

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

Kahn moved, Touhey seconded that we approve the Minutes of September 22, 2009 and October 17, 2009 (Site Walk). Sorell, Flanders & Bayard abstained. Minutes approved with majority vote.

APPLICATION SUBMISSIONS

1. **METROHEALTH FOUNDATION OF NH D/B/A GOLDEN VIEW HEALTHCARE CENTER** – Proposed Site Plan Amendment to construct a 32-bed addition to an existing Health Care Facility, Map S23, Lot 52, located at 19 NH Route 104 in the Residential District.
2. **METROHEALTH FOUNDATION OF NH D/B/A GOLDEN VIEW HEALTHCARE CENTER** - Architectural Design Review of the proposed addition to the existing Health Care Facility.

LaBrecque – The applicant is proposing to construct a 38,000 sq. ft. addition, known as the Retreat, to the existing Golden View Health Care Facility. Site Plan, checklist and abutters list are in file. Application fee is paid. Recommend both applications be accepted as complete for the purpose of proceeding to a public hearing this evening.

Sorell moved, Dever seconded, THAT WE ACCEPT THE APPLICATION OF METRO HEALTH FOUNDATION FOR A SITE PLAN AMENDMENT. Voted unanimously.

3. **MACKTAV, LLC** - Proposed Site Plan Amendment to establish a second retail business in an existing commercial building, Map U07, Lot 103, located at 335 Daniel Webster Highway in the Central Business District.

LaBrecque – This site plan amendment is to have a mailbox store within the building occupied by Pemi Glass. The application, checklist and plan are on file. Filing fees have been paid. It's recommend the application be accepted as complete for the purpose of proceeding to a public hearing this evening.

Sorell moved, Dever seconded, THAT WE ACCEPT THE APPLICATION OF MACKTAV, LLC FOR A SITE PLAN AMENDMENT. Voted unanimously.

4. **DAVID B. BLAKE** – Proposal to abandon and relocate the existing driveway to applicant's property and to extend the Emergency Access Easement servicing the Clover Ridge Subdivision and grant deeded access rights to the Clover Ridge Homeowners Association to enable emergency vehicles to utilize the new roadway consistent with the previous condition to subdivision approval, Map S24, Lot 15.

LaBrecque – The applicant's proposing to relocate the driveway. The driveway plan, checklist and abutters list are on file. The application fee has been paid. It is recommended the application to relocate the proposed driveway be accepted as complete for the purpose of proceeding to a public hearing this evening.

Touhey moved, Dever seconded, THAT WE ACCEPT THE APPLICATION OF DAVID BLAKE TO RELOCATE A DRIVEWAY. Voted unanimously.

5. **FOUNDRY AVENUE REALTY TRUST AND HAYWARD & SANDRA PRICE –** Proposed Boundary Line Adjustment between Map S23, Lot 46 and Map U04, Lot 1E, located on Foundry Avenue & Waukegan Street in the B & I & Residential Districts.

LaBrecque – The Boundary Line Adjustment application is for the purpose of transferring 4 acres of land from one parcel to the other. The BLA plan and abutters list are in file. The application fee has been paid. It's recommended the application be accepted as complete for the purpose of proceeding to a public hearing this evening.

Sorell moved, Bayard seconded, THAT WE ACCEPT THE APPLICATION FOR A BOUNDARY LINE ADJUSTMENT AS COMPLETE. Voted unanimously.

PUBLIC HEARINGS

1. **PUBLIC HEARING ON THE PROPOSED 2010-2019 CAPITAL IMPROVEMENTS PROGRAM (CIP).**

A. William Bayard, Chairman of CIP Committed – Reporting of the CIP Program for the coming year 2010 – 2019. A lot of people focus on the initial year because that's where it affects the budget the most. We are an advisory committee for the Board of Selectmen and have put in a recommended CIP cost for 2010 of \$1,574,000 and change. The bulk of that (84%) is existing debt which is \$1,324,000 and change. Our recommendations for this year total \$250,000 for capital improvements, considerably below what we've recommended in the past. In lieu of the tight budget, we feel that's appropriate right now. There are a few things that have been done: A Road Surface Management System has been put in place, Capital Equipment Replacement Schedule, continued progress on the Municipal Water System as far as the issues found and whatever improvements may be necessary or not necessary for the water system and a schematic map depicting an inventory of manholes for the Sewer Department and will continue looking at some of that for the municipal sewer system. The Water Committee has done a wonderful job and the guy heading that Department has also done very well. As far as recommendations go, there is nothing for the Fire Department although they are looking at putting some money in for equipment replacement sometime in the future. Public Works has not put in for any money this year for either capital equipment nor any large new roadwork. There is a recommendation

of \$35,000 towards the Expendable Trust that was established last year for Main Street to get some of the engineering and initial work done. A new Expendable Trust Fund was established with allocation of \$50,000 in 2010. \$35,000 was allocated for the Waterfront Infrastructure Expendable Trust Fund. There is nothing allocated for Conservation. We've done quite a bit there and they agreed not to request anything through the Capital Improvements process. There is an allocation request of \$60,000 towards making improvements to Childs Park and the Committee felt very strongly that this is something that really needs the money. It has needed the money for years so I'm looking forward to seeing some progress out there and I think \$60,000 can go a long way toward making a lot of that happen. We've put \$100,000 aside for the water system improvements and that is based on the allocation split between the taxpayer and the rate payer. The same with the sewer system, we're putting in \$75,000 for that. The School District has their request of \$50,000 that they are continuing for facilities in case they need some funds there. It's a very lean budget this year, continuing a little bit with the water and sewer and a couple other things to get started on looking at what needs to be done for the garage area and then trying to get something going on Child's Park. Bayard thanked the members of the Committee for all their help. We have a new Town Manager and expect next year things will get back on track and I look forward to being on the Committee again. Vadney – I want to thank the Committee that worked on this. Members are Bill Bayard, Lou Kahn, Miller Lovett, Peter Brothers, Lisa Merrill, Jeanie Forrester, Jack McEwan and Justin Van Etten. All of these folks did some good work for you. For the past 6 or 7 years we have tried to whittle this CIP down to make it a little more streamlined and easier to see where the funding needs are and I think they've done a great job so its pretty much digestible in just 10-20 minutes to see what the Town is intending to do for capital improvements. Kahn – With respect to the Child's park situation, we are recognizing we've got a tough year fiscally this year as we did last year and this year our total suggestions actually amount to less than last year and they were pretty thin. Last year we requested for recreation but basically for Child's Park in Meredith Center, we requested \$50,000.00 which by the time it got to Town meeting, it turned out to be \$25,000.00 and some of that has already been spent for some preliminary work. This year we really think you've got to move that Park forward and can't let it just go on forever so we have suggested \$60,000.00 and we're hoping that will stand up particularly in view of the fact that our total suggestions for capital spending other than existing debt are less than last year. That community out there, not without reason, feels Meredith Center is not paid a lot of attention to by the Town and it would be a big morale booster for them to have their local Park and Ballfield improved. It's not just the people in Meredith Center who use that Park. It turned out that Lisa Merrill who lives out on Meredith Neck said her kids use the ballfield for a ball game for some league so she knew it was not in very good shape. It would be a good thing not only for Meredith Center but for the Town in general to move on this and get it done. We can get it done if we can get this \$60,000.00 through the Selectmen, the budgetary process and Town Meeting, it is entirely possible we could have that playground and ballfield fixed this coming year in 2010. The CIP is a recommendation from us to the

Selectmen so if you see something in here that you like and the Selectmen don't put in the budget, call the Selectmen because we're sending it to them as you see it.

Flanders moved, Dever seconded, I MOVE THAT THE PLANNING BOARD ACCEPT THE RECOMMENDATION FOR THE CIP AND FORWARD IT ON TO THE BOARD OF SELECTMEN. Voted unanimously.

2. **DENNIS J. RIALLAND FOR CHRISTINE KNISELY** – Continuation of a Public Hearing held on 9/22/09, for a proposed Minor Subdivision of Map S25, Lot 29, into 3 lots (2.042 ac, 2.041 ac, and 11.838 ac) located at 133 Waukewan Street in the Shoreline and Lake Waukewan Overlay District. Application accepted on 9/22/09.

Dennis Rialland – Brown Engineering - This property is approximately 16 acres on Waukewan Street with some frontage also on Pollard Shores to be divided into 3 residential lots. The two new lots are 2 acres each because of the Waukewan Watershed area. The two lots will be accessed via a shared driveway off Waukewan Street and be serviced by Town sewer tied into an existing sewer connection on Pollard Shores. On-site water by well. Note #14 has been revised. Rialland - There was a comment by one of the Board members that it may have been misleading. Note #14 – The remaining area of Lot S25 – 29 in the amount of 11.838 acres cannot be further subdivided into additional residential lots under current zoning restrictions. Hopefully, that will simplify that. There has been a lot of discussion regarding drainage. Two streams go across the parcel, the one appurtenant to these 2 lots goes right through the middle of the parent parcel along the westerly side of Lot 1. The stream does dry up from time-to-time, however most of the water that goes into that stream comes via a 24" culvert that comes from the south of Waukewan Street, also a catch basin that services Waukewan Street so some storm runoff does go into that stream, thereby most of the water going across this property comes off source. The lots lie outside the 250' shoreline protection area. If they did fall within the shoreline protection, they would far exceed the minimum requirements of pervious land imposed by the CSPA. It has been suggested that a vegetative buffer along the northerly line be imposed along Lots 1 & 2. Considering the size of the lots and the railroad ROW buffering it between that and the shorefront lots, we feel this would be an unnecessary burden on those lots. Bayard (inaudible). There is a note on the plan indicating there is a 25' buffer around the subdivision. Access has not been stipulated and could be addressed in a deed to burden Lot 1 or physically show something. Flanders felt the location of that easement should be shown on the plan. Shared access is off Waukewan Street not Road. Is the easement off Pollard Shores just for sewer? Correct. She questioned the size of the lots. Had they come before the Board before clear cutting that piece, couldn't we have asked that the tree line remain in affect and included restrictions? Mack - The intent was to turn this into a field and now they've come back and want to subdivide. I have concerns because they want it to read under current zoning restrictions, they are not going to develop the other 11 acres because it was my

understanding if they get this approval, they will not ever develop those 11 acres. The other thing is to suggest the railroad ROW is adequate protection for not leaving the tree line, I disagree. The railroad ROW is wide open and there's a stream running along the railroad tracks, down further and goes right into Waukegan so this piece does impact the Lake despite not being within the 250'. There is a very heavy stream running and overflows when we have rain like we did the other day. It's my understanding the Board has seen the water running, I strongly suggest if you are going to approve this, a tree line be left there to protect that steady stream, something has to hold that bank there because it fills in with silt and then transfers down into the Lake. Kahn – When we were there, it looked to us the only trees there now are in the railroad ROW, not on this property and wouldn't be affected by this proposal. Riolland – The area to the west of the existing house was what was logged. The area surrounding the cemetery and to the east of the cemetery has always been really grassland vegetated with grasses and shrubs, etc., that was not impacted by the logging operation. Vadney – The railroad is not before us tonight and we can't put any stipulations on that property. Flanders – We have no control over any areas owned by the State and whatever the State chooses to do in the future, they are going to do without asking the Town so to depend on those few trees as a buffer would be unreasonable. I do think it would be reasonable to impose a 50' no-cut zone on the northerly border of these 2 lots and over time some trees will grow in and provide vegetation that will help slow runoff off these lots. LaBrecque – Where we saw water coming up over the banking is where that stream is approximately between the property line of the parent lot and Lot 1. Flanders – The topo lines on the plan show the property does slope down toward the railroad track and does drop right off after the wall. Vadney – I didn't see any evidence of water, rivulets or anything eroding that portion along the wall. Further up you can see where the culvert comes through and there is substantial flow there but I didn't see any evidence of sheet flow coming over that wall. I don't know if the 50' buffer is really justified. Kahn – There was no substantial increase from the field into the stonewall but if you want it to become treed, it's not a no-cut zone, it's a no mow zone. Bruce Bond, Waukegan Watershed Advisory Committee – I do want to take exception with one comment this gentleman has made concerning the vegetative buffer on the lower end. My concern is going down the road when these two properties are developed, they are probably going to landscape them. One of the major problems to the water quality of Lake Waukegan is nutrients getting into the lake and that development is going to result in lawns, lawns are going to result in fertilization and that will result in phosphorus runoff and stormwater. The only way I can think of stopping it on a steep slope is to build a vegetative buffer at the bottom end of the two properties to keep the water from flowing into the little brook which goes underneath the railroad tracks and directly into Lake Waukegan after that. That is the Watershed Committee's message we'd like to make to this Board. Ken Hamel – The stream that runs through here, it's very rare that it completely dries up. This being a tributary whether full-time or part-time makes that 250' a moot point. LaBrecque – It has to be a 4th order stream for the Shoreland Protection Act to apply, Meredith doesn't have any 4th order streams, not even the Snake River is

according to the Shoreland Protection Act and DES's rules. Vadney felt Mr. Hamel made a good logical point. LaBrecque – A vegetative buffer would be best around the stream. We do have tributaries whether they're designated wetlands in this area or non-designated. A tributary is a tributary no matter what, it's still going to carry it straight into the Lake unless some permanent and monitored erosion controls are installed. Vadney – Does any of that logged area drain into that stream because the general slope of the land is to the northeast and most of the water in that stream is coming across Waukewan Street and just passing through this property. It's probably collecting some water from the remaining 11 acres that will still belong to Mrs. Knisely but I don't see there could be much running into it from Lot 1 which wouldn't drain to the west. Flanders - It appears a majority of the water off Lot 1 and all the water off Lot 2 is going to drain to the east along the railroad tracks and the culvert under Pollard Shores Road and then continues on. Technically, this is not in the Shoreline Protection Act's jurisdiction. Ultimately, the stuff that drains down to there is going to end up in the Lake. If you had the 50' vegetative buffer, that's going to provide some filtration to trap nutrients before they get off-site. Vadney – That speaks to Bruce Bond's comment. As far as this gentleman's comment, the water that's going down the stream itself is primarily from across Waukewan Street. A little bit of it off the existing log area on Mrs. Knisely's lot so any phosphorus that ends up on Lot 1 and 2 isn't going to go into that stream. Hamel – Should a buffer be required that would go along the stonewall come up here a little bit by the driveway? There's not much room between the stream along the rail bed and the lower driveway entrance on Pollard Shores. Flanders – The buffer running along the railroad tracks will come up Pollard Shores Road 50' and I don't think we should impose a buffer on the land that's not in question for this subdivision. In other words, I don't think we should impose a 50' buffer that runs all the way across the balance of the land. I would think we would be constrained between the railroad tracks and the proposed Lot 1 and Lot 2. Bayard – I think I agree with your argument that we probably should restrict ourselves to this part but I think since it is this whole area that's being subdivided, I think we may possibly be able to do something to that but I don't recommend it by any means. I just want to make it clear that if something was going on, we could have jurisdiction over that part of the land possibly too. Flanders – Pat asked if the rest of the land could be restricted from further subdivision and based on the appearance of this map and the designation of wetlands, I think God already did that for us because there's no buildable land that can be built on. The wetlands may be non-designated but you still can't build on them, you still have setback requirements in the Zoning Ordinance. They are not designated as far as the Town but they are jurisdictional so the State of New Hampshire actually claims jurisdiction on them based on the criteria in order to describe them. It would be very difficult in the Waukewan Watershed District to be able to build there, that's why that note has been placed on the plan. Dever questioned the impact to the snowmobile trail by requiring a 50' buffer. If the new owners consider allowing the snowmobilers to use the access, if you can't mow it you can't run a snowmobile through there. Flanders – I was considering a vegetative buffer where trees can grow and if done that way, it would not preclude

the snowmobile trail going through it. Kahn – You could say it's a no mow zone except for the snowmobile trail. Regarding the stream that comes down through the 11 acre plot, what if in the future the existing house was torn down and proposed to be moved further into the property, could we then impose some kind of restrictions on that area? Vadney – If they were changing the drainage pattern, yes. Flanders – If they moved it back, it would be self-regulating because they would be encroaching on the setbacks to the wetlands. Mack – Are you saying because they may keep the snowmobile trail open, we're not going to try and protect that water that's going to run into the lake? Flanders – That's not what I'm saying. Touhey – Anything we do to slow down the flow of water in that direction, we should do. LaBrecque – I just want to clarify that I did hear correctly you stated Note #14 which is not on our plans because we didn't receive revised plans, however, at the last meeting I know you were proposing some additional notes to be added to the plan as a result of our staff comments so I just want to make clear that the applicant's proposing to add a note stating the remaining area of the parent lot (11.8 acres) will not be further subdivided into additional lots under current zoning. That note is still on there even though I know the Board had stated no additional subdivision period. Kahn – That's my comment, I would take out "under current zoning" and cannot be further subdivided period. Mack – A lot of the trees are falling down because of the erosion, there is one hanging over Pollard Shores Road right now. Public Hearing closed at 7:55 p.m.

Dever moved, Bayard seconded, MR. CHAIRMAN, IN THE CASE OF DENNIS J. RIALLAND FOR CHRISTINE KNISELY FOR A PROPOSED 3-LOT SUBDIVISION, TAX MAP S25, LOT 29, LOCATED AT 133 WAUKEWAN STREET IN THE LAKE WAUKEWAN WATERSHED, SHORELINE DISTRICT AND LAKE WAUKEWAN OVERLAY DISTRICT, I MOVE WE CONDITIONALLY APPROVE THIS SUBDIVISION SUBJECT TO ALL THE FOLLOWING CONDITIONS:

- (1) NOTE #14 ON THE PLAN BE AMENDED TO READ "NO FURTHER SUBDIVISION OF THE PARENT LOT". REMOVE WORDING "UNDER CURRENT ZONING".
- (2) THE FINAL PLAN SHALL SHOW THE SETBACKS FOR THE NON-DESIGNATED STREAM ON THE WEST SIDE OF THE PROPERTY.
- (3) THE FINAL PLANS SHALL ALSO INDICATE BOTH BROOKS ARE NON-DESIGNATED STREAMS AND THE WETLAND IS ALSO NON-DESIGNATED.
- (4) SUBDIVISION APPROVAL IS REQUIRED FROM DES AND SHALL BE CROSS-REFERENCED ON THE FINAL PLAN.
- (5) THE SEWER EASEMENT SHALL BE SUBMITTED FOR STAFF TO REVIEW AND APPROVE AND SHALL ALSO BE RECORDED WITH THE MYLAR INCLUDING MAINTENANCE PROVISIONS.
- (6) A DEEDED EASEMENT ALLOWING ACCESS TO THE CEMETERY FOR FUTURE REFERENCE, RESEARCH, ETC., SHALL BE INDICATED ON THE FINAL PLAN.
- (7) A DRIVEWAY PERMIT IS REQUIRED FROM THE DEPARTMENT OF PUBLIC WORKS AND SHALL BE CROSS REFERENCED ON THE FINAL PLAN.

(8) A DRIVEWAY EASEMENT IS REQUIRED ON LOT 2 FOR THE BENEFIT OF LOT 1. THE DRIVEWAY EASEMENT FOR THE SHARED DRIVEWAY SHALL BE SUBMITTED FOR STAFF TO REVIEW AND APPROVE.

(9) A 50' NO MOW, NO CUT ZONE SOUTH OF THE BOUNDARY WITH THE RAILROAD ROW ACROSS THE BOTTOM OF THE TWO LOTS CLOSE TO THE LAKE SHALL BE REFLECTED ON THE FINAL PLAN. MAINTENANCE OF SNOW-MOBILE TRAILS IF CONTINUED BY THE FUTURE OWNERS SHALL BE ALLOWED IN THE ROW.

(10) SIMILAR TO THE BEST MANAGEMENT PRACTICES REQUIRED ON THE SUBDIVISION UPSLOPE, LOTS 1 AND 2 SHALL HAVE STORM WATER MANAGEMENT TECHNIQUES INCORPORATED IN THE FUTURE LOT DEVELOPMENT. THIS REQUIREMENT CAN BE HANDLED ADMINISTRATIVELY AND SHOWN AS A PLAN NOTE AND/OR DETAIL.

(11) THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO RECORDING THE MYLAR.

(12) THIS CONDITIONAL APPROVAL IS VALID FOR A PERIOD OF 24 MONTHS, AT WHICH TIME FINAL APPROVAL MUST BE OBTAINED OR A PUBLIC HEARING SCHEDULED FOR THE PLANNING BOARD TO GRANT ADDITIONAL TIME. Voted 7-0 in favor of the motion.

3. **VANASSE HANGEN BRUSTLIN, INC. FOR LAND ACQUISITION, LLC –** Proposed Major Subdivision of Tax S17, Lot 2, into 8 lots, located on Upper Ladd Hill Road in the Central Business District. Application accepted on 9/22/09.

John Dibitto – Before you is a subdivision plan depicting 8 lots. We had come before you for design review for the entire parcel comprising approximately 20 acres depicting approximately 35 lots. This plan is a proposed subdivision for the land fronting on Upper Ladd Hill Road. The 8th lot showing approximately 15 acres is to be subdivided in the future. Mark V. of VHB, Consulting Engineer – The project is an 8-lot residential subdivision off Upper Ladd Hill Road and includes 4 proposed driveways, 3 of which are common drives accessing 7 proposed building lots and an 8th larger lot for future development. A master plan drainage design has been designed and submitted to DES for an Alteration of Terrain Permit which we have obtained. The storm water design for this first 8-lot subdivision is inclusive of the future development as well. The storm water system will incorporate a detention pond on the back side of Lot 1 that will filter and detain runoff from impervious areas along the easterly side of Upper Ladd Hill Road and the proposed subdivision lots and will be collected in a new closed storm drainage system and routed to this detention basin. Runoff from non-impervious areas will be collected separately so we're not mixing clean water and dirty water and routed around to the existing swale. After consulting with Lou Caron, he indicated it was a better use of the existing gravel road as a single driveway for Lot 7 and move the shared driveway down to Lots 5 and 6. It works a little better with the topography. The additional design components are obviously sewer and water services to each of these lots. Sewer is currently on Upper Ladd Hill Road and we're proposing service connections for each house. We've had discussions

with Mike Faller of the DPW and one of his concerns is to provide some additional under drain relief because its pretty high groundwater that uses the existing sewer line as a conduit so we're proposing to collect some of that underground water and bring it into our storm drainage system to relieve some of the issues that he's had downstream with groundwater following the conduit of the sewer line. There is an existing water main that cuts cross-country to an existing water tank that we were showing connection to service these houses for public water. LaBrecque – This is part of the drainage that connects with Harley-Davidson, goes underneath that house hooked up to the stream going through Wickes and then to Corliss Brook by the Fire Station. Another comment from Mike Faller was to improve the pavement in front of the frontage parcel of this subdivision so we're proposing to reclaim the asphalt that's out there, compact it and repave that entire width of Upper Ladd Hill Road across our frontage. The total length of frontage is approximately 800 feet. Kahn – My initial thought is we need to do a site walk. Touhey – The condition of Upper Ladd Hill Road is so terrible it looks like the entire roadbed would need to be worked on, paving it is just going to be a band aid. LaBrecque – The summary of the proposal has pretty much been reviewed and explained. The applicant did come before the Board on July 8, 2009, to present a pre-application design and subsequently a subdivision application for these 8 lots was submitted and accepted on September 22, 2009. The proposed subdivision is for residential use which is permitted in the Central Business District. Minimum lot size served by both municipal water and sewer is 10,000 sq. ft. per the District. Maximum lot coverage is 65% and the final plans shall note this maximum lot coverage. The setbacks are also noted on the plan. The wetlands shown on the plan shall be identified according to the water resource provided in the Zoning Ordinance. The plan shall be corrected to note the non-designated streams have a 75' buffer. Some lots provide for small building envelopes. Creating a reasonable building envelope is required for subdivision approval. Lots cannot be created that require zoning relief if a reasonable alternative is available. Zoning relief for larger buildable areas is not encouraged nor is it easily obtained on new lots of record. The Alteration of Terrain Permit #8410 should be cross-referenced on the final plans. The applicant is proposing to have municipal water and sewer serve all the proposed lots. The Water & Sewer Department is waiting to receive detailed plans with the proposed water main and connections. Additional flow testing information will be developed and plans according to those numbers will be designed and submitted to the Town for review. According to the plan, the existing water main that runs through the center of the property is not centered in the easement and in some instances it appears the actual water main is located outside the easement. It has been requested the water main easement be adjusted and revised to include 12.5' on each side of the main. The Board of Selectmen must authorize expansion of the water system and the water usage associated with the 8 new residential lots. The applicant has met with the DPW as stated and road improvements are required including new paving, drainage and sidewalks. However, Mike did discuss with the applicant that because this is a phased approach to the subdivision, he would be willing to do the road improvements with them also in a phased manner. The four driveway permits are required from the

DPW and shall be cross-referenced on the final plans. The shared driveway shown on Lot 2 should be adjusted as to not encroach into the 50' wetland buffer. There is a tiny sliver of the proposed driveway that's in the wetland buffer, would require zoning relief and the Board typically does not grant subdivision when zoning relief is required when there's an alternative that can be done. Driveway easements with maintenance provisions shall be submitted for staff to review and approve. A drainage analysis has been provided to the Town. Lou Caron is currently reviewing the drainage plan and calculations. Comments will be provided to the Board as they are made available by him. Drainage easements shown on Lots 1 and 2 shall be provided to the Town for review. Maintenance of all storm water management improvements shall be addressed, whether it's your homeowners' association or whatnot. A Special Exception is required from the ZBA for the construction of these drainage improvements within the wetland buffer. The surveyor of record shall provide written evidence that all pins have been set prior to recording the mylar. It is recommended the Planning Board continue the public hearing to November 24, 2009, as we are still waiting for additional information from the applicant and our engineer is still reviewing the plans. It is recommended that a site visit be scheduled. Flanders – One of the concerns I have is we've got this drainage area on Lot 1 and common sense tells me we're going to increase the flow of water substantially off Lot 1 onto the Edsel and Barbara Woodward lot so I question whether that makes sense and if that flow is increased, it seems to me they would need a drainage easement from the Woodwards. Kahn – I think we need more information and need to look at the situation obviously, but I think we need more information from Mike Faller as to what he has in mind. I don't remember how long Upper Ladd Hill Road is but I'm not sure it makes a lot of sense to pave 800' and then leave a couple hundred feet on either side in its existing condition. LaBrecque – I believe he wants to do some road upgrades. Kahn – So he wants to assist the development by having road upgrades done at taxpayer expense, I'm not sure I'm agreeable to that nor is Vadney. LaBrecque - I think he has plans to do some road improvements because he's got water shooting out of the ground at the end of Upper Ladd Hill Road. You should have some conversations with him and it might be helpful if he came to the site discussion so we could talk to him about what he has in mind. Flanders – My recollection is that part of the water system improvements that have been discussed is either replacement or some work on the water main going up through there so I think we need to get Brian involved in this as well to let us know if that is going to be done and if so when. Site walk scheduled for Saturday, November 7, 2009, @ 9:00 a.m.

Flanders moved, Dever seconded, MR. CHAIRMAN, I MOVE WE CONTINUE THIS HEARING TO TUESDAY, NOVEMBER 24, 2009, AND WE SCHEDULE A SITE WALK ON THIS PROPERTY FOR SATURDAY, NOVEMBER 7, 2009, AT 9:00 A.M. Public Hearing closed at 8:26 p.m.

4. **METROHEALTH FOUNDATION OF NH D/B/A GOLDEN VIEW HEALTHCARE CENTER -SITE PLAN AMENDMENT AND ARCHITECTURAL DESIGN REVIEW:**

Steve Smith - This property is located at 19 NH Route 104 and is located in a Residential Zone and encompasses 8.91 acres of land area. Currently, their existing use is a 132-bed health care facility. The original facility which is a 110-bed nursing facility and there is an access road off Route 104 that comes around into the property. There was an addition approved in 1999 called The Inn, adding 22 beds. Steve Smith provided background information to the Board as he did at the Design Review meeting. At that time the existing coverage ended up being 16.9%, coverage is allowed up to 30% in this zone. We have an existing 75 parking spaces located along the side of the building and in the back. The regulations require 33 spaces. The facility is currently supported by municipal sewer and municipal water. When The Inn was approved, we had to relocate the entrance road. There also was a drainage that comes across from 104 that went through the site and dumped in this location here. When we did the Inn facility, we captured that in a collection system and just altered it and moved it over in this location. Wetlands have been mapped by Peter Schauer, a licensed soil scientist and wetland scientist. Back in 1999 the area shaded in red was wetland, today it is not wetland any longer because of the amount of water that has been taken away from that area and actually moved over here. Our proposal before you tonight in site plan review is to construct an additional addition. This would be a proposed 32-bed nursing home addition called The Retreat. It's going to require the relocation again of the entrance about 220 feet westerly along Route 104 to get into the site. There is an existing State approved Dot Permit for the site. However, after getting more into the design of the project it became necessary to relocate the entrance again and the changes are under review at this time. In addition to having to relocate the entrance road, we will be adding an additional 34 parking spaces to bring us up to 109 spaces, 89 required under the zoning. Eleven (11) beds will be transferred from this facility into the new facility so the total number of beds will be 153 beds. We propose to relocate the drainage again. It now runs around The Inn and we're proposing to capture that storm water drainage again in our closed system and bring it around and dump it where the wetland is located. As part of this design, we're incorporating an in-ground chamber system to collect all the water from this site and bring it into that underground chamber system to percolate into the ground and allow this water that comes across to bypass like it does right now. We have an application before the State of NH Wetlands Bureau to review and an application before the Conservation Commission to review as well. The Conservation Commission has submitted a favorable letter to the Wetlands Bureau for approval of this subject to taking care of an invasive species out there in the wetland that they would like to see eradicated. One of the things we're proposing in addition to relocating the driveway and putting in the additional parking to support the new facility and the alteration of the drainage, in reviewing this with the Fire Department they have asked us to have an emergency access off from Hillrise Lane. There is a utility easement that comes through where the water & sewer connects and there was basically a road there

anyway. It has not been maintained and hasn't been used. They asked us to upgrade that enough to have emergency access through there with a gate so it simply will not allow any traffic to go in there, only in emergency situations. The gate will be moved far enough back so the emergency vehicle can pull off the road and the gate will not be on Hillrise Lane itself. We show that on the plans. At the last meeting there were some concerns from a neighbor about our catch basin located in this area that had overflowed onto their property. We investigated that, met with the staff here at the facility, looked at the catch basin, traced out the outlet, had it cleaned out to make sure its operational, and maintenance and plowing people have indicated they understand they are to keep that clean and make sure it doesn't ice up like it did in the past and make sure snow is not plowed on it. We intend to keep an eye on that and take care of it. The comments regarding Waste Management picking up waste too early have been addressed and changed to a 7:00 a.m. pickup. Additionally, they have some deliveries and those have been changed to 7:00 a.m. so we've tried to address the issues that we were aware of. One of the questions that has come up that Angela called about today is the 3 dumpsters that aren't screened per se by any fencing but they are back behind the facility and are screened not only from topography but trees and landscaping so I don't believe they are visible from off-site and I'm not sure whether they need any additional screening. We believe they are screened given the location we put them in. Lot coverage will be 25% when completed, maximum allowed is 30%. Steven Humphreys, EGA – Right now there are two buildings on the site, the 3-story nursing home building which is commercial in appearance, flat roof, brick construction and very typical of 1970 nursing homes. The Inn was later connected to that which is a one-story building and is more residential in appearance and has typical sloped roofs, white vinyl siding, white trim. Approaching the site, this is the building you see first. This building has 22 beds and is approximately 9,000 sq. ft. The proposed addition is 3-stories banked into the hill to work with the topography minimizing the impact on the slopes and terrain. It's about 37,000 sq. ft. with 32 beds, common and mechanical. Level 1 will have mechanical and electrical space and the remainder of the space will be unfinished for storage and things of that nature (12,000 sq. ft.). The westerly side will be banked into the hill and there's no connection to existing buildings on this level. Level 2 will be the main level where you enter the building. There will be a main entry that comes in here with 16 beds on this floor, each wing is symmetrical in a sense. The central area of the building is where the common areas are where the public can enter. It will have a bistro, dining room, living room, conference room, a wellness center, and in each of the wings will be 8 private rooms with their service and stairs needed for those. This floor also connects to the existing Inn and is separated with 2-alarm firewalls so this will be considered a totally independent building with its own fire alarm and services. It's kind of a standalone building. Level 3 is similar to Level 2 with the way the units work out, its really just stepping up a floor. This unit does not connect to the Inn on this level for obvious reasons because it's only a one-story building but again it has the central common areas, has the dining, has activities, a classroom, etc. We like to keep the building very residential in appearance and want to pick up on a lot of the traditions in

Meredith with sloped roofs with hip and gable ends. We like to break the appearance up with different siding and are proposing a lower dark band in residential siding, then a shingle siding and then a white at the top to give the building some lightness. We tried to break down the scale of the building of 3 stories by doing porches and balconies around the building. It's going to have residential windows, a pergola and the intent is the green roof is to match the existing Inn's green roof. The right side of the new building has a covered walkway that gets you into the main entry and then the left side you're looking at is the existing Inn which is white. LaBrecque – Existing use is a nursing home and it was permitted by Special Exception and the proposed use will remain the same. Lot coverage per the district is 30% and 25% is proposed, both are noted on the plan. Setbacks for the district are also shown on the plans. There are direct wetland impacts that are noted on the plan. Additionally, buffer impacts shall also be noted on the plan. A Special Exception is required from the ZBA for wetland and buffer impacts and shall be noted on final plans. The DES Dredge & Fill Permit is required and shall be noted on the final plans. All associated state approvals for assisted living facilities shall be obtained prior to construction. The building is served by both municipal water and sewer. The existing service lines will be extended to serve the proposed addition. The Board of Selectmen must authorize the additional water usage associated with the 21 new beds. The site will continue to be accessed off NH Route 104 and a DOT Driveway Permit is required and shall be cross-referenced on the final plans. Lou Caron is conducting a technical review of the proposed drainage. The drainage plan and calculations were provided to the Town and to Lou Caron for his review. Silt fencing is being used as a temporary erosion control measure during construction. There is a note specifically addressing site stabilization of ditches and swales prior to directing water through them. There is also a plan note regarding the stabilization and revegetation of all disturbed areas, obviously not including the landscaped areas. Lou Caron is conducting a technical review of the proposed grading. It is recommended that comments are considered when the report is made available to the Town. There are 75 parking spaces required and 109 being provided. The parking demand associated with the additional beds and employees has been reviewed by the applicant and it is anticipated that more spaces than the 75 will likely be needed as sometimes parking can be limited. The amount of proposed parking is based on the evaluation of the actual current and anticipated demand. A landscape plan has been prepared by Jordan Associates, Inc. The landscape plan includes 14 different plan species ranging from ground cover to trees. A substantial number of plantings are proposed around the building and parking area. The site is located in a Residential District and has residential abutters. In consideration of the neighborhood, down lighting shall be utilized in the parking areas and on the building. The final plan shall include a proposed lighting detail. Snow storage is not shown on the plan although there is ample room for snow storage. Consideration should be given to the location of the guardrails and catch basins. The site plan indicates the existing sign will be relocated to the new driveway location. This free standing sign has previously been permitted by the Town. There are 2 buried propane tanks shown on the site

plan near the parking lot entrance. Protective bollards are proposed around the perimeter of the tanks adjacent to the paved area. The final plan shall indicate the size of these underground fuel tanks. As was stated, the dumpsters are located to the rear of the existing nursing facility and shall be noted on the final plans. The emergency access gate off of Hillrise Lane shall be set back from the road located out of site from vehicular traffic. A performance guarantee will be required to guarantee satisfactory site stabilization during construction. The design engineer shall provide a unit cost estimate on forms provided by the Town. Staff will review the estimate and make a recommendation to the Planning Board. The Planning Board shall establish the amount of the guarantee following a public hearing. The form of the guarantee shall be either cash or letter of credit. The format of the letter of credit or cash agreement shall be approved by the Finance Director. All of the abutters' concerns were addressed this evening. There was the drainage issue and they cleaned out the catch basin and have made provisions to keep the snow storage out of that area by the catch basin and keep that free for drainage. Another concern was servicing the dumpsters and that's also been fixed. It's recommended the Planning Board continue the public hearing to November 24, 2009, in anticipation of Lou Caron's design review comments. Touhey – Your coverage is 25%, 30% is allowed? I'd like to suggest you cut the parking down to what you think you really need and provide some more green space. They generally have a parking overflow as it goes right now. When I go there during the day for a meeting, I generally have a hard time finding space so they wanted to add spaces down below for the employees and then add spaces up top for visitors and guests. Jeanne Sanders – We're very integrated with the community, we have many community groups come to interact with the residents, the children from the schools, the high school, college and because we're non-profit, we are obligated to have a community benefits plan and we do have health seminars for the public. We gave this a lot of thought and we think this is the amount of parking spaces we need so there would not be the congestion we have now. We have many family events at different times of the year, very active families coming so besides the employees, we have quite a bit of community and family involvement and I understand your concerns, but we really feel we need those parking spaces to accommodate the people who are living with us. We felt this would be a safety issue if we did not have the adequate parking and keep the road clear. Touhey also asked that pavement be minimized if possible. Flanders – They operate the facility and they have a good handle on what they need there. I've been on the Board 20 years and this is the first time I ever heard us try to get the people to reduce parking. I think it would be unwise of us to try to get them to reduce the size of the parking. Smith – I'd like to make a comment on the amount of pavement, we recognize that but one of the things we've done here that isn't a part of the current program is we have a groundwater recharge area under the parking lot so we aren't running the water off, we're recharging it into the groundwater. That's what we're trying to do to offset that pavement. Sandy Mucci – First of all, this is in a residential zone and it needed a Special Exception for the first building to be built for a nursing home facility within the residential zone. This second building was added on in 1999 and it is in the Waukegan Watershed area and I

know there has been deterioration of Waukegan over the last few years and I don't know if that particular construction has contributed to that and I just heard that this new building is not a long-term nursing home which would be housing short-term rehabilitation which is more in the nature in my mind of a residential hotel and starts to stretch the use in the residential area. LaBrecque – I spoke to Bill about this to see if another Special Exception would be required to expand that use and he said it wasn't a non-conforming use because it did receive its Special Exception that was required. Mucci (inaudible). Fred Hatch indicated this area is a ridiculous place for residential zoning, right at a major intersection which may be revised in the future but will still be very complicated. Down 104 is Forestry/Rural and then a commercial area. I realize Hillrise Lane is close by and is residential; it's just hard to believe this is zoned residential where there's no conceivable idea of putting a house. Flanders – It is important to note as Steve just mentioned, they are capturing a lot of the runoff from the site and recharging it into the ground so I don't think this is going to put Waukegan at risk in any way. The owners are trying to be good neighbors and are willing to address any concerns the abutters may have.

Dever moved, Bayard seconded, MR. CHAIRMAN, I MOVE WE CONTINUE THIS HEARING TO NOVEMBER 24, 2009, WITH A SITE WALK SCHEDULED ON SATURDAY, NOVEMBER 7, 2009, FOLLOWING OUR EARLIER SITE WALK (APPROXIMATELY 10:15-10:30 A.M.). Voted unanimously.

5. **MACKTAV, LLC:**

Brian Mackis – Linda and I both run MackTav which is also part of Pemi-Glass. We are asking the Board to allow us to put another business in the already existing building. The building is roughly 8,000 sq. ft. Once the renter and we are in there, we are going to be utilizing just about 4,000 sq. ft. of the building. The second floor of the building has no use at this point. Sometime in the future, we hope we'll be back to discuss that but with today's economy, we're happy with one renter where it is. There are basically no changes to the building at all. We've marked up a couple of drawings we already had when we bought the building a year ago. There is plenty of parking. LaBrecque – The retail use is permitted in the Central Business District. There will be no change to the site or the exterior of the site, no change in coverage and no change to the exterior portions of the building other than adding a sign. The proposed use is a Mail Box Store where people can get FedEx and UPS service, you can drop off or pick up your packages, you can even have a box there. The applicant has shown they have sufficient parking and have indicated that loading and unloading will occur right at the front of the business as it currently does today. They have glass deliveries and they pull in, go around the site and exit. Snow storage is indicated on the plan. There is a photograph of the front of the building in your packets, as well as floor plans. The proposed sign shows in the photo, Lakeside Mailing Service, right over the door to the left. Vadney – We are quite supportive of these new businesses. This makes sense to me so I don't see any issues. Twelve parking

spaces are required and 24 are being provided. Kahn – In the prior uses the parking was sort of haphazard, have you or will you stripe the parking spaces? We have had it striped, a few of the spaces are in the setbacks but we don't park any cars there overnight. Snow is not pushed up there during the winter; we push everything to the back of the building. I like everything clean in the front of the building. Ninety (90%) percent of our business as the Glass Shop is on the road; very few of our customers come to us. We do have a repair shop in the back, it's not manned during the day, both of our guys are on the road with the work truck. Sorell – Do you operate the business out of the bottom floor? Truck is stored in there at night, all the glass is stored in the back but we have a showroom in the front. Public Hearing closed @ 9:16 P.M.

Kahn moved, Sorell seconded, MR. CHAIRMAN, I MOVE WITH RESPECT TO MACKTAV, LLC, TAX MAP U07, LOT 103, 333 DANIEL WEBSTER HIGHWAY, IN THE HAWKINS BROOK WATERSHED AND THE CENTRAL BUSINESS DISTRICT, THAT WE APPROVE THE PROPOSED SITE PLAN AMENDMENT SUBJECT TO THE FOLLOWING:

(1) WE RESERVE THE RIGHT TO REVIEW AND AMEND AS PROVIDED IN SITE PLAN REVIEW REGULATION NOS. 7 AND 17.

(2) ANY ADDITIONAL LIGHTING AT THE SITE SHALL BE DONE WITH CUTOFF FIXTURES.

Voted 7–0 in favor of the motion.

6. **DAVID B. BLAKE:** (Rep. Ambrose Logging & Blake)

Ambrose Logging owns approximately 52 acres on Pease Road. Originally, they were proposing to bring a road in across the meadow and develop the land similar to the Clover Ridge development with house lots. Since then, the Willeys have expressed concerns about having a road through the meadow and have offered a ROW access at the end of their property. The Ambrose property wraps around the 5-acre parcel owned by Willey; Ambrose wraps around and abuts the Blake property and the Clover Ridge development. Blake proposes to construct a new driveway between the 2 stonewalls up the old range way that would be 18' of gravel and 14' of paved traveled way. At this point in time, it would stop except for a small connection coming over to the existing driveway where the pavement ends and would connect up with that new driveway. We are not in here for a subdivision of the Ambrose property, it is just the driveway. A decision has not been made whether to leave this as one lot or at most subdivide it into 2 lots. There is a driveway and construction maintenance agreement that refers to them potentially having 2 lots and my 1 lot. This agreement might get modified at some point in the future if they decide to go with only 1 lot. The driveway construction maintenance agreement addresses the payment costs of constructing that driveway and the maintenance of it. For the foreseeable future, myself or my

successors and assigns would be responsible for plowing and maintenance of the driveway until such time as Ambrose Logging sells the property or goes for a subdivision into 2 lots. I have an agreement going back to 2005 where I plow and maintain the driveway that's on my ROW and plow up to the breakaway gate in the Clover Ridge Subdivision. That was a requirement of the Planning Board to Clover Ridge but we have a subsequent agreement that I would take over that portion of the driveway in terms of plowing and maintaining it. I would give that up once this new driveway is in, I would no longer be doing that. The new driveway crosses wetlands in a couple places but there have been soil scientists that have looked at the Ambrose property and determined this is the least impact to wetlands to come in this way to access their property rather than going across the meadow. We have filed an application with DES to mitigate some of the wetlands impact. We would be taking out a portion of the driveway that's on the Haskins property and that would help with some of the drainage issues particularly the flood we had last year. Larger culverts are being added under this new driveway. We do not have permission from Mr. Paquette, the Association or the homeowners of these two lots to take out the driveway but I think I made it clear we would be willing to do that at our expense to restore those back to wetlands as further mitigation but that's not part of our application to DES. Vadney – Any subdivision of this property would come in later and is not part of this application? Blake - John Edgar wanted it clear that this was not going to be a road, it was not going to be a major subdivision in the future so we put language in the Agreement that said it would be a maximum of 3 houses served by this driveway and in no case could future buyers come back to the Town and ask this to be taken over as a Town road because it would only be a driveway. Vadney – Even the 3 houses, 1 driveway is not an issue before the Board at this time. Blake – Correct. Vadney summarized: You are offering to build a new driveway using a new DOT Permit that will go to your house, the Ambrose property (1 lot), and will go into the emergency route for Clover Ridge. Blake – Another document is termination and release of ROW. I would be terminating my ROW totally on Haskins so they would not be encumbered and I'm terminating the ROW on the Denison property in its entirety so they will no longer be encumbered with this ROW. Unfortunately, I cannot do that totally on Morrow's property. The emergency access is an easement granted to the Town. LaBrecque – The only person that has an easement shown on this plan is Mr. Blake. Haskins is keeping their driveway and DOT is aware of this. They granted an additional driveway cut knowing Haskins are keeping that portion of their driveway to access Lot 13. The new driveway would have to be signed off by the Fire Chief. All of the new easements being granted to Blake and Ambrose for right of passage would include language stating the Town would have the ability to cross over for emergency access and I know there's an agreement for maintenance between you and the subdivision stating you would take responsibility for doing the maintenance of the driveway but the covenants from that subdivision state the association is responsible for that so the Town just wants to make sure it is being maintained. Vadney - Is Ambrose giving up his right to put a driveway, road or anything off of Pease Road? Is that completely off the table now that this is happening? Blake - The Willey's now have a driveway permit that goes up this

range way and this condition about not going across the meadow is correct and they are planning this so there will never be a road or driveway across that meadow. Vadney – Nothing says this couldn't be subdivided in the future with some buying and selling to bring an access in off of 104 and then tie it in some way up above so my recommendation is we not talk anymore about that easement extension off of the upper cul-de-sac and just leave that as is because we have no information to modify it and we don't know what might be done with the other land. Kahn – I'm looking at the southern portion of the cross-hatched section and you don't have a ROW there. Blake – I have a 25' wide ROW. My ROW is 25' wide, it goes from the property line over 25'; the driveway is within the 25' ROW. Paul Bordeau (representing Paquette) – The access road being discussed is still a part of the common property of Clover Ridge, Mr. Paquette still holds title to the common property and has turned over all common property to the association and the President of the Association, John Trottier, is here tonight. Mr. Blake has a right to pass and repass over but that is not his road, it still belongs to Mr. Paquette per the Declaration of Covenants and Restrictions. I find it rather curious that we have an applicant, Mr. Blake, here tonight asking the Board to allow him to abandon a roadway that he does not own. He merely has a right to use that property. LaBrecque - Is Ambrose stating that at no time in the future or is he giving up his right to put a driveway, road or anything of the like off of Pease Road. Is that completely off the table now that this is happening? That's kind of what has been stated. Blake - The Willey's now have a driveway permit that goes up this range way and this condition about not going across the meadow, that's correct so they are granting this so there will never be a road or driveway across that meadow. Vadney – My recommendation is that we not talk anymore about that easement extension off the upper cul-de-sac and just leave that as is because we have no information to modify it and we don't know what might be done with the other land. Bordeau - We do not want the road abandoned because Clover Ridge as envisioned and developed by Mr. Paquette was completed by the time Mr. Blake bought his lot. What he bought was in place at that point in time. He offered a maintenance agreement with Clover Ridge for the existing road to upgrade it, maintain it, pave it if he wished to and he has maintained it under this these last few years under the agreement. Clover Ridge would like to retain control of the emergency access road that they have been required to use by the Town now and do not want that control now in an abutting lot on someone else's land where they nearly have a granted easement or ROW and subject to someone else's whims. At this point in time, that roadway is Clover Ridge's property, Mr. Paquette's technically still or technically the Helen L. Paquette Family Trust of which Mr. Paquette is the Trustee as the successor declarant or developer. Vadney – To the ownership of the land or the easement. Bordeau – Of all the common elements left on Clover Ridge. Vadney – And you're calling that road a common element. I was of the opinion that the Denison property, for example, that was an easement over them. Bordeau – If you read the Declaration of Easement it's carefully spelled out in there what are common elements and how the ownership is retained by Mr. Paquette until such time all lots have been sold.

Dever asked about the agreement with the Haskins? Bordeau – Unknown. LaBrecque – The emergency access easement was granted to the Town over Lots 3 and 5 and connects to the subdivision road. The easement that Mr. Blake has, through my research, I don't see that had ever been changed to grant the Town anything or anybody else anything for that matter, I don't see that that's been revised. The Fire Department will make anything their access road if they find that's the only way to where they need to go. Flanders – We're not a Court of Law and it's not our place to adjudicate issues of title. This should be tabled until clear information is presented. Bayard – I want to make sure the information be provided at the next meeting. Dever – Mr. Blake wants to build his driveway, he has easements and ROW's from Ambrose and Willey. Dever – Mr. Blake is building a road on someone else's property and that doesn't affect what happens in Clover Ridge. LaBrecque – It was a condition of approval of the Clover Ridge subdivision that that be an emergency access. Flanders – I thought I heard Mr. Blake say he had a driveway permit for this new driveway and I also thought he said it was conditioned on the other one going away, is that correct? No? Blake – We have this new proposal and we're not doing anything to the existing driveway on the Clover Ridge property. The Haskins property is another area in question and I will have my attorney send a letter to clarify his opinion on the status of that. Kahn – If I understand where we are Mr. Bordeau, you say he can abandon his right to use the existing road which is otherwise for emergency access but he doesn't have the right to remove it. Correct. My question is what are his rights with respect to that area where he transitions from his existing driveway to his proposed driveway, is there anything in there that you claim he can't do because it sounds to me is you are conceding that if we OK it, he can build the other driveway, we just have two parallel driveways, one of which nobody uses. Am I correct, Mr. Bordeau? I believe he would have that right. Sorell – Are you saying your ROW goes right out to Pease Road. Bordeau – That's what I believe. Sorell – But you don't know that? Bordeau – I don't know but I will find out. Bayard – You don't retain ownership over the Haskins and you don't have control over that other than you would have a right of use over it and then you're saying you have ownership control over the rest of that. Haskins – The only thing I have on my title is I have an easement for Mr. Blake to cross my road. No one else has the right to go through my property to go anywhere, except for the emergency vehicles that can use it anytime they want. Vadney – That kind of validates Angela's point that Clover Ridge doesn't have a right to use the emergency road, the emergency vehicles have a right to use it. Blake – I am proposing a portion of the road be taken out and that's what's before the DES and that would then negate this as their emergency egress, therefore, we are saying the Town can use this or whoever and there will be a clear route and it's not just for me, it gets me out of the Haskins dooryard and they have their own dooryard. It is my attorney's opinion that I am with the ROW and it doesn't go through Clover Ridge. It's on the table that Ambrose and myself are willing at our expense to reclaim this but as you clearly heard, we don't have permission to do that so it is not part of the DES application. The DES would like to see as much reclamation as possible, but we've only applied for only a small portion. Dr. Hatch – I am not against this project but have

some serious concerns about the amount of study and engineering its received so far and I have studied the final drawing you have before you. I am very familiar with that easement and to my knowledge it was to the house now owned by Blake. I do not know how Paquette can claim title to it. I assumed Mr. Blake bought the title to the easement when he bought the lot where the cabin had been. My concerns about this have to do with floods (1 major) in the last 4 years relating to the easement. Dr. Hatch went on further to describe the severity of the damage suffered to his property and to the easement on the Ambrose property. Dr. Hatch submitted a letter DOT with his concerns regarding this project dated 10/22/09. He submitted a letter to DOT to describe some of the damage and to ask DOT to study this and do a risk analysis and mitigation analysis to determine whether this new proposed driveway will increase risk. I would like to ask the Planning to communicate with District 3 their concerns about risk analysis and trying to make that part of the approval process of this project and also to require the applicant to hire an independent, well qualified water engineer for a second opinion as to the level of risk and whether the new driveway would make a contribution to the risk. Blake – Now most of the water crosses the stonewall and gets focused to this one culvert. It used to continue on through the meadow of the Willey property and comes out at this big box culvert. This is now a continuous ditch and water can't readily get, and there is some flowage going this way, but there used to be more and diverted more and not focused on this culvert. I think we can remedy it is to create a high spot to force some of the flowage back through. Leigh Willey - We have reached an agreement in principle about exchanging a 10' swath of land so there isn't a driveway or an access way put across the field that is below our house. We don't own the field but it is very old and historical for Meredith and the last thing we want to see is an access way to the potential subdivisions on top of that mountain through that field. John Trottier (Association President) – Is the crux of this whole discussion that you have to get rid of the driveway that exists now in order to get a new driveway? Blake – As part of our proposal to DES, we are taking out this portion of driveway on the Haskins property and that ends up going away. Trottier – If you can't take that portion out, you can't get your other driveway, correct? Blake - Not necessarily. Trottier – You can get your own driveway and not bother with changing any of this? I want to make clear is we can keep the Haskins driveway if we have to and you could still get your own driveway other than the water issues? LaBrecque – Haskins driveway has always been proposed to stay. The only real easement is to Mr. Blake. Vadney – Haskins driveway stays but it may only go to Haskins house. The question is whether it goes beyond that. The DOT Permit is to leave Haskins driveway and put in a new driveway up the side. LaBrecque – DOT only permits the driveway apron; they do not permit anything else above this. Kahn – From what I'm hearing, the only real issue is whether or not we have any leverage in terms of getting DES to look at whether or not there are water issues that could or should be resolved with respect to the new driveway but I don't see that there's any basis for us to say you can't have a new driveway as long as that driveway becomes an emergency access for the Town. Flanders – There's a note on the plan that says, "Culvert size and location is recommended based on existing wetland characteristics. No drainage

analysis was conducted to provide this recommendation. Based on the testimony of Dr. Hatch, it seems to me it would be less than prudent of us to accept a culvert size on a maybe without specific drainage calculations. Blake – Ames Associates had these as two 18” culverts. At Bob Ambrose’s recommendation, we asked them to make them 24” culverts so we had them increased from 18” to 24”. Vadney – That’s a step in the right direction but we don’t know that it’s the answer to the question. The only piece that is part of his DES application for restoration is the part on Mr. Haskin’s land as I understand it, is that correct? Blake – That is correct and the Conservation Commission has sent a letter to DES saying they have no problems with what we propose to do. (inaudible) Flanders – If we decided at the next meeting to approve the driveway, it would have to be conditioned on the DES Permit and he’s already told us his application to DES included removal of that other piece of driveway which he has no right to remove.

Kahn moved, MR. CHAIRMAN, I MOVE WE APPROVE THIS APPLICATION SUBJECT TO OBTAINING THE APPROPRIATE DES APPROVAL, THAT THE PLAN BE CHANGED TO SHOW THE EXISTING DRIVEWAY IS NOT TO BE REMOVED EXCEPT THAT PORTION THAT GOES BEYOND THE HASKINS HOUSE WHICH GOES EAST OF THE HASKINS HOUSE ON THE HASKINS PROPERTY.

Bayard agreed to second subject to the following conditions being added: (1) THE DES PERMIT BE CROSS-REFERENCED ON THE FINAL PLAN. (2) THE SPECIAL EXCEPTION FROM THE ZBA BE CROSS-REFERENCED ON THE PLAN. (3) THE FIRE CHIEF SHALL PROVIDE WRITTEN APPROVAL FOR THE NEW DRIVEWAY. WRITTEN APPROVAL FROM ANY PROPERTY OWNERS REGARDING ANY RESTORATION THAT MAY HAVE OCCURRED ON THEIR PROPERTIES. (4) WRITTEN APPROVAL FROM THE HASKINS AS TO ANY CHANGES THAT ARE MADE TO THE DRIVEWAY ON THEIR PROPERTY. (5) NO OTHER CHANGES SHALL BE MADE ON THE EXISTING DRIVEWAY. (6) DRIVEWAY EASEMENT ACROSS WILLEY’S PROPERTY TO BENEFIT BLAKE AND AMBROSE. (7) EASEMENT ACROSS AMBROSE TO BENEFIT BLAKE.

Hatch – I feel you’re a little hung up on the DES approval. I think their function is primarily the quality in the wetland and not damaging the wetland and possibly restoring some that’s already been damaged. I don’t think they are concerned with flood control and flood risk and I think DOT will clearly be interested so I hope you will communicate back and forth with DOT on this. DES approval is required but I’m not sure they are going to pay any attention to what’s really in focus here. Vadney – I share your concern Dr. Hatch and I’m a little concerned of the cursory way we accepted just a statement that Ames had said 24” culverts would solve this problem. He may have, I don’t know who is on his staff that is a full hydrologic engineer for making an evaluation we haven’t seen. Kahn – I’ll add another condition to the approval, Herb, that the staff be provided with a study from Ames or some other engineer as to the remedial effects that are or may be necessary with respect to the new driveway to prevent the acceleration of water that otherwise would have gone down the old driveway. I think our real problem is if Dr.

Hatch is correct and I believe he is, neither DES nor DOT is concerned with stopping water from flowing downhill. DES may be concerned with the quality of wetlands which may have the effect of preventing water from flowing downhill and the DOT's jurisdiction extends to their ROW so I don't see that we have jurisdiction to prevent water from flowing downhill but I will put in a condition that Ames or some engineer provide a study that shows the amount of water should not be increased by reason of the new driveway. Bayard seconded, but I think its more than just jurisdiction, I don't think we can make water not flow downhill. Vadney – At least we have to, even though Ames has done a study, it was based on abandoning the old driveway which we're not clear is going to happen now and regardless of what Mr. Blake does with it, we don't know what Clover Ridge is going to do with it and Dr. Hatch said the two channels running down the north and south side of the existing driveway where two of the streams come in, are going to have another driveway right beside it now. Kahn – No, because the section east of Haskins home will be removed. Vadney – But that water could now cause Mr. Haskins a problem, it gets all the way down there, we've tried to block it and it's going to shunt over to the new trenches on the side of the new driveway. We're changing it and we know there's a heck of a lot of water that comes there at times. I'm happy with the motion but I think that's an important part, we have to protect Haskins property, Hatch property and all the others of concern here. Flanders – It seems to me that we've got so many things outstanding here and conditions, I think we need more information before we pass final judgment on this and I will not be voting in the affirmative on this for that reason. Vadney – I'm uncomfortable with it to be honest with you. Touhey – Listening to Dr. Hatch and all of this and processing it, I won't be voting in the affirmative either, I would like more information. Again, water problems abound so let's be careful. LaBrecque – Dr. Hatch did come in and as a courtesy I called DOT and spoke to them about your concerns, I scanned the entire plan, sent it to them so they were aware of the driveway being proposed and not just the apron. I let them know there were drainage concerns and culverts and everything we spoke about and after reviewing it, he did take it up the line to David Sylvio, Director of District III, and they called back to say they were not amending their permit in any way. This definitely provides us more information but our permit stands as issued. Vadney – That basically validates the fact they don't care. (inaudible) Bayard – I think I heard Lou say something about withdrawing and I think we've put ourselves in a box and I tend to agree with him. We are asking for this hydrologic study to show to the satisfaction of staff that the water issues are not made worse. Kahn - I'm going to withdraw the motion, move to continue this to our next meeting and request the applicant provide us with such a study in time for that meeting. Continue this to the next meeting, Nov. 24th. Vadney - I think the facts in the motion still stand even though the motion doesn't. The only issue we have is water; the legal issues regarding Clover Ridge are gone.

Bayard seconded. Voted 6 in favor, 1 against.

1. **FOUNDRY AVENUE REALTY TRUST AND HAYWARD & SANDRA PRICE:**
(Rep. Carl Johnson, Jr.)

Johnson – I'm representing the applicants in a Boundary Line Adjustment which is located on Waukewan Street and Foundry Avenue. The lot currently owned by Mr. Fairbrother called the Foundry Avenue Realty Trust is the parcel on which he has his business, Lakeside Plumbing & Heating, and Kozlowski Electric is also on that property. These essentially are the properties that are zoned B & I. The property owned by the Price's which has the rear of the lot abutting against those commercial properties with frontage on Waukewan Street. The proposal is to do a BLA and we're adding 4 acres of land which is zoned Residential to the parcel which is currently owned by Mr. Fairbrother leaving a sufficiently large enough 2.76 acre-parcel for the Price's and they retain their frontage on Waukewan Street. It's a simple BLA because of the size of the lots and because it's serviced by municipal sewer, there are no additional approvals required from the state for these properties. There were just a few comments in the staff review, the lot sizes comply, it's in the Waukewan Watershed Overlay District but the parcel remaining is at least 2 acres in size. Both of these lots have maintained acceptable lot coverage, setbacks are noted on the plan; we've labeled the lot line to be discontinued. As usual, we will provide a draft conveyance deed for staff to review, part of that deed will maintain that the lot to be conveyed is not to be sold separately although its 4 acres in size, it will be conveyed and merged with the existing parcel so we started out with two lots and ending with two lots and I will certify by recording on the mylar to be recorded that the pins have been set. Everything west of the stonewall is in the Residential District. Applicant wants additional land for a couple reasons, one of which is their investigating a potential expansion of the facility that's on the Foundry Avenue piece and that would throw them over the lot coverage so they were looking to purchase some land so just adding the parcel, they would maintain under their lot coverage calculations. They are not allowed to do anything commercial in the residential zone without benefit of a variance, they would be allowed to expand. They would be allowed to put a residence out here per the Zoning Ordinance if they so desire. The access would have to be across the existing property on Foundry Avenue. At this point they are just buying it to add into the parcel, there are no specific plans in the works. Regardless of that change in the Zoning Ordinance, he would be allowed to have commercial in this area, that's the way the change in the zoning ordinance was done. A question was if they could expand on the existing commercial space and that would be subject to Site Plan Review but potentially if they went over the 75% adding these 4 acres, they could have a much larger coverage on that lot. It gives them some green space. Public Hearing closed at 11:05 P.M.

Kahn moved, Dever seconded, MR. CHAIRMAN, I MOVE WITH RESPECT TO FOUNDRY AVENUE REALTY TRUST AND HAYWARD AND SANDRA PRICE FOR A PROPOSED BLA, TAX MAP S23, LOT 46 AND TAX MAP U04, LOT 1E, LOCATED ON FOUNDRY AVENUE AND WAUKEWAN STREET, IN THE WAUKEWAN WATERSHED AND RESIDENTIAL AND B & I ZONING DISTRICTS,

THAT WE APPROVE THE PROPOSED BLA SUBJECT TO THE FOLLOWING CONDITIONS:

(1) THE APPLICANT PROVIDE A DRAFT CONVEYANCE DEED FOR STAFF TO REVIEW. THE EXECUTED DEED SHALL BE RECORDED WITH THE MYLAR. THE APPLICANT SHALL VERIFY IN WRITING WHETHER THERE EXISTS A MORTGAGE ON TAX MAP U04, 1E. IF THERE IS A MORTGAGE, THERE SHALL BE A SATISFACTORY RELEASE RECORDED IN CONJUNCTION WITH THE CONVEYANCE DEED.

(2) THE SURVEY OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO RECORDING THE MYLAR.

Voted 7-0 in favor of the motion.

Meeting adjourned @ 11:15 P.M.

Plan Signatures: Site Plan – 62 Main Street, LLC
Subdivision (2-Lots) – Henmor Development, LLC

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant
Planning/Zoning Department

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

A. William Bayard, Secretary