same ROW,

50' all the way. Cheney – So if it were widened, it could be widened up to 50'. Nix - That's the width of the ROW. Edgar – Using standard conventional road absent any waivers, it would be two 10' lanes plus gravel shoulders. One of the things that we would need to look at if we get to that point is you don't always find that the improvements are put in the middle of the ROW so if they are kicked all the way over to the edge of a ROW and then you need to make something bigger whether it's to fix drainage or make the road wider, that represents a potential issue so if and when we get to the point of looking at the up and down alignment, we have to know where the existing improvements are with respect to the ROW. We never assume that it's dead center. Cheney – How wide is the road you're proposing to put through? Nix – The width of the ROW is 50 feet it would be the same 22' wide. Cheney – My last question is I kind of understood that you couldn't develop any more lots in the back because it wouldn't have enough frontage on that cul-de-sac, but I also heard you say, well we could put the cul-de-sac back further which then would give them more frontage on it. Vadney – He said it would not go back as far. Nix – I'm not sure I said that. Vadney – I believe you said you might not need to make the cul-de-sac as long as it is, it would shorten the cul-de-sac. Flanders – Lot 2, 3 and 4, do they exceed our 4:1 lot sizing? Nix – I don't know, but that's a question I'm going to ask the engineer. Flanders - It looks like they do. Edgar – They cannot exceed 4 times the average width, in other words a 4:1 ratio. Vadney – It looks close, but they can probably fit them in there and they can move the cul-de-sac for one thing. In an emotional design like this, if that becomes an issue, I'm sure they can work around it. Cheney – My next point is going back to the fact that you say that Cushing Lane is privately owned and Happy Homes... Flynn – I don't own Cushing Road, all I have is a ROW. OK, so it's a private road, then, I guess, how is that classified differently than Happy Homes, which is a private road even though there's more people on it? Vadney – What's the status on Happy Homes, Bob? Flanders – Well, it's a Class VI road. Edgar – If I'm not mistaken, we have a layout for a public ROW that dates to 1926 for Happy Homes Road. A portion of that layout has been physically improved and it's my understanding that's maintained by the Town so we have a layout of a public ROW that is maintained by the Town. To a point, that is a Town road. Vadney – It is therefore a Class V road by definition. Edgar – That's a completely different animal in terms of process and legal implications than Cushing Road and Mr. Flynn's rights and the subdivision history. It's a whole different set of animals. If you think back to the colonial days, roads were laid out and created. Happy Homes Road was. They laid it out and created it. The public portion of that is currently traveled has been laid out as a Town road, has been developed and the Town maintains a portion of it and a portion of it has not been built. All of the roads that appear on the tax maps and that 1974 subdivision that's a whole other set of issues relative to

subdivisions That had nothing to do with the creation of the public way. (??) My concern is that this is a way to get access to the beach and you are coming down a pre-existing, why that matters I don't know, it was existing and when it became a public road was when we paved it so if you maintain it, you own it, is that what it is? I still say that we want a map, what comes out here, can it go out to Cattle Landing Road? I understand that this parcel which you consider wetland or wildlife, and I'm not going to keep going on about the traffic, he knows that point he doesn't need to hear it again, but I know we used to have people at 2:00 in the morning in our driveway, I mean that type of thing and because it's a tourist thing, that's the issue. My main concern for the road is the amount of impact we're going to have down at the water and the number of lots you're going to have there because that's going to create, you don't know whether you're going to have dirt bikes in there, it's just going to ruin our whole way of life. (??) I'm a little confused with respect to road classifications. As I understand it, back in 1926 Happy Homes Road was approved all the way through Harris Road as a Class VI road, is that correct? So it still remains a Class VI road, but on the other hand, I just heard that a part of it now is Class V. Vadney – I would think so if the Town's maintaining it? (??) So it automatically switches once the Town... Vadney – If the town maintains a Class VI road, they inherit it, effectively. Edgar – Anecdotally according to Mr. Wyatt, it sounds and I don't have personal knowledge of this, but it sounds that after the ROW was established, there was disagreement amongst folks in the neighborhood as to how far the road should be built. The layout occurred. Obviously the intent was to go through this particular property and apparently between Harris' and Cushings' are the names that are kicked around in there, there were questions as to whether or not it should go forward and be built all the way through. At the time, the public ROW had already been established so then the question that the Selectmen had back in those days or at some point in time in history was to determine how far to build within that ROW. Then they decided to build to the point of what you all know to be the limit of Happy Homes Road as it's traveled today so there was a decision years ago by the Selectmen not to build within a portion of what had already been established as a public ROW for whatever the reasons. It might be some of the reasons we're talking about tonight for all I know, but there was a conscious decision a long time ago to build it to its current limit and not to continue it through the entire limit of the ROW. (??) Is there a formal vote by the Selectmen that they are going to maintain a road which by inference would negate any type of access that limits the extent of where that road should be going? Vadney – No. Well, that's kind of an apples and oranges kind of thing, but the bottom line on this one is on any Class VI road, once a road is laid out, when John used the term created, if you go back to about 1750 before anybody had come up this far, actually it was back much earlier than that, they laid out the entire state with what were called range

roads. Those became public rights-of-way. Nobody had ever even been up in here except Indians, but they laid out rights-of-way, legal roads. That mean you could sell land up there and people could get to their land because these were legal rights-of-way. That's effectively what you have here, it's a legal right-of-way. When the Selectmen voted to create that, they didn't cut a tree, there was no path, there may have been or there may not have been, but it doesn't matter, what they created was a public right-of-way saying any member of the public can pass over that right-of-way and the abutters can't complain about it. Right today, you can go walk it, it's a Class VI. The only issue is whether the Town's liable if you fall and break your leg, that's what it boils down to. Tom Sleeper, Happy Homes abutter – I'm a little confused, is this 1926 version of Happy Homes Road a matter of public record or is this just somebody's description? Vadney – That remains for us to prove. Mr. Nix has said he has found a legal description of it, yes. We have not verified that. Sherry Cheney – I just wondered if you could tell me how close the new road might come to, what's the closest point the new road is to the Lake. Dave Chase – If the shore's right in here, that road is about 340' at this location back in here, it's about 360'. I'm not sure where the lakefront is in here, it's about 400'. Vadney – It would come no closer to the existing houses that some of you live in. (??) On your plan you have depicted it different than where Harris Road exists today. How accurate is the 1926 right-of-way description. Vadney – That remains to be determined as well. It's possible that the Selectmen laid it out, somebody said let's go cut some road and they went in the wrong place, we don't know. That can be determined by surveyors. Edgar - Two things, Attorney Nix has provided me with a copy of his research which is the 1926 layout so in our file and you're all welcome to look at it, is a copy of these documents. To be perfectly honest with you, until this project came forward, a lot of folks, myself included, didn't know that this public ROW existed and as a practical matter if you look back at the 1974 subdivision, there's no reference to the layout. The 1974 layout does not follow the layout in the petition at least according to this surveyor and this attorney so it would appear as though in 1974, the O'Grady plan makes no reference to the continuation of the Happy Homes Road. (??) No, because it shows the continuation. Edgar – It shows the ROW continuing but it doesn't make reference to the fact of what Attorney Nix has eluded to as the 1926 layout and it's not the same location. (??) I guess that's my point, I just wonder how that's determined. Edgar – I don't know, it raises some questions and maybe Steve and you folks can address the question as to what I had asked you in anticipation of tonight's meeting in terms of the chain of title work and the metes and bounds description having these come to a conclusion that in your opinions, you believe that is an accurate depiction of the layout. Nix – This question was asked and we did do a significant amount of research regarding the change of title out here and have verified that the



change of title do match up and also the surveyor has laid out very accurate metes and bounds descriptions in the layout and then overlaid it onto the Happy Homes Road coming out to bounds that are known out there in the field and with that amount of information, we were comfortable to come to the Board tonight. The exact layout is going to have to be surveyed all the way back and we may find that the end points of this road are going to shift this way or a foot that way, but in the grand scheme of things that's fine. What we wanted to do was come in tonight to say that we found this, the final surveys are being done and we will submit additional information to the Town to again verify or provide the verification that this is in fact the layout, but we feel very, very comfortable tonight that this is the layout of Happy Homes Road.

Lindquist – I would just like to say that my final comment is I would really appreciate that you not approve anything like this tonight. Vadney – We won't. Let me clarify for all of you. This is not a public hearing tonight, this is a pre-conceptual discussion, it is a public meeting, but it's not an official hearing for this issue. They have not submitted a formal application. They have said can we come before the Board and discuss this thing. Edgar – They have not applied for anything at this point. Vadney – Based on your comments, they will go back, regroup and maybe abandon the project or come forth with exactly the same stuff. They can do anything they want, but this is just an informational type of hearing. Lindquist – How are we going to guarantee that we are going to receive some sort of information regarding any sort of sale, changes? Can we request a better map? Vadney – If they come forward next month, six months or six years from now with an official proposal, the abutters will receive certified letters in the mail. Everybody will be notified in the newspapers and all of the stuff is done in a meeting just like this, but it will be a formal public hearing and they will much better quality maps, the whole thing. Lindquist - Since this hasn't officially been sold, do we have the right to contact the owner. Vadney – You can go buy it yourself, that's not our business. Lindquist – I just wanted to say we would appreciate some sort of note that we would like to be able to write a letter to Mr. Tamposi's family so we would like to have his address and so forth. Vadney – That information is all available in the public Town Hall. Bliss – Due to the fact that this is a pre-application and you have just explained that, this is not an application that's even started and we do have a lot of other things to cover tonight and we've spent a significant amount of time on this so I would like the Board to move on to our next item. Vadney – Let me make one point to you all. Some towns don't hold pre-application reviews. We don't have to hold these. We do it as a matter of policy because it helps you get a leg up on what's happening. These folks could have just come in with a proposal and the first thing you would have gotten would be a registered letter so I hope you appreciate the fact that this is kind of a leg up on it. (??) If I may, I have one question of the Board and that goes to an issue raised earlier regarding

the schools and economic impact and I was wondering if the Board would be willing to share with us how you generally approach that. Vadney – As far as impacts of fire, we have a Fire Chief to make sure that the radius of a road allows fire trucks to get in and that kind of thing, but as far as the pricing of additional fire coverage, we don't have impact fees in this Town. That would be something that would have to be approved by the voters so we can't demand that they buy a new fire truck or a new police cruiser or something like that. We do look at the school issues. Our authority there is somewhat limited, but I can tell you that about a year and a half ago, we commissioned Russ Thibeault from Laconia, an Economist, to do a study and this was gained partly through us and partly through some other towns some great publicity around the State, but there was a comment by Mr. Pisapia about how many children would be added. To be honest, it turns out and these are rough numbers and you can get the whole report from John Edgar if you are interested, the bottom line is the typical new dwelling in New Hampshire and particularly in the Lakes Region puts about .4 students into the school system. The rule of thumb or the wives tale you hear out there on the street is in a new home, there's going to be seven (7) new kids in the school. It doesn't happen that way, it's around .4 and that's based on a fairly well accepted study done by Mr. Thibeault. Talbot - I would like to know in 1974 when the Planning Board approved the subdivision on that plan, Happy Homes Road and Harris Road were not mentioned and weren't on the plan. When it was approved by the Planning Board, doesn't that negate that ROW on the original piece of land? Vadney – It is possible a mistake was made. If those homes had been built, you could have still walked by these people's homes because it is not automatically abandoned, it has to be done by Town Meeting. Ekstrom – I have a surveyor's blueprint dated January, 1910 and it was revised in 1945. At the end of the road, there is an iron pin set and a straight line across it ending that road. This is a surveyors map. Vadney – Where was that line drawn? Ekstrom – At the end of Happy Homes Road. Vadney – The existing one you drive on today? Krochina – I would like to see if there is a layout for Harris Road. If you say there's one for Happy Homes Road, are they all available at the Town. Vadney – That would be something that would have to come forward in a formal proposal. They are probably available, I'm not going to say they are. Krochina – You don't know if they connect if you don't have the other end is kind of where I'm going with that. Vadney – There are two questions and maybe it's the same question. Legally, they probably connect. Physically with what's out there, they may not. Nix – What we've done is taken the layout for Happy Homes which states it goes to the end of the layout of Harris, but Chris is absolutely correct, we need to pick up the layout for Harris. Krochina – My next question is as far as this research goes, I just did a little, we talked about no deeds in this whole thing, it starts from my grandmother to ??, 1957, you read that deed for this lot's description, no

mention of any frontage on Happy Homes Road and no mention of any frontage on Harris Road. None of them. The only way out is through Cushing Road. It goes from \_\_\_\_\_ back to my grandmother, still not a release in our records. Foster died, it went to Gordon and then to O'Grady. Their deed, no mention of Happy Homes Road frontage, no mention of Harris Road frontage. You go from O'Grady to Stellos, this is in the 80's, the same thing. No mention of any Happy Homes frontage, no mention of Harris Road frontage, only Cushing Road and I believe it's 25' and not 30'. He then discussed the transfers from Stello's to Tamposi's in 1995. Even after the O'Grady subdivision, I see no reference of any of this in the deed so I'm very curious on how this subdivision got approved and it didn't go through a deed at the Registry. There are a huge amount of legal issues that should be settled before we can proceed with this Board. Vadney – You are correct about the need to get into this deed and find out and I should make it clear that my comments on Class VI roads are based to a large degree on what he has presented to us tonight. We have not had our attorneys validate it or engineers validate or even time to really study it ourselves in any detail. Based on his statements that he's got this layout from 1926 with metes and bounds. If that was laid out and if his research in the Town Meetings since then have shown no abandonment, there's a good chance New Hampshire law would protect them. There may be some things that have not appeared on deeds and if enough time has gone by that's up to a Superior Court judge to decide. I would like to further reiterate, one of the things we do is give some advice and guidance when we see these things in front of us. We have concerns about a thru road here. As has been pointed out on Lot #10, we don't like to approve lots that require ZBA waivers automatically. We understand sometimes those things happen, but we are hesitant especially in a large development. Flanders – The Board at least for the 16 or 17 years that I've been on it has not approved any lot that didn't have a buildable envelope without relief necessary and a little while ago somebody bought a lot and wanted to build and have a wetland impact. They went to the ZBA said no, they went to Superior Court and the Superior Court upheld the Town that the lot did have a buildable that didn't require impact and denied it so we have a history and it's been upheld by the Superior Court. Kahn – Has any consideration been given to doing this as a cluster rather than just a standard subdivision with the road going through. I realize if you did it, you have to have access somewhere and apparently without purchasing land from abutters, you can't come up with enough frontage on Meredith Neck Road to go out Cushing Road, but could you not set the thing up so that you go out without having to go all the way through and thereby also the other thing Bill had mentioned was this kind of ridiculous tail that has the effect of cutting off about 8 or 9 lots from this supposed Class VI road. Flanders – I would suggest that we've spent a lot of time on this and I think we've covered all the

issues and covered most of them five or six times and I think it's time to move on to some of the other stuff on the agenda tonight. Vadney – For tonight, that's it. It's up to the applicant to decide if they want to go forward.

**TOWN PLANNER'S REPORT**

1. ZONING WORK SESSION – Due to the late hour, the Board members requested that a Work Session be scheduled for the following Tuesday, October 18, 2005, to review the proposed zoning changes.

Meeting adjourned at 10:06 p.m.

Respectfully submitted,

Mary Lee Harvey  
Administrative Assistant  
Planning/Zoning Dept.

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

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William Bayard, Secretary