

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

Flanders moved, Sorell seconded, THAT THE MINUTES OF SEPTEMBER 28, 2004, BE APPROVED AS PRESENTED. Voted unanimously.

APPLICATION SUBMISSIONS

1. **JUDITH A. CURTIS** – Proposed Boundary Line Adjustment between Tax Map I06, Lots 11, 12A and 12B, (transfer Parcel “A” – 0.18 ac. to Tax Map I06, Lot 11, and transfer Parcel “B” – 0.17 ac. to Tax Map I06, Lot 12A), located on Bear Island in the Shoreline District.*

Application, Boundary Line Adjustment plan and abutters list are on file. Filing fees have been paid. Recommend application be accepted as complete for public hearing this evening.

Finer moved, Sorell seconded, THAT WE ACCEPT THE APPLICATION OF JUDITH A. CURTIS FOR A PROPOSED BOUNDARY LINE ADJUSTMENT. Voted unanimously.

2. **18 BAY VIEW REALTY LLC** – Proposed Site Plan to convert a professional office into retail space with related site improvements, Tax Map U07, Lot 87, located at 328 Daniel Webster Highway in the Central Business District.*

Application, Site Plan and abutters list are on file. Filing fees have been paid. Recommend application be accepted as complete for public hearing this evening.

Finer moved, Sorell seconded, THAT WE ACCEPT THE APPLICATION FOR A PROPOSED SITE PLAN TO CONVERT A PROFESSIONAL OFFICE INTO RETAIL SPACE WITH RELATED SITE IMPROVEMENTS FOR 18 BAY VIEW REALTY LLC. Voted unanimously.

3. **NORMAND AND ROBERTA MORIN (CASE ‘N KEG)** – Proposed Site Plan Amendment to revise parking and access to existing business utilizing abutting lot, Tax Map U06, Lots 138 and 139, located on Mill Street in the Central Business District.*

Application, site plan and abutters list are on file. Filing fees have been paid. Recommend the application be accepted as complete and proceed to public hearing this evening.

Finer moved, Granfield seconded, THAT WE ACCEPT THE APPLICATION FOR A SITE PLAN FOR NORMAND AND ROBERTA MORIN (CASE 'N KEG) TO REVISE PARKING AND ACCESS TO EXISTING BUSINESS UTILIZING ABUTTING LOT. Voted 7-0 in favor of the motion.

4. **HOWARD RICHARDS (PRODUCTION TRAILER AND DOCK) -**

Proposed Site Plan Amendment for a change of use and to construct an office/store and maintenance area with related site improvements, Tax Map S19, Lot 11, located at 21 Daniel Webster Highway in the Commercial – Route 3 South District.*

Application, Site Plan Amendment and abutters list are on file. Filing fees have been paid. Recommend application be accepted and proceed to public hearing this evening. Voted 7-0 in favor of the motion.

Finer moved, Granfield seconded, THAT WE ACCEPT THE APPLICATION OF HOWARD RICHARDS (PRODUCTION TRAILER AND DOCK) FOR A SITE PLAN AMENDMENT FOR A CHANGE OF USE AND TO CONSTRUCT AN OFFICE/STORE AND MAINTENANCE AREA WITH RELATED SITE IMPROVEMENTS. Voted 7-0 in favor of the motion.

PUBLIC HEARINGS

1. **SUSAN AND TOR BRUNVAND FOR SCOTT CARPENTER:** Rep. Joanne Coppinger - Continuation of a public hearing held on August 24, 2004, and September 28, 2004, for a proposed Site Plan to establish a catering/take-out restaurant in an existing commercial/residential building, Tax Map U10, Lot 27, located on Daniel Webster Highway and Plymouth Street in the Central Business District. Application accepted on August 24, 2004.

This is a site plan review for a proposed change in use of a multi-use structure with three apartments on the Plymouth Street side and a boat storage facility which is currently accessed from both Plymouth Street and Route 3. The proposal is that the apartments remain and the boat storage facility becomes a catering business/take-out restaurant in multiple phases. Since our last meeting, the Meredith Department of Public Works has reviewed the driveway application on the Plymouth Street side and come up with a number of conditions. The way I understand from my conversation with Mike Faller today is that he would like the upper lot on Plymouth Street paved and 30' of granite curbing installed to define these two curb cuts that are existing and what he would also recommend to the Board is that the bottom lot be paved and a catch basin be installed and he explained to me that those are recommendations and not requirements because Route 3 is

really NHDOT jurisdiction. A subsequent conversation with John Pillsbury of the DOT, which I have a preliminary driveway permit in hand tonight, John Pillsbury indicated if we pave down here, the permit will be null and void that he has issued because he feels that effects the drainage and he would want to revisit that if we were to pave down here. In light of these things that have come down the line in the last week regarding paving, as you recall our original proposal was to cover the parking areas in ledge pack. We would like to propose a three-phase approach and before I hand these out, I'll explain. The first phase is as it always was, the interior improvements to get the catering business established as well as site grading, the retaining wall, the guardrail, the dumpster, the propane tank, the water line grease trap and possibly the enclosed stairwell on the south side of the building. In Phase 2 which all would happen before the restaurant was opened, would be the Route 3 side grading, landscaping, the catch basin that Mike Faller wanted and curbing. What we would like to defer until after the restaurant is opened is the paving for a number of reasons. The applicant wants to pave the whole site, but they would like to wait and what they thought would be a reasonable period of time would be within a year after the restaurant is opened, they would like to proceed with paving of the entire site. That's the proposal we would like to put on the table before you and we will answer any questions you may have. Vadney – Phase 2 would be done before you open? Coppinger – Before the restaurant is opened. Phase 1 would allow the catering business only to be established on the premises. Completion of Phase 2 would allow the restaurant to open and they are agreeing to pave but for cost-effectiveness, as well as they are thinking about a sprinkler system in the future for their lawn areas, they don't want to pave right away. Finer – Do we have a timeframe on the three phases as to when you are looking to start and complete them. Coppinger – If you look at the bottom on the outline distributed, there is project timing. Flanders – In Mike's driveway permit for Plymouth Street, he requested the curbing to define that curb cut, is that correct? Coppinger – That is correct. Flanders – Wouldn't that have to be done in Phase 1 because you are doing all the grading to Plymouth Street and everything. You won't have the definition he was looking for, but yet you'll be using that access so I would think the curbing would have to come up in Phase 1 to be in compliance with his permit. Vadney – Are you talking Plymouth Street? Flanders – The Town's driveway permit effects Plymouth Street, the State's driveway permit effects Route 3. Mike is requiring as a condition of this driveway permit, curbing to define the driveway so if we don't install the curbing at the time we start to use that driveway on Plymouth Street, then they are really not in compliance. Vadney – Well, he's got a recommendation, not a requirement there. Flanders – Wasn't the curbing a requirement, John? Edgar – As Joanne indicated in the last week

or so Mike issued the driveway permit and to be honest with you, there's a little bit of confusion about the permit. The way the permit was originally drafted, there are three conditions, the way they were stated. In speaking with Mike today, the Route 3 piece may not be as much a condition as a recommendation because of jurisdictional issues that Joanne was mentioning, but the way I understand it is, with respect to the permit, the paving and the driveway, the separation between the two with the curbing is a condition of the permit because that is Plymouth Street and that does tie to the change of use, etc. My understanding is that the curbing is not a recommendation as much as it is a condition of this driveway permit because of the direct relationship to the driveway review that he and Al had done. The catch basin and the paving down below is basically in that Route 3 ROW area and that's where, even though it's referenced initially in the permit, Mike realized that maybe he had extended his comments that probably belong more in the category of recommendations to us as opposed to conditions of a driveway permit pertaining to a Town road. So I think Bob is basically correct that, if and when we're all on the same page, you can phrase it any way you want, but I do believe that was more of a requirement than a recommendation. The other question that comes into play with that is when you're installing curbing, what is the appropriate time to pave around it? I don't know that you would back it up with gravel, if that would be the preferred way to go as opposed to paving around it so that's another consideration for possibly looking at the curbing on the front end that ties to Phase 1 of the uses. The way I had looked at it and kind of envisioned it in the staff review is looking at the uses and the improvements tying to the uses. Think of the upper deck parking lot, that's basically where employees are going to park that tie to the catering business, that's where Mike's permit has a direct involvement and that's one set of issues. The Route 3 piece down below is basically for patron and customer parking for the deli/take-out restaurant and that ties to a DOT permit. To grant final approval for the whole thing, even though it's a phased implementation, you are going to want to see the DOT permit that allows access to those parking spaces whether it's paved, gravel or whatever, you want to make sure you at least have a DOT permit and I would recommend it as part of the process, not so much the specifics that Joanne's outlined, but as a matter of process if you were to grant approval, you can rely upon the DOT permit knowing that there's parking spaces with an encroachment agreement which is another issue that's being worked out by the applicant and DOT. There has to be a side agreement to that permit that allows for the business to encroach within that ROW with parking, access and so forth. I'm sure all that can take place, that'll run its course, but the lower deck, if you will, the lower parking lot and making any grade or physical improvements to that really could stand alone as a separate phase of the construction because it's tied to the

use of the seating. If the seating is not there and we are not talking about public access, that's a real practical phase break for the improvements as well. The real question then becomes when is the paving done. If the paving is tied to a date specific, provided that all the permitting agencies are on the same page, then at least you have a commitment made by the applicant in good faith in something that can be tied to a specific time frame and decision so you might be able to provide some flexibility with respect to up front costs, at the same time knowing that it is going to get paved and if they don't come through one year after the opening of the restaurant then it obviates the restaurant part of the approval and so I'm sure they are going to take that seriously. That's not that far off, I mean at the end of the day you would end up a year after the restaurant opens with paved, striped surfaces. Then the question arises, what if that never occurs, then the question is whether or not you really need to have the paving on the upper deck because it doesn't make sense to pave a small amount of area up top and then a couple years later do another small area. You would probably pay three times the cost of doing it all at one time so that's not that practical. Does that mean that I could be in a position to amend his permit to go along with that is a whole other issue? Flanders – The main thing I'm concerned about is that we don't do some type of approval that's inconsistent with the requirements of the driveway permit that Mike has issued. If we allow the curbing to be done in Phase 2 and the paving in Phase 3 when the driveway permit that's necessary for Phase 1 requires curbing and paving up top, then we've created a significant inconsistency. Vadney – What if Faller had asked to gold plate the upper parking lot, would you go along with that? Flanders – I wouldn't have gone for anything more than silver. Vadney – My point being, I don't know why we are pushing for any pavement up there. It sounds to me like we are going out of our way to try to make a water problem. Finer – He's concerned about erosion washing out because of turning radiuses. Vadney – The turning radiuses up top should be no problem, they are just going to funnel water down towards Route 3. Flanders - I surmise that his concern is sedimentation that would wash down and end up in the prime wetlands. I don't think we can come up with a decision that's inconsistent with his requirements. It may be appropriate to ask him to take another look at those requirements. Edgar – If I could interject and we spoke to this briefly, at the end of the day we can't have conflicting site plan approval and underlying permits. If the Board wants to look at some form of approval provided that Mike's comfortable in amending his permit, that's fine. If he's not, then there might be a trip back here. That's one way of looking at it. And I think in one of the drafts that we were kicking around today, Joanne, didn't you note that on the bottom that paving under Phase 3 is subject to

If that was part of an approval tonight, it would clearly be subject to a consistent view held in this case, I don't think DOT's going to care too much on the front end of this whole thing. The DOT permit I think does say that if it's paved, they want to look at some closed drainage. I think that's a condition of the DOT permit if I'm not mistaken. The catch basin that Mike was suggesting in the State ROW was that his concern is that the and probably speaking more as an abutter quite frankly than a regulator because the Town owns the small lot to the left and he just didn't want to have runoff collected in the curb and gutter and then accelerate onto the Town's lot with faster moving water albeit not high volumes, but faster moving water as well as water coming from the upper stone-lined ditch, concentrated and heading towards the Town's lot becoming a problem for the Town to have to deal with during mud season, washouts and that kind of thing. I think he was trying to find a way to collect that runoff that's coming towards the Town's property and get it into closed drainage and keep it from going on our property so let's just call it a recommendation, that's where he was coming from in terms of that. The DOT permit says that if we are going to go with pavement, they want to see a closed system along the Route 3 front anyway. I thought I had it figured out when we were talking about two phases and understandably there is a fair amount of cost here to the applicant and that's when the option you're hearing tonight is back on the table in terms of basically when is... Let's just say Mike didn't raise the issue of paving, the applicant had stated they would be interested in paving it. From a parking perspective, we've had these conversations about the efficiency or inefficiency of gravel parking. Every time there is a proposed gravel parking lot that issue pops up. So there's an added benefit of not only stabilizing the site, tying in the curbing maybe a little bit better, a little more strength to that, but also creating a more predictable parking pattern in accordance with what has been represented so there are some collection of benefits whether Mike's proposed them or not or whether the applicant wants it or not, there are some benefits to paving these small areas. These are small surface areas, the world's not going to flood if we put this amount of pavement down. Effectively, it's fairly compacted gravel now so the net gain in runoff is not going to be massive volumes of water, but will be a little bit more water, a little more concentrated. Vadney – I see it if the applicant wants to pave it that's the applicant's business, I don't mind at all. But for us to tell them they have to is pretty much establishing a policy that if you want to do anything in downtown Meredith or nearby, you're going to pave your parking lot. We've never had that policy. Edgar – Well, you've required pavement to go down on Waukegan Street. Vadney – And there have been some problems that were obvious. Flanders – We required paving at Dunkin Donuts because of its proximity to the wetlands. The main problem I have, I'm not saying that I think it should be

paved or not paved, is when we have a driveway permit issued by the highway department that requires curbing and paving, I'm saying I don't feel we can make an approval that contradicts that. Now, I think the appropriate thing would be to go back and talk to Mike. I wouldn't be comfortable in granting a conditional approval that would... Vadney – That's why we have a Selectman on the Board. Mike works for you, doesn't he? Flanders – He works for Carol. Vadney – I hate to delay the applicant any longer. Edgar – There may be a way to kick it loose with a conditional approval and still get to the same end game that Bob is suggesting in making sure that we don't have a conflict between underlying approvals. Joanne knows what Mike's permit says. They have a copy of it. They are asking for the relief on the paving from your perspective, they recognize though, it's footnoted there, that is not obviously consistent with the permit as it stands currently. Joanne – Yes. Edgar – So we recognize there would be some need, Bob, Mike's got to amend his permit anyway right now because he recognizes that the DOT stuff is really the DOT's business, not ours. Mike's approval at this point doesn't tie to any phasing. If there were anything that should be phased or at least recognizing that this is a phased project, Mike had basically in general terms agreed to be able to amend his permit, but what Mike wanted to see was the Plymouth Street stuff in Phase 1 and then everything else could be Phases 2 or 3. One of the gray areas is we've talked about a paved apron which is very often required and that's right about where the ROW break is. Flanders – That's done to protect the edge of the road. Edgar – That's right about where the granite curb would go, the granite curbing is probably going to be largely in the ROW would be my guess. Vadney – What are the limits of that granite curbing? Joanne – I believe its 20' or 30'. Flanders – 30'. I'm looking at the driveway permit. Joanne – What Mr. Flanders is talking about is that the Town's driveway permit requires 30' of curbing between this driveway to the service entrance for the catering business and the driveway which is used for parking for the apartments indicated by a little jog in on the pavement on the south side of the building accessed from Plymouth Street so there are essentially two driveways on Plymouth Street and he wants 30' of granite curb between to define them. Vadney – Just so people can't use that for additional parking beside the road. Joanne – The primary purpose of driveway permits is to limit access instead of willy nilly in and out, it controls vehicular movements. Vadney – I see he's even put a note in here that part of the reason to do it is to prevent people from parking beside the road. This was done to eliminate parking in front of the business and the road as they currently do now. Edgar – Sight distances aren't ideal there and he just didn't want people pulling in, parking on the side of the street, running in and running out kind of thing once we create a business there. The residents that live there know the situation, they should be able to pull in and get off the road, but Mike

didn't want inadvertent parking in the shoulder and wanted the definition of the driveway. There's a lot of inadvertent parking along that shoulder all the way to the Legion. Edgar – We also put in a boat load of curbing in too to do some definition along there. Isn't the given that the Brunvand's are on board with all of the improvements that Mike Faller wants to see, we're talking about timing, is there anything in Mike's approval that states that the driveway improvements on Plymouth Street have to be done before the catering business opens, is that a given or does the Planning Board have jurisdiction to say we'll do all these things, we're in accordance with the conditions of the Department of Public Works in Meredith, but we're going to allow them to phase it in over time. Edgar – It's a given that at the end of the day, this Board doesn't issue the Driveway Permit, they can't countermand the driveway permit just like they can't countermand DOT so at the end of the day when the Board signs this in order to operate the catering business, this site plan and all the related permits have to complement each other. We can't have one permit going one way and one going another way. This Board cannot countermand an underlying approval so at the end of the day what has to happen, the Board can say we're OK with three phases provided that Mike amends his driveway permit to be consistent with that. That we can do. We just don't know, sitting here, if Mike's willing to amend his permit to that degree. The conversation we had in my office today suggested that he felt fairly strongly that the curbing and the paving of the upper deck should go in as part of Phase 1. If the Board were to condition it, not saying Mike has to make that change, but in order to get final approval, he would have to come around to that view. We don't know if he will or not. At the end of the day, he'd have to or you'd have to come back to the Board. Tor Brunvand – Wouldn't it be a solution if he doesn't approve the conditional approval, then we have to do the full blown curb and paving on the other side, that's the worst thing that can happen? Joanne – If we agreed that if he didn't approve it, that they would make those improvements, then we would have to come back? Edgar – No, that could be the either/or way we approach it, the Board can approve it under either scenario either in the first instance as you've requested the 3-phase approach to be then reflected in the underlying permit, if for whatever reason that doesn't occur, you fall back to the underlying permit and then if you choose not to do that, you would be back to this Board. I think that gives everybody a little flexibility and doesn't necessarily put all the pressure on Mike to have to do it, but he knows that is OK with the Board, but it still preserves his authority to issue his own permits. The other thing that I had mentioned in relation to Phase 2 of getting into the, so let's just say, Bob, what we were just talking about are the two scenarios, one is that kind of an either/or for Phase 1, either the Town driveway permit is amended to be consistent with this 3-phase approach assuming the Board has no problem

with the 3 phases or they fall back to complying with the driveway permit, that would establish Phase 1 scheduling the paving and granite work only for Phase 1. That either/or scenario could address how we handle Phase 1. Phase 2 involves the DOT permit. We have a DOT permit issued tentatively meaning that the encroachment agreement has not been memorialized but they have issued a driveway permit. That driveway permit does not address paving down below nor does it address any closed drainage and what I've suggested on that score is that we have a permit so that there's a comfort level knowing the State would give access and allow the curbing to go in basically as you see on this plan. It still doesn't address what Mike had recommended and what the State had raised a concern in its approval relative to a paved surface, so one way to approach that in the decision regarding Phase 2 would be to come back for a compliance hearing to review the status of the underlying permit. If you think of how we handled Crestwood as an example, the 3-phase project and we required that when they are ready to go into Phases 2 or 3, they come back because that could theoretically, they may want to go into the restaurant business after the DOT permit has lapsed. They are not open ended and so we typically require a review of the status of that permit and in doing so that's going to bring that issue back front and center, paved/unpaved, catch basin/no catch basin, that's going to have to be addressed prior to actually physically going into that second phase and that gives them time to sit down and evaluate with the DOT and Mike an abutter role looking at not having water enter onto the Town's property time to work out those differences. Mike's comfortable with that. Vadney – I don't mind if they come back a couple more times, but it seems to me these are pretty small potatoes to require them to come back. It's not near as big as say the Mile Point phasing. Edgar – The other thing that's appropriate to the phasing and we all saw the retaining wall and the tough shape that was in. That's clearly a Phase 1 item, that's a hazard today. That whole slope area needs to be stabilized whether it be dumpsters or the propane tanks and so forth so that work would be a Phase 1 item. On that score it's about 3 ½' on one end above grade and about 5' on the building side. Plan notes that wall would be designed by others. I talked with Bill Edney about that to see if he was comfortable reviewing at the time the building permit is issued. We have residential retaining walls that are 3-5' high, it's not something we need to overkill, but on the other hand, we need to make sure we've anticipated where the water is going to go. That's the main thing at the end of the day is to make sure that adequate plans have been factored with the design of that wall to make sure we are not sending water into the building, it doesn't necessarily need to be vertical concrete, engineered and all the rest of it. It could be something of a step stonewall that's going to get to 4-5' pretty quick that way too. We are looking possibly for a little flexibility on exactly how we attack that provided

that we have a signoff on it prior to it being built and Bill is comfortable with that. The DOT has the jurisdiction on improvements within the DOT ROW and historically we have granted conditional approvals subject to those permits either being issued or amended or modified, so we do require them for final approval, but not necessarily to take a vote. In this case, these folks do have a DOT permit for a gravel surface on the Route 3 side with curbing subject to an encroachment agreement so I think at least in a pretty substantial way they've address the Route 3 piece. They haven't gotten to that fine-tuned issued of the water going onto the Town lot, but that can be picked up in a subsequent review. There is parking proposed in the front setbacks, a Special Exception is required from the ZBA. We have the two driveway permits from the two permitting agencies under the scenario we just talked about. With respect to the parking, a substantial amount of the parking is accessed via the Route 3 ROW and I've recommended and reviewed this with Joanne that the Board should stipulate in any approval that the approved site plan and the associated uses are in part dependent upon the applicant's continued use of the State's ROW, that's this notion of this encroachment agreement that will have to be executed between them and the State. To the extent that the ROW becomes unavailable, uses may be reduced proportionate to any loss in accessible parking. I have recommended a note be noted on the final plans so any subsequent owners would be clear as to what the circumstances are relative to the use of the ROW. One other issue that we apparently talked about at the last meeting was loading and delivery and another advantage to the phasing and coming back to a compliance hearing, you would have experience with the catering business, experience with how the service entrance works and you would have that history going into any amended operations and I think these are not super intensive uses, it's not as intensive as Cumberland Farms. We did research that and we had not required that no deliveries be made from Plymouth Street, they had represented there would be no deliveries from there. I think you would have a little bit of experience with the catering business up and running and my guess is that it's probably the same vehicles if not similar vehicles that would be providing deliveries, maybe something else that might service the restaurant, but probably pretty similar activity and you would have the benefit of a public hearing to evaluate that history moving into the second phase. The other thing I wanted to clarify relative to the architectural review, early on we saw a pretty involved architectural rehab of the building and you probably have that imprinted in your heads that this would have been a nice makeover for the building. At the first formal public hearing, the applicant withdrew that application and so that is not on the table and you need to be aware that the ordinance, just because the change of use is occurring, does not trigger architectural design review. We can have change of use all over the place. It's the major

physical change to the building, in general terms, is really what triggers the ordinance so if they want to side the building and clean it up a little bit and change the windows that's their prerogative to do that and they can do that with a building permit, that does not require architectural review. I just wanted to be clear that even though we saw a grander plan at one time, this application as we currently see it does not trigger that ordinance so they shouldn't be penalized for that, that's a non issue. If they choose to come back and put more effort into the building based upon finances and so forth, I'm sure we would love to see that happen, but if they simply want to side the building, re-roof it, and change over the windows, that does not trigger the ordinance per se. Kahn – I would like a little clarification, I've sort of gotten lost here. I see the applicant's proposed phases and I've been listening to the discussion, are we now saying that the curbing on Plymouth Street can remain in Phase 2 rather than Phase 1 or are we saying that the curbing's got to be done up front. Edgar - The either/or scenario suggests that it either be done in Phase 2 provided that Public Works amends it's permit. In the event it's not done in Phase 2, it would be a Phase 1 requirement. Kahn – I have the same question about the paving on the Plymouth Street side. Are we taking the same position on that? Flanders – Curbing or paving, I think John has suggested the same approach. Kahn – We haven't made up our minds whether those are Phase 1 or Phase 2 items, that will come in the resolution. The next question I have, do we take the position that the catch basin remains in Phase 2 or do we feel that the catch basin ought to move up to Phase 1? The catch basin will clearly be a Phase 2 item. In Mike's perspective, he doesn't have a problem with that because what's really going to drive that, what he is concerned about is by adding the curbing and directing all the runoff into the gutter and then shooting it towards the low end of the Town's property, coupled with upgrade to the lower parking lot and it's use with a lot more traffic, those kinds of characteristics are what give rise for his concern for that added basin. If we haven't gotten physically to Phase 2 yet, those don't need to be a front end Phase 1 requirement in his perspective. That would need an amended permit from him because that's where he got turned around a little bit so we need clarification of his permit on that. My other issue is that Phase 2 and Phase 3 as I understand it in this proposal are contingent on the opening of the restaurant and I think that what we need is some sort of drop-dead mechanism so that we don't have to wait to see whether or not they decide they will go forward with the catering business and never open a restaurant. If there are some of these things we would want for a catering business, we ought to have a drop-dead date on Phase 2 and Phase 3. Vadney – If they are only using the upper end for a catering business, do we care if they do anything down there? Well then, the issue is what about paving and curbing on the upper end? Should those have to be done by a

certain date? Flanders – My guess is that Mike required that curbing to limit the access points from Plymouth Street so I doubt very much he'll be flexible there and at least the paving of the apron, there's not going to be any flexibility there because that apron is done to protect the edge of the road from being broken up by vehicles driving from the parking lot, if its dirt, up onto the roadway. The paving of the upper parking lot, he may have some flexibility on, but I don't believe he will on the curbing. I know he won't on the apron. Vadney – They've been driving in and out of that parking lot for years, it's not like a new driveway. I wouldn't worry too much about the edge of the road getting cracked. It's not a new driveway. Flanders – This is a new use and a more intense use. Edgar – And it's a brand new road. Scott Carpenter – May I speak? I have a little difficulty with that curbing because the building is so close to the road that the plow puts a huge burrow of snow in that area where they are proposing the curb. Once they put a curb there, I can't plow it. How do the people get in and out of the first floor apartment. Flanders – I don't understand the statement, you can't plow it. Carpenter - It's pretty hard to plow over a curb. I have to keep access open for the entire front of that building for people to get in and out and as much as I'm in agreement with not having parking there, to do it with curbing which makes snow plowing much more difficult is counter productive for that purpose. I don't know how I would plow it with that curb there. Flanders – I don't see that as an issue because you just run parallel to the curb. You wouldn't try to plow across it perpendicular. Vadney – If the applicant can live with these requirements, I'm happy to approve it this way, but if the applicant is not happy, I'm willing to defend the applicant in this case because I think we're going a little overboard. Flanders – I think one of the things we are trying to do is find some middle ground so we can give a conditional approval tonight and then they can go forward without further delay. The only difference is the direction will be determined by Mike's flexibility so we are trying to work with the applicant here, not obstruct them. Tor Brunvand – He's got to make the final decision on the driveway so we can live with that, we have no choice. Granfield – I just want to make sure when we get ready to vote, so we are actually saying that if Mike says they don't need the curbing and the paving right away, they go ahead and do Phase 1 as they have it. If Mike says they do, they are going to have to do that or they don't do the project. Basically, that's what this all boils down to if the motion is made that way. The only thing that concerns me about the whole thing and I have no problem leaving it to Mike so that's fine, if he's made a statement on paper that it's a safety hazard not to have curbing, it's tough to go back on that because if it's a safety hazard now, if you can wait a year, then why is that OK? You can

put yourself in a real bag when you do that because if it's OK to let it go a year, you might as well not have it be a concern, but I'm willing to go along with whatever Mike determines.

Flanders moved, Granfield seconded, I MOVE WE GRANT CONDITIONAL APPROVAL TO SUSAN AND TOR BRUNVAND FOR SCOTT CARPENTER FOR A PROPOSED SITE PLAN TO ESTABLISH A CATERING/TAKE-OUT RESTAURANT IN AN EXISTING COMMERCIAL/RESIDENTIAL BUILDING, TAX MAP U10, LOT 27, LOCATED ON DANIEL WEBSTER HIGHWAY AND PLYMOUTH STREET IN THE CENTRAL BUSINESS DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) A SPECIAL EXCEPTION FROM THE ZONING BOARD OF ADJUSTMENT IS REQUIRED FOR PARKING PROPOSED IN THE FRONT SETBACKS AND SHALL BE CROSS-REFERENCED ON FINAL PLANS;
- (2) DRIVEWAY PERMITS ARE REQUIRED FROM THE MEREDITH DEPARTMENT OF PUBLIC WORKS FOR ACCESS FROM PLYMOUTH STREET AND THE NH DOT FOR ACCESS FROM DANIEL WEBSTER HIGHWAY AND SHALL BE CROSS-REFERENCED ON FINAL PLANS;
- (3) IN REFERENCE TO THE PROPOSED PHASING THAT'S PRESENTED HERE TONIGHT BY THE APPLICANT, IF THE PUBLIC WORKS DIRECTOR DOES NOT CHANGE HIS REQUIREMENT FOR CURBING AND PAVING IN THE UPPER PARKING LOT NEXT TO PLYMOUTH STREET THAT WOULD BE MOVED INTO PHASE I BEFORE THE CATERING CAN TAKE PLACE AND IF HE'S WILLING TO DEFER THAT UNTIL PHASE II, IT WOULD BE ACCEPTABLE TO THE PLANNING BOARD;
- (4) THE BOARD STIPULATES IN ANY APPROVAL THAT THE APPROVED SITE PLAN ASSOCIATED USES ARE IN PART DEPENDENT ON THE APPLICANT'S CONTINUED USE OF THE STATE ROW. TO THE EXTENT THAT THE ROW BECOMES UNAVAILABLE, USES MAY BE REDUCED PROPORTIONATELY TO ANY LOSS IN ACCESSIBLE PARKING. THIS STIPULATION SHALL BE NOTED ON FINAL PLANS;
- (5) A COMPLIANCE HEARING BE HELD BEFORE GOING INTO PHASE 2 ON OR BEFORE THE FIRST MEETING IN JULY, 2005; AND
- (6) WE RESERVE THE RIGHT TO REVIEW AND AMEND.

Voted 7-0 in favor of the motion.

Edgar – Do you feel the necessity for a compliance hearing for the second phase or not? Flanders – Yes, and I overlooked that. I would like to add to the motion that a compliance hearing be held and I think we need to set a date specific in this so I would say by our first meeting in the month of March, 2005. Would that be acceptable? Edgar – For what, final approval? Flanders – Yes, for compliance hearing for operation of the deli. Edgar – I think that would be problematic and the applicant can speak to this, but there may be a period of time that the catering business would run by itself without jumping into the deli business. Susan Brunvand – I assume the catering business would be open by May 1st. I'd like to see the other part of it opened up in the summer sometime, but I'm not sure when. Tor Brunvand – Can we change it to the end of May and that will give us... Flanders – Why don't we make it the first meeting in June then? Vadney – If they want to come back sooner than that, we want them to have that option. Why don't we say by the first of July or something so they've got plenty of room in case they fall behind schedule. We don't want to crowd them. Flanders - OK, I just want to make sure that we have a date specific so this doesn't drag out until the 12th of never. So let's make it on or before the first meeting in July. Edgar – And that's for a compliance hearing to go into Phase 2. The sequence would be that we get final approval, have Mike's pieces resolved however that falls out, sign some plans, get building permits going and get the kitchen open in the spring and then come back for a compliance hearing to enter into the second phase by the first meeting in July. Is that everybody's understanding? Is that agreeable to everybody? Touhey – John, is any kind of fencing required above a retaining wall. In this case the retaining wall is about 5' high at one end. This is a residential dwelling as well as commercial, is there any requirement in our statutes? Edgar – The answer is no, there's not a specific requirement for it. In this case, from the vehicular side of things, there are a series of bollards or boulders proposed to preclude vehicles from inadvertently going over into the area of the propane tank, but no, there's not a requirement per se for fencing. Touhey – I was thinking more of children. Edgar – That's not to say you can't have a conversation with the applicant, but that should have happened in public hearing not at this point.

2. **MEREDITH VILLAGE SAVINGS BANK:** (Sorell stepped down, Touhey on Board) Rep. Chris Williams and Peter Bolton - Continuation of a Public Hearing held on September 14, 2004, for a proposed Site Plan for a new Administration Building and miscellaneous site improvements, Tax Map U07, Lots 109 and 113, located at 319 Daniel Webster Highway in the Central Business District. Application accepted September 14, 2004.

3. **MEREDITH VILLAGE SAVINGS BANK** – Continuation of a Public Hearing held on September 14, 2004, for Architectural Design Review of a proposed Administration Building, Tax Map U07, Lots 109 and 113, located at 319 Daniel Webster Highway in the Central Business District. Application accepted September 14, 2004.

Peter Bolton reviewed a letter from Lou Caron dated October 5, 2004, and indicated his concerns would be addressed on the next submission. Applicant proposes to replace existing building on Lot 109 with an 18,500 sq. ft., three-story office building for bank administration purposes. Lou Caron requested clarification of the lot line between Lot 108 and 113. Carl Johnson indicated that the lot line in question extends out into the swamp and the deeds to the lots in this area are problematic because they refer to the centerline of the road. In 1948, the Town and the State redid the intersection and as a result, we are no longer able to redefine so we simply show the line going out into the swamp. All the lot calculations are done based on the amount of dry land and there are no area or density calculations that need to be arrived at based on square footage of the lot. The setback issues can be from that line on the dry land and need not be further defined in the swamp so I'm not sure what Mr. Caron's concern is about where the original centerline of the brook used to be, but it certainly is something that if the Town were concerned about it, now would be the time to enter into an agreement between the Town and the bank to find the property line out in the swamp somewhere and I'm sure the bank would be willing to agree to a line out there. Vadney – It's the line between the bank property and the Town property? Johnson – That's correct. There's actually a line that's extending out into the swamp somewhere and comes... There was some question whether the State had land in there. With the exception of the deed in and around the area of the box culvert, the State doesn't own anything there so it would simply be a question between the Town and the bank. Bolton - I think we are meeting with the Selectmen on the 8th of November in a work session to review that item also. Lou Caron has concerns with the proximity of some of the development to the wetland area. We have concerns about that too and we have some alternatives that we will review separately. The number of parking spaces is less than the number required. We will adjust that also with a report done by Steve Pernaw. He also mentioned that it is possible that Route 25 eastbound traffic wanting to turn left onto the site could cause a backup of eastbound traffic into the intersection. I think he wants to limit just the entrance only from the west onto the site and this is also something Steve addressed. There is a line of curbing going through the walkway which will be changed on the drawings. Snow storage, I think we've mentioned before that the

owner agrees to remove the snow off-site. We would like to have a pre-construction meeting with Town representatives, contractors and construction managers. We agree with the conclusions of the drainage report and the swale at the rear of the parking lot should provide for year-round sediment control if the stone check dams are left in place which the applicant agrees to. With regard to Steve Pernaw's traffic study, he does mention that it is commendable to relinquish access on the heavier traveled Route 25 and to divert trips to the lesser traveled Route 3 North. One existing driveway on NH Route 25 will be discontinued. Access will be via two remaining driveways. Edgar – Can I back up to put this into context. As a result of the last hearing, there were several issues that we talked about that these folks were going to go back and look at and touch base with Steve on. One was access management, (2) was circulation, the whole bit out to 3 North, another look at the parking to get Steve's perspective in terms of the parking demand and then trips, the intensity level, so effectively that's what this report does is respond to these four or five areas that Steve was asked to get into as a follow-up to the previous discussion that the Board had with the applicant. Granfield – Just for clarification, is this updated since our site walk or is this predating our site walk, what I have in front of me. Edgar – This report? Kahn – What we have here shows driveways going in and out off Route 25. Williams – What you have in front of you is what was previously submitted. Granfield – I just wanted to be sure, I'm looking at this and it's not matching what is being said so I just wanted to be sure. Bolton – On the second page he has a trip generation summary and basically he's saying that from the existing building and parking that exists on-site now demonstrates that the project will result in a relatively small (+17 trips) traffic increase during the worst-case morning and evening peak hour commuter periods on weekdays only. In overall terms, the concept of eliminating site egress movements on NH 25 and directing them to Route 3 North is a positive feature of the plan because traffic volumes on 3 North are significantly lower than those on 25. Vadney – That means anybody on that site even by the box culvert when they want to leave and go back to Moultonboro, they are going to go out by Aubuchon's onto Route 3 and come back through the lights. Bolton – One of the questions in our last meeting, whether or not this should be one-way in and exit at the top of the municipal parking lot, he responded that it is not advisable to change this driveway to a one-way "entrance only" at this juncture. Traffic operations at this driveway intersection are a "known quantity" and will not change dramatically due to the proposed office building and the related traffic circulation changes so he is recommending to leave it as is. Our site plan indicates there are 63 parking stalls for the proposed office building. That leaves the pizza restaurant, West Side Shade and Aubuchon all the existing parking spaces as currently approved

as is. Steve notes that the town ordinances require a parking ratio of 5 spaces/1,000 s.f. Interesting to note is a literature search indicates that according to a study conducted for the Urban Land Institute, together with data from the ITE and Northwestern University, a parking ratio of 3.0 spaces/1,000 s.f. is suggested for stand-alone office buildings. He is not recommending that you change standards, but he is saying from a practical standpoint the amount of spaces anticipated for this office building would be in the range of 47-52 spaces and we're proposing 56 for the office building and a total of 63. Given the number of employees and vehicle trips involved, transportation management measures are not practical which means phasing ingress or egress of employees to help mitigate traffic impact. He indicates the volume is so low, it's not necessary. He did recommend for single-unit truck access, the easterly corner radius at both remaining driveways on NH 25 be increased to twenty feet. As far as limiting the West access to the pizza parking area to "no left-hand turn" heading East, the concept of prohibiting left-turn arrivals at this driveway would be problematic for the pizza and retail customers who arrive from Route 3 North, Route 3 South and Main Street appears to be a case where the concept sounds reasonable, but where more problems are created than are solved. It is our understanding that the left-turn traffic volume is relatively low and that a stopped vehicle waiting to turn left does not block the eastbound through traffic on NH 25. Flanders - If a vehicle is waiting to make that turn and there's two lanes of traffic he has to get across, it's blocked all of the traffic that's flowing East on Route 25. Vadney - John, think back 10 years to when we worked on the Task Force, we looked at that intersection for a long time and we looked at those turns, do you remember any specifics on it. You know, the turns coming around and heading North, swinging toward the East and then zipping into Casey's Diner. John - I spoke with Steve this morning, no I don't have any specifics in terms of that particular curb cut. I know we looked at every inch from Route 104 to Leavitt Beach, but I don't remember exactly what we looked at right there. I think quite frankly, what we looked at right there was that building being condemned and that whole intersection being blown out so I think that driveway probably wasn't looked at very carefully because it wasn't going to be there. I do remember that being discussed as possible park space. I asked Steve to explain that as well and here again this is not a drop dead issue for the applicant, Steve or the Board. What he did with the whole notion of putting some kind of a pork chop island to kind of force right turns to discourage left-turns in and basically when he started sketching out what would typically be required there, you don't have much depth and so the significance is we talk about the area available between where that driveway is and all of a sudden you're right into the parking lot. You don't have enough depth there to do a whole lot to really force the issue

in a really big way and the way he described it to me was you can put it on a little bit of a kilter, but as a practical matter it's not going to have the effect of 100% of people not taking a left in there. It's not going to be prohibitive and he further threw into the observation that at least in some of the lower volume times of the year or off peak hours, that's an important left turn into it for two businesses. So he's just raising the question that we can do it, we can add it and if you want to put it into play, we can certainly do it, but it's not necessarily going to stop lefts and to the extent that if it did slow down some lefts, you've got two businesses that do rely upon some access into that driveway. For those reasons, he was just wondering whether or not it really matters that much. Pernaw concludes that with implementation of these measures, the parking, access and circulation features of the site will function adequately from a traffic engineering standpoint. Egress from the site will be via the rear of the site exiting through the Aubuchon site onto Route 3 north. A NH DOT Driveway Permit is required. Williams – What we have done is look at four different variations that address a number of issues. First of all, the first variation is identical to the plan that was originally presented to you with the exception of the turning radiuses which Peter mentioned. We also have reduced the parking spaces on this side to 18' from 20' on the theory that the bumpers of those cars, if you have a wheel stop at 18', the bumpers can be hanging over and that gives us an increased buffer between the wetlands and the parking. The wheel stop will be a Cape Code type curb, something low so your bumper will go up over it. We also took all the parking dedicated for MVSB and bumped that to 10' x 20' stalls in the two locations where we had 18' stalls. Bolton – The spaces adjacent to the pizza place, West Side Shade and Aubuchon, we've kept the same stall size (9' x 18') and there's one set (10' x 9') because they are existing. One of the issues Lou Caron raised was his concern that the setback from the wetlands was tight. That being said, this has had a preliminary review with DES of the original plan that's favorable to DES and was also run through the Conservation Commission who gave the original approval their blessing. What we've shown here is in response to that issue in looking at the possibility of reducing the two middle parking areas to 18' and then reducing the isle width between the parking in the middle and the parking by the building to 22' from 24' and in reality that would increase the setback from the water on the rear side of the building by 6 feet. We are not saying it has to go that way, we are simply trying to be responsive to one of the things Lou said. In addition to that, we got thinking about some other issues and one of those issues links to your architectural review and the fact the Planning Board does have the ability to look at some other issues. One of the things we had been thinking about all along is how do we create the best presence on Route 25 and best presence for the community and when we did the original proposal, we were saying let's keep the letter of the law

everywhere along the way, but in thinking about this, we were thinking about the fact you have the existing bank building which intrudes into that 30' setback. The West Side Shade building certainly intrudes into it and the pizza building intrudes into it and the Aubuchon side of Route 25 also intrudes into it so there's some justification legally from an architectural standpoint to bring this building forward so it continues that kind of relationship with the existing bank and we also recognize the importance of the landscaping in the front of the building to mirror what's happening on the other side of the road in the park along the waterfront. Bolton – The existing bank from the edge of the building to the edge of the pavement of the walkway is about 16' 6" and the western side of that bank building is about 22' from the edge of pavement. If we move the building forward, 7' 6" that'll give a dimension of about 22' 6" from the face of the building to the edge of pavement. In looking at Option #3 is taking essentially Option #1 and all of the parking configuration and as Peter said that actually increases the separation from the wetlands by 7' 6". Vadney – So the difference between Option #1 and Option #3 is you're moving the main building 6 or 7 feet closer to the road. Williams – Correct, and giving that space between the parking and the wetlands, but we also think that creates better presence on the highway because it compliments better what's happening with the original bank facility. Vadney – It will still be 20 something feet back? Flanders – What's the difference in the wetland setback between Option #3 and Option #4. Williams – The difference would be a difference of 6 feet. Flanders – I'm not crazy about shrinking those parking spaces. Williams – We wanted to provide these options to you and as I said before, what we submitted before met with DES and Conservation Commission requirements, we are trying to look for ways to try and improve and also improve the architectural presence on Route 25 and our hope is that we can get some guidance from you as to which direction you would like to see us go. We thought by putting 4 options on the table that would give you a little more flexibility. Incidentally, we also have a letter that Peter has which if you do like Option #3 or #4, that letter would request that architectural change. Edgar – It would be amending that application to go through that part of the review. Flanders - I appreciate the fact you gave us four options. Personally, I like Option #3 because I really feel strongly that we need to hold our ground on the size of parking spaces and we have done that consistently for a number of years and all you've got to do is go into Olde Province Common and then go into one of these later projects and you can really appreciate the difference. Edgar – What I think Option #3 does by sliding the building forward, you gain that presence on the highway a little bit differently, more consistent with some of the village development. We still have a couple of areas where you have the 18' on some of the older sites over by the pizza shop that were already approved at 9' x 18' and then you

have one bank of them on the right hand side, but that's about it. And then you gain a little bit of elbow room up in the back area where the prime wetland is, sort of a compromise if you will. Flanders – On the right-hand side you have the curb stops so the vehicle can overhang by a couple of feet so you really... Edgar – So there's really nothing harmed that way as long as the curbing is low enough and does not hit the under carriage. Vadney – That utility island between Aubuchon and the middle of the parking lot, what's the plan for that? That's one of the things we will be discussing with the Selectmen. Right now, we have a transformer located there. We are thinking about if we can get that relocated to the North. Vadney – With that in the middle of the parking lot where you show it, I think it would really be a detriment to the whole project so if we can get word to the Selectmen in some way, I strongly support getting rid of that. Flanders – I can speak for one member of the Board and it makes perfect sense to relocate that. Edgar – If I could, Mr. Chairman, while we're on that subject, there are basically five (5) issues that are going to be discussed with the Board of Selectmen. They have obviously been involved in the discussions about the bigger planning in that whole side of Town for the power lines to access from the rear so this is the first site plan where that's going to come into play, so that's one issue, the discussion of the circulation up and into the Town parking lot, they have to be on Board with that. The dumpster to Aubuchon required an easement, this relocated dumpster location would likewise require an access easement. The shared access, the Town has an easement to use Aubuchon's curb cut onto Route 3 and they have a reciprocating easement to use some of the Town's corner lot for circulation. That easement was done prior to the Bank buying this property. That easement was done in the context of the Town and the prior owner, Mr. Conti, working out that deal. When this property is merged to bring the bank building into that mix, the Selectmen need to look at revising that easement to make sure everybody's on the same page in terms of what would be going where and how the properties are dependent upon each other. It's not altogether different than what we've done in the past, but it obviously is different in the sense that it involves this property now that wasn't part of the deal before so that would need to be updated. As we've mentioned before, the boundary issue which is not terribly critical, but is certainly something to discuss so these five (5) issues are going to be part of the discussion on November 8th and the sense that I got from Carol, she has been briefed along the way, and she's comfortable with that all being resolved in a positive way but as a practical matter, it does need to go to the full Board in a discussion context. Williams – I guess our key issue is trying to get some guidance from you and possibly a conditional approval. Edgar – ZBA approvals are in place. There is a State Wetland Permit necessary because of the adjacency of the prime wetland. A State Driveway Permit is required

for the access management improvements to Route 25 and the change of use to the Route 3 curb cuts as well. The proposal is to provide new water and sewer services off Route 25 and Bob Hill will be signing off on final details relative to connections to the mains. A DOT Excavation Permit will be required at the time of construction. They will have to sign off on excavating the ROW and I'm sure there will be some time issues tied to that permit. We don't require those on the front end because they are typically issued by the DOT at the time of construction. Parking was a discussion in the past and what I've suggested in the staff analysis is to remind some of the newer Board members that may not have this history is the Aubuchon building, the pizza shop, what is now the shade business and the hairdresser that will get demolished, those were approved by the Board over a series of approvals back in the early 90's. That package of uses, that part of the site plan that bank off that first curb cut, there's 17 or 20 spaces approximately that were previously approved for that site, and some changes of use occurred. So the 9' x 18' spaces and whatever that number is that goes with those land uses, that's been previously approved by the Board. One way to try to simplify the view on parking is whatever the number that was previously approved, these folks have a copy of that approval and we looked at that when we met this last week, that's pretty much history in terms of what the Board has approved and it has worked. We haven't had people lining up and parking on Route 25 to get pizzas or anything and the Aubuchon lot, obviously, here again there's some shared stuff with our parking lot, but that has proven to work. I think the simple way to focus on this is a net gain of 63 spaces, above and beyond the prior approval, and so then looking at 56 new employees, so you have an employee driven administration building in the context of a net gain of 63 spaces. That's really a way to try to focus on whether or not there's enough parking for the proposed use and as a practical matter, the way it has been presented all along is that this is an administration building with a minimal amount of customer contact. That doesn't mean you might not go in to pick up somebody for lunch or you might even go in there for an appointment, but the gist of the use here is administrative support to the bank and that really makes it an employee driven type of parking demand. You don't have customers driving by saying let me go in and get a checking account set up or something like that. That occurs in the other building. Bayard – That's not a net gain of 63 is it, it's going to 63 from some smaller number that's already there? Edgar – I'm wiping the slate clean in terms of what's already there. The existing building is being torn down. Bayard – I'm sort of curious what was there before all this change? Edgar – It's on the cover page. Edgar – When I said net, I didn't mean net in relation to pre-existing condition, I meant net in terms of a separate use. Kahn – When we did the site walk, there were some issues with 7 spaces on this plot next to

Aubuchon and there was some issue in the sidewalk as to whether or not you had rights to put spaces there because they are using that for storage of pallets. That's not part of their lease. We've allowed that use for the last two years, but their lease does not necessarily allow outside storage. Flanders – And the site plan that's approved for that building doesn't allow outside storage in that location. Vadney – Do those two statements together mean that the outside storage will cease? Kahn – I guess my question is are we going to have parking spaces there or can they continue outside storage. It would not be outside storage there. There's an agreed spot in the front of Aubuchon where outside storage will be allowed.. Flanders – On Option #3, the most westerly entrance, the one between the pizza shop and the place, we're trying to encourage "in only" and for west bound traffic on 25 only, why don't we reduce the width of that neck and that would further... Williams – One of the issues they are looking at there and the reason for the 20' radius in both locations is to allow fire trucks to access. Flanders – What's the width of that throat there? Bolton –24' and we would be happy to do whatever Chuck Palm agrees to. Flanders – You don't need 24' in width to bring a fire truck in there. Vadney – It's on a swinging curve, though, it's turning, it's not a straight shot. Flanders – But the road is 3 lanes wide there. Vadney – You do what your asking by making this thing odd shaped. That would prevent these, but would let a truck swing that way. Flanders – That's fine, but if a fire truck were coming eastbound on 25 and wanted to get in there, he would just start to make his swing from the far right-hand lane instead of over one line and he'd still be able to make that radius. Flanders – That wouldn't preclude a fire truck from getting in there because of the width of the road. Bolton – I think this is something we suggest that Chief Palm take a look at. Edgar – We can follow up with Chuck on that. Here again, I think that's a way to focus on 41-63 in the context of 50 some odd employees for the parking. It's reasonable in the context of this type of use, an office administration use, which is a lot different than 18,000 sq. ft. of medical office or professional office space for which there would be customer contact and so I've just recommended as we spoke the last time, that relying upon this employee driven demand scenario which is reasonable, then we should include that stipulation and note that on the final plans, so if there were subsequent owners or changes of use, it would be clear to anyone that this is the basis upon which the approval was granted initially. With respect to the storm water management, here again, Lou has reviewed the drainage study and concurs with its findings. There really aren't any substantive issues with respect to that. We do need a Terrain Alteration Permit because of the proximity to Lake Winnepesaukee. I think Chris has adequately addressed some of the considerations as to how to possibly improve the layout a little bit. Another aspect to this though is also looking at how when we get to the

pre-construction conference phase which was eluded to earlier, how we could look at the selected contractor and construction manager, their practices in developing the edge of pavement and drainage swale that close to a prime wetland. Even if we create some wiggle room, we are still pretty close to a prime wetland. It's a high valued wetland and so that would be the kind of thing that we could work on with the applicant as we get a little further down the way in the context of pre-construction in terms of fine tuning construction sequencing to make sure that we can set those grades for the treatment swale and be comfortable with it. Flanders – One comment, John, for the agenda or list of things for the Board of Selectmen to consider, I think you should add a 6th item on there and that's potentially allowing the bank some use of that parking lot in the early spring to facilitate material storage and so forth to make the construction process easier. Actually, we did talk about that because it's not a big site and as much wiggle room as they could get as long as it doesn't impinge on the peak season for the Town, we could talk about that. Typically, we require performance guarantees for site stabilization and connection to the Town sewer and water mains. As a practical matter, it's this bank that provides the Letters of Credit for just about everybody that submits them to us so if these guys go down the tube, we've really got a problem so I'm not sure as a practical matter that it's really a necessity in this instance that we require that of this applicant. We will have construction inspections, we will have engineers of record, we will be going through the same drill on site like we do with the Johnson & Dix site and the Volvo site, the retirement village and all the rest of them. I'm not sure a typical letter of credit requirement has a whole lot of applicability in this instance. With respect to landscaping, here again it's like taking a page out of the play book for the work we did on the Waukegan Village Townhouse Condominium and their huge concern with water quality and we had the applicant really take a hard look at the landscaping plan as an element of that project to make sure that we had appropriate loam depths so we weren't always trying to irrigate and fertilize poorly sod lawns. We wanted to make sure we were using indigenous plants and not over watering and stuff like that so we had as part of the approval process, the Board had approved a well thought out landscape management plan and I think that should start to be more of our standard than the exception because there aren't too many places where we do these kind of projects where water quality isn't an issue. There is some historical data of elevated phosphorus levels in Meredith Bay and it's an appropriate thing for all of us, the Town of Meredith included, to take a hard look at it's landscaping plans to make sure we're not inadvertently putting too many nutrients in Meredith Bay. Lighting details are still being worked on, but we would need to see that detail. Typically, we like to see the cutoff fixtures or semi-cutoff fixtures and we've worked that program with quite a

few projects in the past. Most recently, the Catholic Church lighting system, Harley Davidson lighting system and what you'll see shortly will be Volvo's lighting system so that will be the expectation and this conversation we've had prior. Fuel supply sources needs to be identified on final plans and signed off by Chuck. One of the very last things we would do prior to pulling a Building Permit would be to merge the properties, the proposed building straddles a side line between two lots of record and in order for that to be consistent with zoning, that will require lot merger. Selectmen's review – I've indicated there that in that case I noted four (4) things, but we've added two (2) others tonight, so there are at least six (6) items for discussion with the Board of Selectmen. I've noted here that if the Planning Board were to grant a conditional approval at this time, we could make it subject to the Selectmen's concurrence with site specific issues, such as where the transformer goes, the shared-access easement that I mentioned before. In the event that there was a hang-up with the Board of Selectmen, the applicant would certainly come back to us with modified plans that would reflect however those issues were resolved. That can be addressed whichever way you want to handle that. With respect to the architectural design, for the sake of argument, let's say the Board was comfortable with the third option that was presented tonight that involves the building being shifted. There's a relief mechanism built into the architectural ordinance that allows the Planning Board to issue what the ordinance refers to as a Special Use Permit for that encroachment into the setback provided that reduction in setback that would otherwise be required advances the purposes and intent in the criteria of the architectural ordinance. If at the end of the day, the Board has within it to go down that road towards the third option that was discussed earlier, there is a process in the ordinance that needs to be followed, namely, that they would amend the application for architectural review that was previously submitted, I think that's what they are prepared to give you tonight if you want it, then we need to notice a public hearing amending the application and then the ordinance requires that we have input from the Fire Chief, Code Enforcement and Public Works to make sure there aren't some safety objections or hazards or things like that which could occur as a result of the reduced setback. As long as you consider those recommendations and find in favor of it, then it's within your authority under the zoning to reduce that setback as has been suggested. That is the process if you think that you want to advance that third option, it gives us relief on the highway and the elbow room in the back. We wouldn't be able to act on that tonight because the ordinance requires that we get referral and input from these departments so this letter would make that request that sets forth the justification which is required and then this architectural piece would be continued to allow the process to play out so I can get this letter under the nose of the Fire Chief, Public Works Director

and the Code Enforcement Officer and then we would bring their recommendations back and as long as everything is copasetic at that point then that could be signed off on and it would be consistent with any decisions you were to make tonight. Vadney – Would there be any value in us voting to say we agree with this from a planning concept, it's only a question if there's some technical safety issue that blocks it. Edgar – I'm not trying to make your decisions for you, but if you were to grant a conditional approval, obviously that's going to be shared with these Department Heads that the Board is OK with Option 3 and this is the direction you're giving them provided that we get the final signoff from the other department as to this aspect of it. I think I'm a little confused, but it seems to me in some of the cases for the architectural review, we've thrown the lighting in with the architectural review and I'm not sure if we've thrown the landscaping in sometimes too. Is that consistent, am I correct that we could put those in there if we wanted to defer that whole package. Edgar – You've integrated the review because as a practical matter that's the way you should be looking at building, signage, lighting, landscaping, all of those elements, they should be designing them to be integrated and our review should be integrated so you're not looking at one in a vacuum. The lighting per se is not an architectural review requirement. The landscaping per se is not, but a good example like with the Johnson & Dix project, we looked at some of the landscaping to kind of mitigate a blank façade building so that's an example of how the two came together. I think the REI townhouse project, when you looked at the landscaping relationship to some of the building elevations, it puts it in an additional context so they are not specifically part of architectural review, but as a practical matter, you can look at them together. In this case, if you were to do a conditional approval, the lighting fixtures need to be looked at, there's no question about it, there's not going to be a whole lot on it, this is not a real big site, but I have a fair amount of faith in Chris and the bank that they're going to come back with the fixture details that are going to both complement the building architecturally and meet that cutoff objective. If you don't think you can meet that objective, you need to tell me right now. In the past, you've delegated the signoff on some of those details to us or we could handle it differently. If the Board wants to see cutoff fixtures that architecturally work with the building, that's all you need to tell them and that's what's going to come back. Williams – The intention with lighting is that we would have cutoff fixtures so we are not spilling light into the wetland area. Vadney – I trust with John watching them, there won't be excess lighting down there. Edgar – The other thing too with the building height, you will probably have slightly taller poles so that you don't have some real small residential scale light and with slightly taller poles, 16' or something of that sort, if we are going with that variety, you're not going to need that many of them anyway.

As you look at that site plan there's not a whole lot of parking to have to illuminate so with a couple building mounted lights and a couple of pole mounted lights, you won't need a whole lot of light. Flanders – When we were on our site walk, we were talking about the size of this island where the transformer pad is represented now and the alignment of this aisle way into the town parking lot, I think aesthetically we could achieve what they are trying to do with this island, make this island a little narrower and improve the alignment that goes out into that parking lot. Vadney – I was under the opinion they were going to make it better by moving the island out of the way. Flanders – That would do it, but you would lose parking spaces unless you eliminated the island. I think if you make it narrower, you can achieve the same or almost the same aesthetics.. Vadney – Is there any need for that island at all if you move the utility inlet. Williams – It's still going to help break up that asphalt area and it does introduce the option of putting a couple of trees and actually we are planning on using that for site lighting as well. One of the issues I think that relates to that, frankly Bob we've got a 24' width between the island and the parking and as you get out here, which is really off the bank property, that's very wide. It is actually much wider than it really needs to be and it may be possible that you could do some kind of definition there that would actually make that alignment happen better than is shown and at the same time allow for a little less paved area. Vadney – As a philosophical comment, historically going through that parking lot, there's always been some question where you were supposed to go coming from one lot into the next one which was the appropriate lane and so I would leave it up to you, but I think if you can use that island, make it bigger or make it smaller, whatever, so that it helps focus the people, because when we looked at it on the site walk and tried to envision the changes, it still looked like it would be troublesome pulling from that parking lot into the other one. Williams – If you were able to do something similar to what's down here in this area and possibly get some better definition on the Town property that would allow you to narrow this up, I think it would make the landscaping look better. We have chosen not to do anything on the Town property here. Flanders – Maybe a reasonable option here would be to take that transformer pad and put it on a little island right on that edge and that would help the alignment there and it would also provide a spot for that transformer pad. Actually, under #8 that's one of the items I suggest. Kahn – I just wanted to go back and find out what the difference was between Option #1 and Option #2. I see that one of the aisles shrinks from 24' to 22', where did those 2' go? Williams – The aisle between this parking and building shrinks from 24' to 22' but in addition, these parking spaces shrink from 20' in depth to 18'. Vadney – Those shrink as well as those down the side? Williams – That 6' is added to the buffer between the parking and the wetland. Edgar – That's a tradeoff.

Tighter circulation and you get a little extra space out back. Williams – We kept the 24' on the outside so that fire trucks can get through. Kahn – On the East side if the parked traffic is going to overhang the curb, do we really want cars overhanging off the impermeable surface and dripping onto the earth next to the wetland or do we want the cars to stay on the impermeable surface? As I look at all four versions, you've got all four versions with the parking overhanging onto the earth. Williams – Essentially what we are trying to do is take Lou's comments and say "how can you increase those buffers". On this side, the only way we could think of that would really do that was... Edgar – I think the first submittal called for 18 feet over there. Vadney – Knowing that Mr. Flanders won't go along with the 18' parking lot spaces in Item 2 and 4, the only real options are 1 and 3. Kahn – We also have 9' wide spaces just to the west of the new building. Vadney – Those are existing. Kahn – The 4 MVSBS ones I'm talking about are 9' wide. They are also existing. Vadney – In effect, Option 3 is the one you are recommending. Edgar – What's your guys preference? Williams – Personally, I think Option 3 works very well, but that involves moving the building forward 7' 6". One thing I would point out that that does do if you look at Option 1, you can see this curve comes around and then this section juts out and what this does is that actually aligns those curves which I think makes it a better circulation as well. Flanders – Just in my own defense, I'm not sure I'm the only one on the Board that's pretty adamant about the size of these parking spaces and secondly, that building moving forward so it's more closely aligned with the bank building, I think aesthetically is a plus and I think it's unreasonable to assume that any time in our lifetimes that the bank building itself will be razed and replaced so that's not inconsistent with good planning in business locations or downtown areas. Bayard – I want to agree with both of them. I like Lou's comment about the overhang and I think it's something that needs to be looked into, I mean if worse comes to worse, you could just put compact cars only or recommended there or something like and that gives fairly nice area for people with compact cars. I've seen it work in other places. I'm not sure the overhang into a wetland is necessarily a good idea. Vadney – It's still dripping on a lawn, it's not like it's dumping in the lake. Bayard – I don't know, I'll leave that to people... Williams – The reality is that very few cars exceed 18' in length, I think the real issue is that many people don't know how to park, but that's why you have the 20'. Vadney – And the reality is also, there aren't many cars out there today that are still leaking oil and radiator fluid. Edgar – One of the things too, Mr. Chairman, this is a redevelopment site, It's not like being out on Route 104 on a virgin 20-acre site starting from scratch and I think that, if my memory's correct, when we were looking at the hotel project, I think there were some instances where not too many of the shorter lengths were

permitted because of the tight site. Bayard – I'm just saying I will leave it to wiser minds than mine to deal with that, but I did want to say that I do like Option 3 best of the four alternatives. Touhey – I certainly like plan 3. I think as far as the wetland situation is concerned and the 18' depth spaces, Meredith Village Bank has always been a good neighbor and I think that since these spaces are going to be occupied by employees of that building, I think we can expect they can be limited to compact size cars and the bank can handle that in good faith. Vadney – No comments from the public. Kahn – I'm not going to live or die over this, but I think this is a fairly massive building by our standards and at 30' it's quite close to the road and faces another building that's 3-stories high, but that one is well set back. I'd rather go for plan 2, I don't like to see that building moving closer to the road and I don't think the shade shop and C-Brothers 3 should in any way influence where we position this building. Flanders – I'll just go back to what I've said before, I really have a problem with making those spaces smaller because reducing the aisle width to 22' makes it more difficult to get in and out of the spaces and I probably shouldn't say this, but if you've got people that are less skilled at driving, it gets even worse. It's probably good for people with body shops, but I'd like to see us keep our 10' by 20' spaces in most locations here. Edgar – These folks were responding to some review comments about trying to provide some additional relief in the back corner. Some folks like 3, Lou thinks we shouldn't move the building forward, the other alternative is sticking to what was originally presented and that puts a little more proximity in the back, but maintains the parking with the 10' x 20' as reconfigured. Flanders – Could I suggest that you do a poll of the Board and see who favors which plan. Vadney – That first presumes that everyone understands the four options. Are there any that anybody absolutely says no, we don't want? Flanders – I think 1 and 3... Vadney – 1 is the way it was originally presented, 3 is moving the building forward and moving the parking lot forward and protecting a little more wetland in the back. Option 2 leaves the building away from the street and shortens up the spaces in the parking lot to save a little wetland space in the back and narrows the aisle and Option 4 adds more wetland protection by moving the building forward and shrinking the parking spaces. Kahn – Do I understand, Option 3 is closer to the road, but all have 18' spaces facing the stream. Bayard – I don't care too much between 1 and 3, but I certainly don't want 2 or 4. Option #3 which moves the building closer by 7' 6" is the preferred option.

Flanders moved, Granfield seconded, MR. CHAIRMAN, I MOVE THAT WE GRANT CONDITIONAL APPROVAL TO MEREDITH VILLAGE SAVINGS BANK FOR A PROPOSED SITE PLAN FOR A NEW ADMINISTRATION BUILDING AND MISCELLANEOUS SITE IMPROVEMENTS, TAX MAP

U07, LOTS 109 & 113, LOCATED AT 319 DANIEL WEBSTER HIGHWAY IN THE CENTRAL BUSINESS DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) A NHDES DREDGE AND FILL PERMIT IS REQUIRED AND SHALL BE CROSS-REFERENCED ON FINAL PLANS;
- (2) A NHDOT DRIVEWAY PERMIT IS REQUIRED AND SHALL BE CROSS-REFERENCED ON FINAL PLANS;
- (3) A NHDOT EXCAVATION PERMIT IS REQUIRED PRIOR TO CONSTRUCTION;
- (4) BOB HILL, SUPT. OF WATER AND SEWER DEPARTMENT, SHALL SIGN OFF ON FINAL PLANS;
- (5) ACCESS FEES SHALL BE PAID.
- (6) THE NUMBER OF PARKING SPACES, AS PRESENTED, ON PLAN #3 ARE ACCEPTABLE TO THE BOARD. ANY CHANGE OF USE WOULD TRIGGER A PARKING REVIEW AND SITE PLAN AMENDMENT;
- (7) A SPECIAL EXCEPTION IS REQUIRED FOR PARKING IN SETBACKS AND SHALL BE REFERENCED ON THE FINAL PLAN;
- (8) SNOW STORAGE, TO THE EXTENT IT CANNOT BE REASONABLY ACCOMMODATED ON-SITE, WOULD REQUIRE THE APPLICANT TO REMOVE SNOW FROM THE SITE AS AGREED TO BY THE APPLICANT;
- (9) A NHDES TERRAIN ALTERATION PERMIT IS REQUIRED UNDER NH SHORE LAND PROTECTION ACT AND SHALL BE REFERENCED ON FINAL PLANS;
- (10) A WAIVER OF TYPICAL LETTER OF CREDIT REQUIREMENTS IS APPROPRIATE;
- (11) APPLICANT SHOULD CONSIDER A LANDSCAPING PLAN SIMILAR TO THAT DISCUSSED UNDER THE REI APPLICATION TO MANAGE THE RISKS OF POTENTIAL CONTAMINANTS IMPACTING THE PRIME WETLAND AND MEREDITH BAY;
- (12) LIGHTING DETAILS NEED TO BE SUBMITTED AND CAN BE APPROVED ADMINISTRATIVELY;
- (13) FUEL SUPPLY LOCATION NEEDS TO BE IDENTIFIED ON THE FINAL PLANS AND APPROVED BY THE FIRE CHIEF;
- (14) LOTS 109 AND 113 NEED TO BE MERGED PRIOR TO FINAL APPROVAL. ALL EASEMENTS OF RECORD SHALL BE NOTED ON THE FINAL PLANS;
- (15) CONDITIONAL SITE PLAN APPROVAL IS MADE SUBJECT TO THE BOARD OF SELECTMEN'S CONCURRENCE WITH FINAL PLANS AND EXECUTION OF A REVISED ACCESS EASEMENT BETWEEN

THE EFFECTED LOTS. IN THE EVENT THE BOARD OF SELECTMEN DOES NOT CONCUR, THE APPLICANT WOULD RETURN TO THE PLANNING BOARD IN THE FORM OF A PUBLIC HEARING TO RESOLVE ANY OUTSTANDING ISSUES;

- (16) APPLICANT WILL FOCUS WESTERLY BOUND TRAFFIC ON ROUTE 25 AT THE WESTERLY ENTRANCE AS DISCUSSED THIS EVENING; AND
- (17) SUBJECT TO THE USUAL RIGHT TO REVIEW AND AMEND.

Voted 7-0 in favor of the motion.

Flanders moved, Finer seconded, THAT THE APPLICATION FOR ARCHITECTURAL DESIGN REVIEW, AS AMENDED BY THE LETTER PRESENTED BY THE APPLICANT TONIGHT, BE CONTINUED TO OUR NEXT REGULARLY SCHEDULED MEETING ON OCTOBER 26, 2004. Voted unanimously.

- 4. **LEIA LANE COMMUNITY (FORMERLY 38 MAIN LLC):** Rep. Carl Johnson, Jr. – Compliance Hearing to determine amount of performance guarantee and review of legal documents, Tax Map U03, 23-1, located on Massachusetts Avenue in the Residential District.

This project is the subdivision that the Board granted conditional approval for on Massachusetts Avenue and part of that condition was a subsequent compliance hearing to discuss the amount of a performance guarantee and to review some legal documents. There was a unit-cost estimate prepared by the engineer of record, Paul Fluet of Fluet Engineering Services. That amount has been reviewed and adjusted by both Bob Hill and Mike Faller from the Town. John had been working today with Paul Fluet and with Mike and Bob to come up with a number for that hearing. He's also reviewed the submitted legal documents and has some comments on those. Edgar – Frank Michel's the attorney working on behalf of the applicant. You have a copy of a document in front of you and compared to condominium documents we've reviewed in the past, this is fairly straightforward. We have sewer and water utilities in the road. Effectively, that is what is the common area where there's some joint ownership. The way the documents are set up is it's flagging the fact there will be a homeowner's association set up and that those will remain private until accepted by the Town, if and when. The Water & Sewer Department has indicated their desire for those to be taken over on the front end so there's nothing inconsistent there. We would have private maintenance up to a point, but the intent is when we have the as-built drawing that shows all the utility locations and everything and that would be used as a basis to prepare a conveyance easement to

the Town for the sewer and water. The road is subject to the Board of Selectmen if and when they ever decide to take it over. We do have other circumstances where we have public utilities in private roads so that flexibility's built into the document. They acknowledge that the ROW is reserved for dedication as a public road, that's basically some legal jargon based upon common law in New Hampshire. That holds open the prospect or possibility that at some point in time the Selectmen could accept a dedicated ROW. It doesn't obligate the Town to accept it, it avoids eminent domain proceedings is effectively what that does by virtue of that being dedicated. So any lot owner buying into the subdivision is effectively on notice that this potentially could become a Town road someday. It doesn't mean that it will, it doesn't mean that it could, should or has to, but the dedication which basically is an affirmation of the intent of the subdivider is clear that holding out that potential that exists so that is spelled out in the document. There's not too much more to it than that, a lot of it's boilerplate in terms of association language. There is one piece in there where it talks about language that we've used on some other condominium type documents where we talk about the amendment clause. The amendment clause provides a process for the amendment to the declaration except as required to be approved in advance by the Planning Board. There aren't too many provisions in here that really would be subject to an association making something go away. There's possibly a minor adjustment there, but effectively this would set up the association and provide for the private maintenance until such time that any or all of the utilities are taken over. The performance guarantee is a little bit more complicated. We did have estimates come in from the design engineer on our forms so there's no issue there. The original dollar value was \$184,000 in totality. That was then sent to Mike and Bob for their review. Their reviews came in this afternoon so I admit that some numbers were sprung on Carl and on the applicant through Carl so I apologize for that. The long and short of it is, Mike was pretty OK with the road numbers. He looked at some gravel unit costs that he thought were low and then Paul had agreed to make the changes in the unit cost for gravel based upon Mike's recommendations. For the water and sewer department, there were a series of technical elements and valves and pipe costs and a bunch of things like that that added up to about \$141,000 total and the long and short of it is that Bob re-ran his numbers and I haven't had the time to insert all these changes and re-run the numbers and I think we were looking at approximately a \$250,000 figure which should incorporate all the recommendations and so we looked at a not-to-exceed figure of \$250,000 all inclusive. We certainly would be willing to sit down with the applicant and the engineer to review and critique them item by item to see if there are areas where there could be some savings, but we figured that would be a safe number that Carl has agreed to

that we could establish and get your piece of it over with. My guys I'm sure would concur with that figure because we have not yet sat down with Paul Fluet. There may be some questions and there may be some opportunities for some things to be further adjusted downward, but we think that figure would be safe so that would be one way to handle it. Alternatively, would be to continue it, but the applicant through Carl has agreed that we could go with the figure of \$250,000 knowing that's safe and then the actual number could be less than that when we actually post the Letter of Credit. Vadney – These Performance Guarantees, their main function is to protect the Town from liability should the development go bad. This one sounds like we're banking enough money there to do the project by ourselves just for the fun of it. Edgar – In case the applicant defaults. Vadney - Why do we have to build that? Edgar –Because we'll have recorded the plan and created the real estate that's predicated upon access to those improvements. Flanders – This is consistent with everything we've done in the past. Johnson – There are two methods, Mr. Chairman, one of which is either build it instead of bonding it, in which case the Town doesn't have much risk in that the applicant is building it and if it performs to their standards, they would accept. The Performance Guarantee in this instance, for one thing, the water line is existing, the service is beyond where this project is so there are other considerations. There are also two houses that are going to be affected by the force main situation so there has to be some type of guarantee there that the performance will be met and that the credit could be pulled very quickly if something wasn't right. You are right in the sense that maybe the lots would never get sold as a result of it, but there are other issues. The roadway itself again is a situation whereby it would be unacceptable to do part of it, so the performance guarantee mandates with money that if started, it will be finished. We are in agreement with the amount with some possible tweaking based on some of the late numbers that came in, but the not-to-exceed amount of \$250.00 would be acceptable to the applicant. Edgar – A good example where we almost had to pull the Letter of Credit was in Grouse Point and the letter of credit that was established was no where near sufficient to complete the road improvements to the lots that had been conveyed and to build the roads and the sewer. We all would have been in a tough way if we weren't able to negotiate our way out of that. As it turned out, another developer came along and bought the project and put the money into it and the rest is history. Chances are, in the big scheme of things, this never comes to pass where you need it, but if you need it, you need enough to make sure it gets done right. I don't want to be sitting in front of the voters saying well we cut corners on the estimate so therefore the taxpayers have to belly up to finish the project. That cannot happen so we are going to err on the side of caution and being reasonable and if we can look at another thing that was

suggested today, we might be able to reduce some of the mobilization costs, some of the add-ons that we throw on top. If we can revisit that and take a look at it in a reasonable way, we would be happy to do that. Flanders – How on a short piece of road like that did the project engineer miss the water and sewer part by \$141,000? That's huge. Edgar – A couple of the larger areas that were adjusted by Bob, all the service stubs for sewer and water to the lot lines were not included. The cost of the sewer force main was understated that added about another \$30,000 to the estimate and that's about 2,000 feet of force main. That was a big chunk. There were a lot of little things, there was no provision for testing, there was a series of shutoff valves for all the utilities that need to have valves at the end before they go onto private property. The valves weren't included. They were included in the drawings but not in the estimates. Another big one was the six inch water line was about \$25,000 shy in terms of Bob's view of the numbers in terms of the price for pipe and that was only off \$5.00 per linear foot, but it was a long run. One of the things that happened, Mr. Chairman, is that part of the original estimate that was submitted included the individual ejector pumps and the lines feeding the force main. My suggestion to the applicant and engineer was there's no need to bond that, there's no risk to the Town, that's something each individual decides on his own septic so that was removed and I think what happened was when that was removed, a portion of the force main itself fell out of that loop and it was something that Bob picked up on, that's why we go through this mechanism. Some of the dirt estimates and some of the costs that Bob deals with were higher on his end. In reality, it may be that they are lower or higher than both, the cost of something often times is not the amount that's posted. Edgar – One of the last things is we bumped up the survey allowance for the as-built because we do have a fairly involved as-built with road, sewer and water dimensions to it and so we added a little extra on that. When you add it all together, we increased the sewer estimate by \$25,000, the water went up.. In rough numbers the grand total would be not-to-exceed \$250,000 with the proviso that we sit down with Carl and Paul and take a hard look at the estimates. Richard Roman – If they did default on that, what would happen to the road, would it become private property or would it become Town property? Vadney – It would remain a private road unless the Selectmen decided to take it over. It would not automatically become a Town road if that's what you mean. Edgar – The road would be built, you still have a homeowner's association that will be responsible for private road maintenance. What the bond does is make sure that the improvements get completed. Roman – If they defaulted and backed out of it, the Town would take that money to complete that part, but would the Town be liable to take it over? Flanders – No, not at all. We wouldn't be any more liable to take it over if we used a performance bond to

complete it than we are if the developer completes it. Once the developer completes it, the Town is still not obligated to take it over. Edgar – Bob’s correct, whether or not the Town takes it over is not affected by who builds it. If we have to pull the bond to build it or whether the developer builds it, whether or not the Town takes it over is a separate issue, the Selectmen would have to decide whether or not they wanted to. Just because we accessed the \$250,000 letter of credit, bid it out and had someone else build it as opposed to the developer, the issue as to whether or not the Town would ever take it over or not, remains the same.

Bayard moved, Finer seconded, MR. CHAIRMAN, I MOVE WE APPROVE THE PERFORMANCE GUARANTEE FOR LEIA LANE COMMUNITY (FORMERLY 38 MAIN LLC) NOT TO EXCEED \$250,000.00 AND THAT THE LEGAL DOCUMENTS APPEAR TO BE ACCEPTABLE. Voted 7-0 in favor of the motion.

4. **JUDITH A. CURTIS:** Rep. Nick Harding

Applicant has three lots, two developed and one undeveloped and would like a boundary line adjustment to eliminate the third lot, the undeveloped lot, by combining it to the two lots that are developed and making the two existing ones larger. Vadney – On the right-hand side there’s two pieces that would become one lot and then the funny-shaped bow tie. Flanders – It looks to me like we are getting into the realm of a flag lot when you compare width to length. It makes perfect sense to do what they want to do, but I’m just asking. Edgar – That’s why they are asking for a waiver of the 4:1 ratio and that’s why I recommended that in this application of it, we grant it because basically we are taking a lot of record and doing away with it. Granted, it’s irregular shape but in the context of what we are doing here, we are eliminating a non-conforming lot, we’re adding some acreage to some other lots. Flanders – I know it makes sense, I just wanted to make sure. Edgar – And that’s why if you go to Page 22, you’ll see a discussion of the two waivers, one was a 4:1 ratio and the other was topography. Typically, we never look really at topography on boundary line adjustments because it doesn’t really add to the decision making. In this case, because we probably do get into some 4:1 ratio if you calculated it and the question would be is the purpose and intent of the subdivision regulations being undermined by this merger and my own opinion is “no”, but that’s an opinion for you all to have to come to. There is a plan note that suggests that Parcels A and B cannot be used for septic purposes and I wanted to know why that would be because to my thinking, inadvertently, if there was a need for a backup system, a new system for one of these camps, you very well may have to put it out back, given the proximity to the shoreline and

everything, so I was wondering if that really is necessary and exactly what the intent is on that plan note. Harding – No, I'm not sure. Edgar – We probably couldn't force you not to stipulate that, but you might want to think about whether or not you really want to self impose that limitation on that rear property. It's one thing if you were to sell one of these properties and you don't want someone building out there or doing something goofy, but as a practical matter, is one of those is on a privy? No, they both are on some kind of septic. Edgar – At the end of the day, they are non-conforming in terms of their proximity to the lake and when it's time to replace that the Town and/or the State may require those to go in alternative locations and depending on what you have for wetlands or ledge or other considerations and I don't know what the terrain's like, I haven't been out there for a site inspection and unless there's something really odd back there, you may not want to self-impose that limitation. Harding – That's a good suggestion, it's dry back there and probably some ledge throughout the entire island, but the idea would be if we did have to use it for that purpose to move it farther away from the lake. Edgar – What if you ended up somewhere near that dashed line and the slope of the grading for a leachfield might take you over that line and then all of a sudden you're faced with a deed restriction that says you can't do that. There's no harm in allowing for a septic out there if it met with all the other State and local guidelines. Unless you have some real adamant reasons not to do it, you might not want to do that. Vadney – Should we go for an approval and leave that as a staff issue. Edgar – This is a relatively straightforward application, but I just wanted to flag that. Vadney – I would agree. Edgar – We could resolve that as an administrative matter if they were so inclined and the only other issue that I've noted in the staff review is that there are two pins that would need to be set, one is flagged in the middle where the new line intersects the dashed line, it says to be set, you carry that line to its conclusion to the right where it intersects with the rear line, that would need to be pinned as well. So, two pins would have to be set prior to recording the mylar. Hearing closed at 9:47 p.m.

Bayard moved, Sorell seconded, I MOVE WE APPROVE THE PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN TAX MAP I06, LOTS 11, 12A AND 12B, TO TRANSFER PARCEL "A" (.18 AC.) TO TAX MAP I06, LOT 11, AND TRANSFER PARCEL "B" (.17 AC.) TO TAX MAP I06, LOT 12A, LOCATED ON BEAR ISLAND IN THE SHORELINE DISTRICT WITH THE WAIVER OF THE 4:1 RATIO LOT SIZE REQUIREMENT AND TOPOGRAPHY IN THIS CASE BECAUSE WE ALL AGREE WHAT'S BEING DONE IS VERY BENEFICIAL AND CERTAINLY FULFILLS THE INTENT OF THE ORDINANCES AND THE PINS BE SET WITH WRITTEN VERIFICATION BEING PROVIDED PRIOR TO RECORDING OF THE MYLAR AND ANY PLAN NOTES (ESPECIALLY THOSE THAT HAVE

BEEN DISCUSSED) BE HANDLED ADMINISTRATIVELY AND VERIFICATION BE PROVIDED THAT THERE IS NO MORTGAGE ON EITHER OF THESE PROPERTIES. Voted 7-0 in favor of the motion.

5. **18 BAY VIEW REALTY LLC:** Rep. Carl Johnson, Jr.

This property is located just north of the Town of Meredith parking lot to be constructed on Plymouth Street and just south of the Cumberland Farms convenience store/gas station. There is a small piece of land owned by the Town in between this building and Cumberland Farms for a drainage situation. Basically, what's happening here is there are two existing one-bedroom apartments in this building and this building formerly housed Michael Gould, Attorney at Law, and there is a proposal to change that use from professional office space to the business that was formerly located in the Horne Block on the corner (Sew What). It's a custom alteration business. From a practical standpoint, this probably could have been handled by a change of occupancy because the intensity of use is such that there's not going to be much difference in the amount of cars going in and out of the property, but it is going from technically a professional office to retail. There was no existing site plan of record for the building so what we've prepared here basically is the quick and dirty site plan which shows the existing conditions. There are no proposed changes. The apartments basically park off of Plymouth Street, that's existing parking not to be changed. The business is serviced by the parking spaces and the turning area that's off Route 3. There will be an entrance for the business to be used by the owner only from the Plymouth Street side. The people that are coming to use the business, the general public, will access the business through the spaces in the parking lot. Basically, there's no change to the building, no changes to the parking, there's no change in existing drainage and landscaping. Most of that information is devoid on this site plan. This is basically to give the Board something to start from. This is a situation where the amount of trips per day for this business is probably equal to professional office space or change of any professional office space which could have been handled administratively by a change of use. That's basically what we are here for just to get approval for that business to go in there with no changes to the exterior and there's no changes to the existing apartment spaces that have been there for some time. Flanders – Should we at least show one handicap symbol in one of those parking spaces just to cover ourselves? Johnson – This whole area down here essentially is available for that but I would be happy to add that to the plan. Sorell – If you have the parking, can you get them in the building? Edgar – There probably are some basic checklist items I could go over with Carl just to flush this out a little bit more than what's there. As Carl indicated, this was kind of a bare

bones submittal and I do appreciate that, but we do need just a record drawing but because it will be an approved site plan, there are probably some basics we could add to it, zoning district, utility status, lot coverage, sign location and a few things like that, some basics without getting too carried away, but I think we could add some existing information to the plan. We are looking for kind of a generic retail approval, but the tenant in mind is pretty well on the hook. The business is called Sew What and it's a custom alteration business that was on the corner in the Horne Block.

Flanders moved, Finer seconded, I MOVE THAT WE APPROVE THE SITE PLAN FOR 18 BAY VIEW REALTY LLC, A PROPOSED SITE PLAN TO CONVERT A PROFESSIONAL OFFICE INTO RETAIL SPACE WITH RELATED SITE IMPROVEMENTS, TAX MAP U07, LOT 87, LOCATED AT 328 DANIEL WEBSTER HIGHWAY IN THE CENTRAL BUSINESS DISTRICT, AND THAT WE AUTHORIZE STAFF TO WORK WITH THE APPLICANT TO ADD A FEW NOTES EXCLUDED FROM THE PLAN, I.E., SIGN LOCATION, HC PARKING SPACE, ETC., AND SUBJECT TO THE RIGHT TO REVIEW AND AMEND. Voted 7-0 in favor of the motion.

6. **NORMAND AND ROBERTA MORIN (CASE 'N KEG):** Rep. Carl Johnson, Jr.

This is the existing Case 'n Keg building located on Mill Street. It's just southwest of the Truell Real Estate building which houses Missprint. The lot adjacent to the Case 'n Keg building is vacant; it formerly housed a residential home and just southwest of that is also a vacant lot which was formerly utilized by the Meredith Harley Davidson Shop. As you can see on the plan, there is a drainage complex that extends beyond the back of the building and beyond the back of this existing vacant lot. This drainage comes partially from the homes that are off Stevens Avenue and partially from a drainage easement through a culvert the Town has across the former Harley-Davidson property and it drains very slowly and is stagnant in here into a culvert system which comes out and enters the system at Mill Street, eventually making its way down through to the lake. We went before the Zoning Board of Adjustment to fill a small portion of that wetland primarily for the reason that this building was commercially approved by the Planning Board for Liberty Glass. There are two huge overhead doors here which were set up to accommodate Liberty Glass and there was very little parking dedicated to the public and the trips per day for the glass business were significantly lower than the trips per day for Case 'n Keg. So really what's happened here is the parking the way it is doesn't work very well when there's deliveries during the day. The trucks come in, they back in to the

deliveries door and the way the parking is now is there's a small bank of parking here which is to remain unaffected and then there's six (6) spaces in the middle where cars come in this entrance and park this way, supposedly come in this entrance and park this way. But what happens is people do the drive thru thing and they drive ahead into the space, then when there's a truck there it becomes problematic. The owner has for some time been interested in this piece that was owned by the person who also owned Case 'n Keg, but at the time my client was only leasing. He now owns the building, owns this lot and owns the adjacent lot which right now is a separate lot of record. Mr. and Mrs. Morin would like to incorporate this lot and improve the general parking situation and conditions at Case 'n Keg. The main thing will be to relocate the overhead door to the rear of the building so as vehicles come in, they will be delivering towards the back of the building. This essentially would free up the whole front area of Case 'n Keg for people coming in and out and redirecting the parking to be face-in parking, similar to Cumberland Farms where the frequent people coming in would be there for a few minutes and then leave. There's many trips per day but the average stay is not very long so traffic is not there for extended periods of time. This essentially would allow employees and so forth to park over here and, of course, because this building is going to be dependent on the lot next door, the lots will have to be merged as a consequence of what we are doing if we receive approval. We did receive approval from the Zoning Board of Adjustment for the filling of that small wet area. This is a drainage situation, not really a wetland situation. Joscelyn Daigler from the State of New Hampshire DES has been up and reviewed this and she agrees that this is more of a drainage situation than wetland situation. A couple of things we're going to do in addition to redoing the parking is when we fill this, we're going to eliminate the locally known "bamboo species" that's there. It's actually an invasive species, Japanese Knotweed. DES doesn't like it, so that's going to be removed and replaced with native wildlife wetland species. Additionally, there's going to be a buffer area here which will buffer a potential developer of the lot that's next door from the parking area so there will be some additional landscaping done in that area. Basically, everything else is going to remain the same. There are no changes proposed to the building. This is a retail store and product storage. There will be a drive thru here to accommodate people not continuously going out onto the street when parking is full here, that are able to come in and go out and find a space here. This is an existing entrance of sorts because this is the way the lot was previously accessed, most of which was filled previously because there was a home there so there will be no additional filling, there will be some minor grading, but it's pretty much at grade. There will be some fill in the area of the proposed retaining wall. Basically, this will improve the situation that's there to allow the traffic to flow

more evenly in and out of the site and I think it will be a general improvement of the way it operates. Flanders – Originally when this was created, the retail square footage was restricted because of lack of parking. Now that they are going to have additional parking, you say they are not going to increase the retail square footage. Johnson – There are no plans to right now. There maybe additional applications that appear before this Board for changes of use of this building, but all we are asking for at this meeting is to change and revise the parking for the existing Case 'n Keg building. Flanders – I guess the reason for my question is if there is a plan down the road to add some more square footage which they now have the parking to support, they could save themselves another trip back here and the expense. Johnson – There is none that I know of. Edgar – There has been informal discussions at my level about a change of use to add a small eatery. I just want to make it clear that if that were to come back or if any other change of use were to come back, it's got to fly on its merits and not simply, well you already approved six or seven more parking spaces. If on its merits a change of use is appropriate, then god bless them and off we go, but just because we expanded the parking under the pretext of improving Case 'n Keg's parking, doesn't necessarily guarantee anything relative to a change of use. With respect to the staff review and I apologize to Carl, these were cranked out late in the day. We are adding about nine (9) spaces to the adjacent property. We are in the Central Business District and need to identify lot coverage, we need to show setbacks, State review on the wetland. Substantively, Mike is looking at the site plan and hasn't completed his review. He will be looking at the drainage, he has to issue the driveway permit for driveway proposal on Mill Street and he will also be looking at where the water goes as part of all that. We should show water and sewer services as a matter of existing conditions. Again, the grading and drainage question Mike will look into that little bit just to get a feel, it's basically flat but he obviously is going to want to make sure we don't inadvertently drain anything out into the street that we don't need to. Here again, not a big deal, but we should show some minimal erosion control information since we've added some gravel and pushed a little bit of dirt on that parking lot to shape that we don't inadvertently get it in that drainage swale. HC parking should be indicated. Landscaping, size and type of plantings should be identified. Curbing, if any, would be specified. Lighting, if any, would be specified. Snow storage should be identified. Fuel supply, if any, needs to be identified, that kind of typical stuff. Dumpsters, if any, and then the same comment about the lot merger and so what I have suggested is that we continue it to the next cycle or so and allow some additional details be added to the plan and that also would allow time for Mike to generate his memo on the driveway permitting. The other thing too is that we could take a look at and maybe just put on the table is that the

two-way connector between the two lots scales out at about 14' wide and that really should be evaluated as to whether or not that width is sufficient for two-way traffic and maybe it makes sense to make some adjustments there either towards the ROW or in the other direction towards the parking space. . The intent is fine in terms of not pushing people back out onto the street needlessly, but realistically it's all pretty visible in there and if one's full when you drive by it and go to the other one. Johnson – The feeling there, Mr. Chairman, was that the length of that is about one car so if you started there and something's coming the other way, two cars can easily pass in 14'. We could look at that and possibly add some width to that. Edgar – That's been a suggestion that we push it, we're not in a rush on this one. Johnson – I do have one thing that's problematic and we have an application pending with the ZBA. We were actually in the last time with the ZBA for a Special Exception for parking in the front setback. It didn't come under my hearing, but it came up at that hearing about the restaurant on Route 3 that you are not allowed to entertain a Special Exception for parking in the front setback unless you have an approved site plan so we bumped it to the Zoning Board meeting which is Thursday night so if we had a conditional approval from the Planning Board, we could appear at the Zoning Board. If we bump the Planning Board, then we're going to bump the Zoning Board another month and I wonder if there's a mechanism whereby the Planning Board could make some type of statement or ruling regarding parking within the front setback that would allow the Zoning Board meeting to continue without the benefit of an approval for the site plan. Basically, all of the parking for all the businesses on both sides of the street are in the front setback and the existing parking here is in the front setback and even moving them from where they are to where they are going to be are still technically in the front setback. I never liked that part of the process of the Zoning Board and I'm hoping there's a way that I don't have to be delayed another month and be at the Zoning Board in November. Edgar – I'll throw out an option. If you were of the opinion that with some additional details and with Mike taking a look at the driveway, if you don't see any major issues here, one way to approach it would be to give it a conditional, but require it to come back for a compliance hearing to address whatever Mike has left for the driveway permitting and all the other compliance related checklists, signage, lot coverage and all like that and normally we wouldn't do it that way, but as long as you don't see any major issues here, you could give it conditional but then require them to come for a compliance for those items. Vadney – It looks to me having been there before... Johnson – I don't perceive from the applicant's standpoint that there's going to be any comment that comes from Mike that we are not going to be in accordance with. I know that Bill Edney has looked at this extensively and really considers this to be a major improvement and there

are abutters in the area that really wish this thing would be filled and redefine the drainage into the wetland so I don't think anything is going to come up that's going to surprise us. Vadney – That lot has been a problem for a long time and the parking and the lack of any delineation or at least anybody following the delineation that was there. I didn't even know they were marked. I would be happy to entertain a motion.

Bayard moved, Finer seconded, MR. CHAIRMAN, I MOVE THAT WE CONDITIONALLY APPROVE THE PROPOSED SITE PLAN AMENDMENT FOR NORMAND AND ROBERTA MORIN (D/B/A CASE 'N KEG) TO REVISE PARKING AND ACCESS TO AN EXISTING BUSINESS UTILIZING THE ABUTTING LOT, TAX MAP U06, LOTS 138 AND 139, LOCATED ON MILL STREET IN THE CENTRAL BUSINESS DISTRICT, SUBJECT TO THE CONDITIONS AND COMMENTS RAISED IN THE STAFF REVIEW DATED OCTOBER 12, 2004, AND COME BACK TO THE BOARD FOR A COMPLIANCE HEARING ON NOVEMBER 9, 2004 AND ALSO SUBJECT TO THE RIGHT TO REVIEW AND AMEND. Voted 7-0 in favor of the motion.

7. **HOWARD RICHARDS (PRODUCTION TRAILER AND DOCK):** Rep. Harry Wood

His business operation, Production Trailer and Dock, has been located on Route 3 South for some time now and he simply relocated further down the road. The site which is shown on the map is the former Chinese restaurant before the Laconia Town Line. What I have done here is to shade in everything that's paved at the present time in gray. I've shown all of the structures with X's that are coming out and we show a proposed new structure in this general vicinity. Tonight is essentially a preliminary discussion of this project. I inadvertently forgot to complete the architectural review portion and filed that today and hopefully that will be scheduled for your next meeting at which time we hope to conclude this with any details that are not shown on this particular plan. There is an existing dwelling on the southern end of the property and that would remain in the ownership and would be rented out as rental housing (one unit). At the present time, the frontage along Route 3 is mostly open and you can go in and out all over the place. There's two exceptions, there's a very fine red line shown on my plan which you can't see at all in this location and another one here which are stop logs on the side of the highway and the pavement runs right up to them and continues on the other side. The State's not real happy with that situation, they don't like to have a firm obstacle immediately adjacent to the side of the road and we are proposing to remove pavement along these bright green strips that I've shown and we've had some

discussions with the State with regard to that and we talked about going 8' off the road or off the traveled way where the fog line is with the idea that there would be room for a car on the shoulder. They don't want you to do that, they want you to cut down to 6 feet so what's shown here is approximately 6 feet off the fog line on the side of the road. Part of the reason for all this is poor sight distance in this area. If somebody parks on the side of the road and decides to get out of the car, someone coming over this side of the hill which is the worse side would tend to go around them not knowing for sure whether or not somebody is coming the other way. We are trying to address those issues and I've got on mine and I think it's also on the one a few of you have, we have sight distances mapped out from six different locations on the property and the only place that's acceptable is the second third of the property so although we had hoped to have an entrance in this location and another one further up, we can't meet the 400' sight distance, but we are still asking for two entrances. That may prove to be of benefit because of the conditions and the relatively short sight distance, if there were somebody coming out of this entrance and they went a little sideways like they sometimes do going in or out and if a fellow's coming up the hill, he can go by that one and go in the second one and he doesn't end up perched out here in the middle of the road hoping that someone doesn't come upon him. The State hasn't said anything at all about changing the road surface in that area. This is not a particularly high traffic use and so they haven't said anything about turning lanes or anything like that and there's been at least two discussions with them to date. We do have a letter from them indicating they have inspected the site and stipulated that we are entitled to two entrances in this area and to leave the existing entrance for the rental unit is fine. We've talked about a very low berm along these places where we moved the grass and we're still working out exactly what we will do with them, how high they'll be, what we'll plant on them and that sort of thing, but the State did stipulate that they didn't particularly want curbing immediately on the side of the road. This is a higher speed area compared to the downtown area. The existing restaurant which is quite large will be razed down to the first floor level which is a concrete slab with nothing under it, but it's raised approximately 3 feet from the surrounding ground. The slab will remain there as a pad for display. A retaining wall would be constructed probably similar to what was done along Pleasant Street and should not exceed 7' in height at any given spot. It would be less in some areas. Vadney – What is that for? The proposed new building will be 29' x 59 ³/₄'. A lot of what is on the site now is in the State ROW including the sign which is centrally located right in front of the old restaurant and the State may require us to move that back. We've talked to them about it, they've indicated it may have to be moved, but at the same time they have given us permission to put a temporary sign for the current

business up there and the property is being utilized by Mr. Richards with his operation subject to Site Plan approval. Edgar - We want to make sure we have a full boat on this one in terms of plan detail, landscaping, signage, erosion control, lighting, utilities, a layout for customer/employee parking. Flanders - We should have the same level of detail on this site plan that we would have on a brand new site and that's consistent with what we've done in the past if you take a look at the Mobil on the Run on the old Wallace site. That site plan has every bell and whistle we get on any new site plan and we should get the same level of detail here that we've had in all these other locations. Wood - My only question with regard to that is that we aren't adding any coverage to the site at all with this proposal. It's all pavement or building right now. Flanders - If you take that site of Mobil on the Run as an example, they've got less lot coverage there now than they had before, but that didn't change the site plan should be reflective of everything that our ordinances require today. Edgar - We are changing the use and they are adding a good size new building to the mix. You had mentioned landscaping and the possibility of landscaping around the building and rather than just plopping a metal building in the middle of a hunk of black top. If you look at how that building sits on the plan and how that whole area might get greened up a little bit so it's an attractive end to the site. We are certainly getting rid of a funky old building and a funky sign, but certainly look at how that end of the property can be developed so it doesn't end up looking like you've plopped a Morton building in the middle of the property. Look at where those access points are and look at where you don't need pavement. You've got plenty of pavement, you've got plenty of display area, you've got display, the storage and spaces all over the place. This lot is highly visible, it's a good site, a good use and all that kind of stuff, but look at how you get the best aesthetic arrangement. You are on a scenic byway even we're not in the village. We chatted about this at the outset and our conversation in terms of the aesthetics of the building design and the site redevelopment would be of fairly significant importance so whether we look at those green strips, maybe they could be a little bit bigger with some landscaping on them. Wood - We do have a few more feet to go before we get to our property line and they are in there for discussion purposes this evening. They are in the State ROW we need their permission for them to be there and that sort of thing so I tried not to get too detailed until we could get sense from the Board. You could move a couple feet on your own property, it's not going to break the bank and it might provide some opportunity to provide a little more aesthetic appeal and still maintain the high visibility of the display areas. You might add a few shade trees along the way and some element of landscaping might kind of break up that huge hunk of pavement that's out there. Dean Mason - Thirty-two year Meredith resident. I'm just curious where the Board has granted approval for metal

buildings before why there's some type of a stigma. No metal buildings in our Town and I'm just wondering if there's any precedent that's been established or you guys look at each project individually and discern whether or not it's going to work for the Town. I'm curious. Flanders – We haven't said "no metal buildings", Dean. But we do have an architectural design review ordinance which is about 4 or 5 years old now and that speaks directly to a commercial facility maintaining the village character and that comes right out of the Master Plan. We have held to that and we have some buildings that could have been butt ugly that look halfway decent now. The first proposal from the Volvo garage was a cinder block building which is a standard dealership and we said "no", that doesn't fit our ordinance and they made some changes on the exterior, made some changes to the roof line and now it looks like a nice building that belongs in a New England village. The Harley Shop, that's not your standard Harley dealership and that's a 40,000 sq. ft. flat roofed building, but because of the facades and the gables and some of the other things that were done to break up the massing and so forth, that's a decent looking building that looks like it belongs in Town. So we are not saying you can't build a metal building, what we are saying is it needs to fit into the character of the community and that's not inconsistent with what we've done. Edgar – I met with Howard early on in the concept of developing this site and basically had that same conversation. Metal buildings in and of themselves aren't precluded, but the ordinance doesn't prescribe absolute specific outcomes. The Board has approved two metal buildings altogether different characteristics in terms of visibility. One out on Foundry Avenue for an industrial building that is not visible from Route 104 and the Board approved another metal building up in the Annalee Doll complex. Here again, not visible from the highway. I think it is case-by-case to some extent because every situation is a little bit different. The conversations that we've had at the outset is that the Route 3 corridor and Route 25 corridor, things that are that visible and that focal the aesthetic considerations are going to be more of an issue than they would be somewhere where they are not as visible perhaps. The Board has approved two buildings in the past, totally different applications. Flanders – I would just like to point out this last Town Meeting, the Town approved spending upwards of \$600,000. to purchase the development rights for Longridge Farm which is just down the street and the purpose for that was to protect the viewscape as you approach Meredith from the south, that's not like out in the industrial park somewhere. Wood – I would like to be continued to your meeting on the 26th and hopefully the architectural would be discussed at the same time in more detail.

Finer moved, Sorell seconded, I MAKE A MOTION WE CONTINUE THIS TO OCTOBER 26TH. Voted unanimously.

PRE-APPLICATION REVIEWS

1. **RAYMOND AND LORI CRAM:** Pre-Application Conceptual Consultation to discuss a possible site plan to erect a 30' x 50' welding and fabrication garage, Tax Map S15, Lot 77, located on Jenness Hill Road in the Central Business District.

We own A.J. Welding but sold the building. We own two lots on Jenness Hill Road. One is for our home and the second lot is adjacent to it. We would like to construct a 30' x 50' metal building for welding and fabrication. Applicants work alone. Site is just this side of the Center Harbor Town Line. Mike Faller has issued a driveway for the site. The septic and well is not necessary at this time since they have no employees. If additional employees are added, septic will have to be installed later. Edgar needs to see the grading of the site. Any hazardous materials need to be contained within the building. These types of materials are picked up and removed from the site on a regular basis. Property is located approximately 1/2 mile from the lake. The building will have a 6-pitch roof.

2. **CARL JOHNSON, JR. FOR BRAD LEIGHTON:**

Applicant owns a 15-16 acre parcel that he's proposing a residential subdivision. This is zoned residential. There is a water line that runs up Corliss Hill Road. There is no sewer so it will be on-site sewer. We have contracted Ames Associates, Nicole Whitney, in conjunction with Gove Environmental Services to do site specific soils map and wetlands delineation so we would know where the wetlands were and we would know where the specific soil conditions of the site so we could go through the motions of the lot sizing routine and determine how many lots could be supported by this 13 acres. There is about 7 lots of good soil. We also did a series of test pits and we have done a complete topo analysis. Basically, what we are running through would be to construct a road to Town standards, 50' width ROW with a cul-de-sac at the end and we would have 7 lots where you would have the driveways coming off the new road, there would be no new driveway cuts off of Corliss Hill Road. There is a stonewall that runs down the edge of the field here. A conservation easement is proposed to be granted to the Town around the brook. Road grade will be 10% or less. All of these lots would have individual wells and individual septic. There is no benefit of extending the municipal water line and no requirement to do so.

MEREDITH PLANNING BOARD

OCTOBER 12, 2004

Meeting adjourned at 11:15 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant
Planning/Zoning Department

The above minutes were read and approved by the Meredith Planning Board at a regular meeting on _____.

William Bayard, Secretary