

PRESENT: Vadney, Chairman; Sorell, Vice- Chairman; Bayard, Secretary; Dever, III; Kahn; Flanders, Selectmen’s Rep.; LaBrecque, Town Planner; Harvey, Clerk

Kahn moved, Dever seconded, THAT WE APPROVE THE MINUTES OF AUGUST 26, 2008, AS PRESENTED. Voted unanimously.

APPLICATION SUBMISSIONS

1. **DANIEL PERRON D/B/A ROGUE FISHERIES, LLC** – Proposed Site Plan Amendment for a change of use to a fresh seafood market, Tax Map U07, Lot 95, located at 7 Main Street in the Central Business District.

Applicant proposes to change the use from professional service to retail business. The commercial space is 998 sq. ft. and will be occupied by a seafood market. The business is on Main Street, there are no proposed exterior changes to the site and the change of use is the only modification being proposed. The application and abutters list are on file. Filing fees have been paid. The application checklist has been completed. There is a request to waive the formal site plan requirement due to the limited scope of the project. It is recommend a formal site plan waiver be granted given the limited nature of the site plan amendment and the application for Site Plan Amendment be accepted as complete for purposes of proceeding to public hearing this evening.

Bayard moved, Kahn seconded, I RECOMMEND WE ACCEPT THE APPLICATION OF DANIEL PERRON D/B/A ROGUE FISHERIES, LLC AND THAT WE GRANT THE WAIVER OF A FORMAL SITE PLAN. Voted unanimously.

2. **JOHN MOULTON AND LBC, INC.** – Proposed Boundary Line Adjustment between Tax Map S13, Lots 43, 44 and 45, located on N.H. Route 25 and Snell Road in the Residential District.

The proposed BLA is to convey 9,349 sq. ft. of land from Lot 43 (Parcel Y) to Lot 44. LBC, Inc. is proposing to merge the new configuration of Lot 44 with Lot 45. The subdivision plan and abutters list are on file. The application fee has been paid. The checklist has been completed and reviewed and it’s recommended this application be accepted as complete for purposes of proceeding to a public hearing t his evening.

Sorell moved, Kahn seconded, I MOVE WE ACCEPT THE APPLICATION OF JOHN MOULTON AND LBC, INC. FOR A PROPOSED BOUNDARY LINE ADJUSTMENT. Voted unanimously.

3. **AMBROSE LOGGING CO., INC.** – Proposed Major Subdivision of Tax Map R04, Lot 16, into five (5) lots (3.00 ac., 3.00 ac., 3.21 ac., 3.00 ac. and 5.27 ac.), located on Livingston Road in the Forestry Rural and Residential Districts.

The proposed 5-lot subdivision is located on Livingston Road and split down the middle by the Residential and Forestry/Rural District zoning line. Subdivision plan and abutters list are on file. Application fees have been paid. The checklist has been completed and reviewed. This application constitutes a major subdivision due to the number of proposed lots and the potential for re-subdivision.

Accordingly, the application must be accepted and a public hearing be held at a subsequent meeting. It is recommended this public hearing be held on October 28, 2008, our next scheduled Planning Board meeting.

Dever moved, Sorell seconded, THAT WE ACCEPT THE APPLICATION OF AMBROSE LOGGING CO., INC. FOR A PROPOSED MAJOR SUBDIVISION. Voted unanimously.

PUBLIC HEARINGS

1. **DANIEL PERRON D/B/A ROGUE FISHERIES, LLC:** (Rep. Dan Perron)

Daniel Perron – We are here for a change of use at 7 Main Street which used to be Doggie Designs and we are proposing a change of use to a fresh seafood market. LaBrecque – This is a Main Street business and the applicant's proposing to convert 998 sq. ft. of commercial space to Rogue Fisheries, a seafood market which was previously a professional service as determined by the Zoning Administrator. The use is permitted in the CB District. There is no change in lot coverage or any other exterior areas of the site. There is only off-street parking as we've seen many times previously. The parking demand doesn't change, it's the same parking demand per square footage so wherever they parked previously on the street or sometimes at the Church, which will be continued to be used. The Planning Board does urge Main Street tenants and their employees to park in municipal or public parking lots so the Main Street parking is left open for the patrons. Signage – On Page 27 of the staff report, there are a couple of preliminary sign design options. Perron – That's an initial ideal for the sign, it's not complete yet but will be something similar to the attachment you have there. LaBrecque – The maximum amount of signage allowed is 32 sq. ft. A Sign Permit will be required from the Building Department prior to putting up your sign. Applicant is encouraged to have a sign that is consistent with the character of the downtown. I had suggested that they take a look at the character of the existing signs on Main Street. Solid Waste – The solid waste created by the fish that are butchered on the site will be stored in refrigeration on site and sold locally for the purpose of fertilizer. No fish waste will be disposed of in a dumpster. Applicant has explained the recycling of his fish waste. Lighting – I don't know that any lighting is proposed, however, down lighting is encouraged as is cutoff fixtures. The PLB should reserve the right to review and amend any approval. Vadney –

One clarification I'd like to make in relation to the parking on what you said, it is true that this is a change of use and it is true that the previous folks had parking. One of the reasons these come to us is because there is not much parking downtown and we have to be careful that we don't put something in there that's a very high generator. I don't want to leave the impression that just because the other folks didn't have a parking problem that we won't look at your parking problem. We do have the right to review and amend and hopefully with proper management of your own employees, there won't be an issue. Perron - I believe our parking will be similar to the previous business where this is not a restaurant just a quick retail. With the use of the Mills Falls parking lot across the street and then behind Bootleggers as well would be ample parking. Dever - You'll have to ride herd on whoever's trying to pull up and park directly in front of your operation. Perron - Directly in front of that store there's not even a parking space, just above it going towards the corner by the Antler, there are 2 spots right there. Bayard asked when deliveries would take place. Perron - Fish are being obtained either from Portland, ME, Gloucester and New Bedford, MA and that's going to be done by ourselves providing a pickup truck with a cooler camper style in the back to start off with to get the fish and then bring them back various times throughout the week. Pickup at the fish market will be done sometime early in the morning so if we pick up at 5:00 or 6:00 in the morning, we'd be back in town fairly early in the day. We would back the truck into the parking space beside the building and our proposed floor plan for a building permit is to put an additional door on the side of the building with a ramp for our deliveries and in and out stuff. No deliveries will be made through the front door. Hearing closed at 7:17 p.m.

Dever moved, Flanders seconded, MR. CHAIRMAN, I MOVE WE GRANT APPROVAL FOR THE CHANGE OF USE FROM PROFESSIONAL SERVICE TO RETAIL BUSINESS AT 7 MAIN STREET, TAX MAP U07, LOT 95, IN THE CENTRAL BUSINESS DISTRICT AND THAT WE AGAIN ENCOURAGE THE TENANTS AND EMPLOYEES TO PARK IN PUBLIC PARKING LOTS TO FREE UP STREET PARKING; ENCOURAGE THE APPLICANT TO HAVE A SIGN THAT IS CONSISTENT WITH THE CHARACTER OF THE DOWNTOWN; RECOMMEND DOWN LIGHTING AND CUTOFF FIXTURES IF OUTSIDE LIGHTING IS GOING TO BE USED AND WE RESERVE THE RIGHT TO REVIEW AND AMEND ANY APPROVAL AS PROVIDED FOR IN SITE PLAN REVIEW REGULATION NOS. 6 AND 17. Voted 6-0 in favor of the motion.

2. **JOHN MOULTON AND LBC, INC.:** (Rep. Carl Johnson, Jr.)

This is a simple BLA which was actually a BLA of sorts that was approved previously by the Planning Board as part of a subdivision that John Moulton did several years ago. The property is located on NH Route 25 and Snell Road and Mr. Moulton subdivided his property on Snell Road into several lots and part of that original subdivision included a parcel on the plan that was approved and recorded said the entire parcel was to be conveyed to and merged with the abutting property meaning LBC and if it wasn't merged, it was to remain a portion of what is now Tax

Map S13, Lot 42. That BLA never occurred between Mr. Moulton and Mr. Palm who is the principle in LBC, Inc. and over the last couple of years they renegotiated and actually ended up with a smaller transfer to occur to LBC that is now called Parcel Y. Parcel Y is 9,349 sq. ft. and is the parcel that is now to be merged with the abutting property and Parcel X which is the new parcel (57,259 sq. ft.) is to remain a portion of Lot 43 and the notice is a little bit confusing in that Mr. Moulton still owns this parcel, the tax map actually doesn't show the original parcel to be conveyed because since it was not conveyed and the tax maps were updated, Lot 43's boundary shows as being the original boundary between the 2 parcels so we really had to do this, it's a little bit cumbersome but it's essentially the same as what you approved before except a smaller parcel is being conveyed to the abutter than what was originally approved by the Board. Everything's getting bigger, there's no loss of lot sizing associated because the lot sizing that was originally done for this lot was done without the benefit of the entire piece that was to be conveyed to LBC and now that only 9,000 sq. ft. of it is to be conveyed it doesn't affect it at all. Also, the LBC parcel is to become bigger as a result of the transfer. The reason this is taking place is there is an existing well on the campground property and the 200' protective well radius actually went on to Mr. Moulton's property and just to make things as clean as a whistle in the future, Mr. Palm would like to have enough property so the entire 200' radius would be on his own property and not encumbering somebody else's property. The conveyance of this Parcel Y (9,349 sq. ft.) would result in that 200' well radius being completely on his property. Kahn - Is Parcel Y the triangle? Johnson - Correct, there's a new pin to be set 69.15 feet away from what was previously S13 - 44 and now that amount of land is being added to Lot 44 from Mr. Moulton's property. Kahn - Then Lot 44 is getting merged with Lot 45? Johnson - That is the intent. There is actually no legal requirement to do that because it's a standalone lot of record of its own. Kahn - What is the minimum lot size out there? Johnson - That would be subject to soils and slopes and I'm not sure they can connect to the interceptor in that area so it is undersized but it would be getting bigger. Normally when there is a Boundary Line Adjustment and a non-conforming lot is getting bigger, the concentration is on the lot that it's coming from making sure it doesn't become non-conforming. As part of the staff review, it was requested that we add the setbacks and I have added the setbacks from the new lot line which shows the 30' front setbacks and 20' side setbacks. As part of every BLA that's taken place, we did set a new rebar out here on the highway and there will be draft deeds submitted to staff for review. Those draft deeds would have the language we spoke about earlier and would also be accompanied by a statement certification from the attorney that there's no mortgage on the parcel of land where the land is being conveyed from. LaBrecque - Parcel Y and Parcel X as part of the original subdivision approval were all part of what was called Parcel A and there was a note on that subdivision approval that said that entire Parcel A which was Y and X was to be conveyed to Lot 45, the campground and if not it would stay part of Lot 43. Hearing closed at 7:25 p.m.

Kahn moved, Sorell seconded, MR. CHAIRMAN, I MOVE WITH RESPECT TO JOHN E. MOULTON AND LBC, INC., BOUNDARY LINE ADJUSTMENT APPLICATION REFERENCING TAX MAP S13, LOTS 43, 44 AND 45, THAT WE APPROVE THE PROPOSED BLA: (1) FINAL PLANS SHALL INCLUDE SETBACKS ON LOT 44 AFTER PROPOSED ADJUSTMENT, (2) THE APPLICANT SHALL PROVIDE A DRAFT CONVEYANCE DEED FOR STAFF TO REVIEW. THE EXECUTED DEED SHALL BE RECORDED WITH THE MYLAR. (3) THE APPLICANT SHALL VERIFY IN WRITING WHETHER A MORTGAGE EXISTS ON LOT 43, IF THERE IS A MORTGAGE, THERE SHALL BE A SATISFACTORY RELEASE RECORDED IN CONJUNCTION WITH THE CONVEYANCE DEED, AND THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO RECORDING THE MYLAR. Voted 6-0 in favor of the motion.

PRE-APPLICATION REVIEW

1. **MICHAEL DIBITETTO** – Pre-application conceptual consultation to discuss design questions regarding Tax Map S17, Lot 2, located on Upper Ladd Hill Road in the Central Business and Shoreline Districts.

Michael Dibitetto – We've been before the Board on a number of occasions trying to work through a myriad of issues that relate to access and other factors. We're in tonight specifically to talk about the access issue. The last time we appeared before the Board, we had a concept that showed two separate and distinct clusters, one was accessing from Upper Mile Point Drive and the other from Upper Ladd Hill Road with no connection in the middle. We've been working on getting that access through the current Upper Mile Point Drive subdivision and we actually came to terms with the association, in fact had a draft agreement ready to go and it turned out that we learned there were a couple of other hurdles. There are 3 parcels over which Upper Mile Point Drive traverses, the Lake Ridge parcel which we had focused our efforts on coming to terms with them but also there are 2 parcels, one owned by Jean Sanders and one owned by North Country Senior Housing, LLC and it turns out that the developer of the Lake Ridge property retained certain interests and the nature of those interests is a little bit cloudy but nonetheless enough so its essentially created an inability to come to a resolution. I understand there's potentially some litigious letters going back and forth between those parties and as a result, they're reluctant to enter another agreement with us so we come to you unfortunately recognizing that we cannot use that as our primary access for that lower section. The Town certainly has rights of egress and ingress over that, Fire and Police access through Upper Mile Point Drive daily, but for us to put all of our traffic through, there is potentially a liability that we won't be able to overcome so what we're proposing to do is essentially back up and go back to what was an initial layout of the road which was to come off of Upper Ladd Hill Road, run a long roadway with a turnaround for traffic internally to get in and out but to either create a link for Fire and Police or any other emergency access, paved, graveled or any way the Board would see fit. Essentially, we're 1,900 feet

approximately to this point from Upper Ladd Hill Road. This would complete a link, in fact, what it would do as an enhancement of the existing situation, is right now you have Upper Mile Point Road which is in excess of a mile with one way in and one way out, that would provide emergency egress for Mile Point so the questions we have of the Board really relate to that. Would you like to see this done as a paved connection, a gated crash gate or something of that nature or how would you feel to get over this hurdle at least the interim issue that exists there.

Flanders – In this latest configuration, how many lots total do you have? Dibitetto – 33 lots and a number of open space lots that would not be for building. There were 29 on the last plan and strictly because frontage now permits it, it wasn't a lack of acreage or lack of buildable area; it was road frontage, although now it requires us to cross the wetlands in two places. We are crossing them obviously at the point of least impact. Disturbance will be less than 10,000 sq. ft.

Vadney – As far as the emergency egress point, the Board for the last several years has tried to have that kind of a safety outlet and also use things like that as designated easements and rights-of-way to allow pedestrians to meander around and things so I would tend to favor that but I don't know all the details yet, there may be something in your system that would say its really tough to do. If it's not tough to do and it's not bothering anybody and as long as you can control it in some way that is satisfactory to you, I think it's beneficial to the Town.

Dibitetto – I did let the association know we were going to be reconfiguring again because they were aware of the problem upstream before we were so they've got a pretty close ear to the ground. We don't know whether they would actually want that to be an open roadway so they could have free egress through there, we're going to explore that. We would restrict our traffic from going through their subdivision just because we're not sure we have the legal right.

Vadney – Does the egress curve there come out at the point where the cistern is? Dibitetto -There is an existing hammerhead, currently there's a mailbox and a water system pump station.

Flanders – There is no cistern because you've got municipal water. When they first came to us, they were going to do wells and then they got it worked out so they could have water.

Vadney – There is a hydrant there. Dibitetto – There is a pump station on this lot which is an easement to the Town, the Town wasn't granted the fee in the lot but they were granted an easement along with the ownership rights of the pump station and you'll notice there's a 10' or 15' strip that goes across the roadway along our property line that essentially is part of the easement that was granted to the Town but it is over a lot that has the pump station and that is retained by the Association so they own the fee to it, they own that but have granted the Town a fairly general easement for egress and utility maintenance, installation and repair so we believe the Town has every right to cross it, we don't share the same bundle of rights that you have. From a positive standpoint, it's certainly in our view and our legal people's view, the Town would have unfettered ability to run emergency vehicles across it so we could either pave to the property line or pave over that easement as well.

Vadney – Will your development have municipal water and hydrants as well? Dibitetto – We're getting closer to finally coming to resolution on that. I had a conversation with the Water Department Monday and although non-committal, the indication was that it

looks like we'll be getting a go for municipal water. Vadney – That would include fire hydrants? Dibitto – Yes. Flanders – I'm not concerned about the change here as long as that access for emergency vehicles is well prepared and probably paved, but one of the things that concerns me in this configuration, I see a number of lots that would exceed the 4:1 ratio in our ordinance, in other words flag lots, Lots 8 & 9 are flag lots here and I think maybe Lot 30 that comes off of Upper Ladd Hill would certainly be a flag lot as well so that does concern me. Dibitto – If it doesn't meet the ordinance, obviously we would have to. It's not completely clear to us. At one point prior to Angela coming aboard, we had met with Community Development, do you know when the shape ordinance went into affect? Flanders indicated more than 20 years ago, we were led to move toward doing a few flag lots as opposed to doing what would have been hammerheads and things of that nature so if that's problematic we are going to need to address it and I guess the question is do we wait until we come back to the Board, is there a certain tolerance for the flag lots or is it your indication tonight that they won't be considered. Vadney – I'm not definitely against the flag lot and you may be able to make them in some way that they meet the 4:1 requirements. The only controversial question we've had on the ratio is just how you measure it, there are some different fairly creative algorithms shown to us to show that it really is 4:1. Dibitto – Our engineer obviously is using a formula that he thinks is correct but obviously I think there is some interpretation that we would need to defer to your thoughts on this. Is there an arbiter of this that we could at least sit with on a preliminary basis that would say we think this meets it that the Board would tend defer to or at least respect their interpretations because I think there's a little bit of a work session that we might need. Vadney – There's not really any arbitration. As long as you haven't used some strange algorithm to come up with that ratio and it's a pretty straightforward 4:1. Dibitto – So we'll bring our calculations. Flanders – One of the things that got me looking at this tonight was the fact that you've got several more lots on this layout than you had the last time you came in and looking at this configuration of Lots 7, 8 and 9, if one of those lots went away, then your problem would go away with the flag lot there. Dibitto - In fairness, Mr. Flanders, I asked our engineers to prepare this plan primarily with the intent of focusing on the roadway. I was just as surprised as you to find that we gained a few lots which I wasn't contesting but it really wasn't the primary focus of this exercise, it was really more to address the access to assure we're heading down the right road from a safety standpoint. Obviously, we recognize we'll be improving Upper Ladd Hill Road and we've had some conversations with the highway director in that regard as to what extent. When we come in with this plan, would the Board view this as a connected roadway or would we be submitting for waivers relative to the cul-de-sac. LaBrecque – Mr. Chairman, is this road longer than 1,000 feet? Dibitto – 1,900'. You would have to go to the Board of Selectmen for their blessing because the road standards say a dead-end road longer than 1,000' requires approval from the Board of Selectmen. Dibitto – That's precisely the question we had. LaBrecque - That link for emergency access would probably play in your favor just because it is a long dead-end road. Dibitto - So you would view this as a dead-end road even though it's connected through. LaBrecque – Yes, it's a

dead-end road. Flanders – We would have to do it that way because that's essentially what it is. Dibitto – So that would be more of a mitigating factor to grant the waiver than it would be an exception to the waiver. LaBrecque – I would suggest coming to the Planning Board first just in case once we get input from our various department heads and the Conservation Commission on the wetlands and who knows if the road will change a little bit and if it ends up changing, you want to go with the final plan to the Board of Selectmen. Dibitto – Is the waiver just to permit the road in excess of 1,000'? Flanders – The configuration you bring to the Board of Selectmen should be pretty much the final configuration that you're going to have. Dibitto – Candidly, there's not a lot of wiggle room here, we're crossing the wetlands where the impact is minimized. We don't really see that there's going to be that much lateral movement in this. I think we've worked this out enough so we're pretty close to a final layout. Vadney – What is the easement that goes diagonally? Dibitto – That is the water main easement for the Town that leads to the water tower that exists there now. I believe there's a 16" main that traverses this property. That's an existing line to the existing water tower. Dibitto – There is also an easement along the property here specifically because of that pump station so I believe it's on the abutter's property but it runs the length of the property line and there is an existing water line in there servicing the Lake Ridge development. Vadney – With that fairly wide easement going across Lot 2, is that going to cause you a building envelope problem? Dibitto – We'll be working out that detail so we believe it works but we'll come in with a building layout on it. We generally lay out buildings on it to make sure they work. Kahn – What's the grade on this road? It looks like when you get down by the second wetland crossing, it drops off. Dibitto – We're below the 8% max everywhere. I don't have a profile with me now but I do know we're not looking for any gradient waivers. The only waiver I believe we will be in for is for the cul-de-sac and that would be granted by the Selectmen. Flanders – The site plan would need to be approved by the Planning Board but any variance or waivers to the road standards have to be approved by the Board of Selectmen. Dibitto – So the Planning Board would not take a vote for a waiver for the cul-de-sac. Flanders – The water capacity issues aren't clearly in focus completely yet, but eliminating the blowoff on Lake Shore Drive will probably be a necessity to free up enough capacity to accommodate this. I think that blowoff accounts for about 30,000 gallons/day now. Dibitto – Is there a contribution agreement that has been struck on sharing that work? Flanders – Not to my knowledge but you'll certainly be a major contributor. At one point we were talking that work might be in the vicinity of \$500,000-\$600,000, is that what it is. Flanders – I don't know what it is but I do know it's not a small number. Dibitto - They are going to replace the whole line I believe and we'd be before the Selectmen as they wear the Water Commissioner's hat. Flanders – You would have to work it out with the Water Department first with the new Water Superintendent and Ray Korber. Dibitto - A community well is an option but we would like to hook up to municipal water. Vadney – In summary, the lots will be what it justifies, the road will be as you can deal with the Selectmen, from a general planning standpoint that extra emergency access would be a nice thing and an easement for people to walk on or whatever

and other than that, DES rules and all the other stuff. Discussion closed at 7:57 p.m.

TOWN PLANNER'S REPORT

1. Bayard – I have a topic I would like to discuss with Angela. There seems to be a number of outdoor wood furnaces and they can vary in the amount of pollution they put off. They can be a place where people just throw in construction demolition and anything that's flammable or some of them can be something you can practically breathe off the exhaust so I don't know whether they are going to end up being an issue. I've seen a few in town and they are kind of smokers. LaBrecque – I think they are becoming more popular. Vadney – There is taking effect almost as we speak a new emissions ordinance and some of those are being outlawed but whether we like them or not I don't know what the local ordinances could control on that, it's an EPA and a DES air quality. We don't do air quality. Flanders – We don't need to worry about it, the state ordinance that's kicked in already requires they be 200' from the boundary line and there are some really strict standards that the state has already enacted and starting January 1st the pollution standards go up tremendously and these things will have to have catalytic converters on them like woodstoves so they had the potential to be a problem but they'll have to conform to the state ordinance and that will take care of everything we need to worry about. LaBrecque – Who enforces the state ordinance? Flanders – Bill Edney would be the first line of defense. Bayard – So anything before then would be grandfathered? Vadney – Probably.

Text of some proposed zoning amendments for the Board's review was distributed. LaBrecque – In talking with John, he thinks that obviously the whole rewrite of the zoning ordinance was not accepted by the voters so he's thinking more strategically that maybe we should adopt zoning district by zoning district of the revised rewrite that took place a while back and he feels the first one that would be most important would be the Business & Industry District. As it was written previously, it looks like the general purpose and district character were revised; the use list was revised but the buffer requirement for the 50' buffer on Route 104 remained the same. There is a comparison sheet in your packet between the existing and proposed land uses. A great deal of discussion took place regarding whether or not to change Equipment and Truck Repair Facilities to Service Repair Facilities and allow it as a permitted use and not by Special Exception. A second issue is the district boundaries where a district boundary bisects a property and the owner of that property can decide however they want to go. The proposal in your packet tries to eliminate that choice and makes it a rule. LaBrecque – There are a number of lots in the Town that are in two zoning districts. (inaudible) LaBrecque – John suggested we just work on the easy ones and we'll tackle the bigger ones next year. LaBrecque – There is also the issue of a wind turbine for a person and wind farming. (inaudible)

Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant
Community Development Department

The above Minutes were read and approved at a regular meeting of the Meredith Planning Board held on _____.

William Bayard, Secretary