

PRESENT: Vadney, Chairman; Sorell, Vice Chairman; Worsman, Selectmen's Representative; Kahn; Touhey and Dever, III, Alternates; Edgar, Community Development Director; Labrecque, Town Planner; Harvey, Clerk

Vadney introduced the new Town Planner, Angela Labrecque, and welcomed her to the Town of Meredith.

Kahn moved, Sorell seconded, THAT THE MINUTES OF 9/25/07, 10/9/97, 9/20/07, 9/22/07, 10/30/07 AND 10/13/07 BE APPROVED AS PRESENTED. Voted unanimously.

PUBLIC HEARINGS

1. **NDN 2005 REALTY TRUST AND NORTHVIEW DRIVE TRUST OF 1995:** (Rep. Dave Dolan and Tom Holly) Continuation of a public hearing held on September 11, 2007, for a proposed Site Plan Amendment to construct a 3,328 sq. ft. office building and associated site improvements, Tax Map S17, Lots 17D and 17E, located on Northview Drive in the Central Business District. Application accepted September 11, 2007.
2. **NDN 2005 REALTY TRUST AND NORTHVIEW DRIVE TRUST OF 1995 -** Architectural Design Review of a proposed 3,328 sq. ft. office building, Tax Map S17, Lots 17D and 17E, located on Northview Drive in the Central Business District. Application accepted September 11, 2007.

This is an application for Site Plan and Architectural Design Review for two properties at the end of Northview Drive in the Commercial-Route 3 South and the Shoreline Districts. There is an existing office building which houses a financial services office, an attorney's office and an insurance company occupying Lot 17E. Lot 17D is vacant. A site inspection was held there on the 13th of November and received more comments from the Board at that time. The proposal is to merge these lots into a single ownership entity, combine the lots and then expand the site by constructing a second office building which is shown on the westerly side of the property, adding the parking spaces as shown, adding the drainage designed by Mark Moser and that's shown on the plan sheets that were revised after review by Lou Caron and resubmitted. I believe all of his concerns have been addressed. We received some notes today from John in the staff review regarding utilities. We will be connecting to the existing sewer line that is shown on the plan. On the existing sewer line running down Northview Drive there is a stub on the southwesterly corner of the property and the existing building will be connecting to that. Necessary details will be added to the plan for sewer connection. Electrical will be overhead power from an existing pole. Mr. Holly has been trying to coordinate with the NH Electric Co-op to finalize

that and the location and type of power will be added to the final plan set and indicate it will be overhead. A driveway permit has been received for the proposed driveway as well as an amendment to the existing permit for access to Lot 17E. Mike Faller also recommended that we narrow the entrance to the upper parking lot so it doesn't look like a big wide extension of the cul-de-sac so we've narrowed that entrance to 26 feet in width and we've indicated pavement to be removed in this area. This is existing pavement that's diagonally hatched and there's no parking, it's just to provide areas for potential snow storage but basically leaving the pavement in that area and defining the travel lane. In doing that we reconfigured some of the existing parking, moving it away from the front of the existing building and locating it along the front of the cell tower. We did not lose any parking spaces, the total number of parking spaces remain as on the original plan. Erosion control information is on the plan set, Lou Caron did ask that we increase the silt fence which is shown on the drainage plan to pretty much envelope the entire lower lot with silt fence. We did discuss the off-street parking and the request that we'd be seeking a waiver based on the specific use. It is a professional office and most specifically financial services and we had asked for a waiver to reduce the parking spaces to 84 total spaces based on the use has been historic on the site for that specific use and we will add a plan note as necessary or however the Board sees necessary, limiting any use on that site and the associated parking waiver restricted to that use that's on site now and any future change to another use would require Planning Board review to substantiate the parking on-site. Relative to off-street loading, the deliveries anticipated would be furniture during the initial setup of the office which would take place at the lower entrance or at the upper entrance to the lot. Other deliveries would consist of paper goods for this particular use and most likely would be at the upper lot and we'll indicate that on the final plan. There will be a sign located in an area pointed out on the plan. An LP tank can be accommodated and we'll just pass that by the Fire Department to make sure it meets the required setbacks for NFPA and note it on the plan. The engineer will be submitting a site stabilization cost estimate that will be submitted to staff for review. Worsman – We had discussed some potential landscaping during the site walk on the lower side of the lot. Dolan – It's on S-5 in your plan set. We did add some evergreens in this area on the lower part of the lower parking lot to provide a buffer there. Worsman - I know you've got slope there so it's going to be tough to give some visual buffer. Dolan – Yes, they grow 8-12 feet in height. We will add areas for snow storage which would consist of the end of the parking lot in this area (pointed out on plan) on this side of the parking lot which is why we moved the proposed shrubbery away from the parking lot on that side and in here and if its excessive it will have to be removed from

the site which the owner is aware of, if there's excessive snow accumulation, but we'll add notations for snow storage locations on the plan as well. Edgar – Mr. Chairman, the proposed planting heights are noted on Sheet S-5, there are plan notes in the upper left-hand corner and the trees that are proposed are pretty substantial caliper, pretty typical 2-3 inches and the shrubbery is suggested as a minimum planting height of 4' which is not dramatic, they are relatively modest size bushes and if its something the Board felt needed to be increased to create a better screen, the screening is typically required when we have residential uses. The plant material and the heights are specified on the plan. Touhey – What is the proximity of the LP tank to the street? Dolan – Off the edge of the ROW that is 25' and I believe it can be as little as 10' from a property line but that's shown as 25' from the ROW and 25' from the building. Touhey – Is there any way we can screen that tank? Dolan – There will be some in that area and we can incorporate that into the plan to screen it if that is the final location. Edgar – The only additional point I would reiterate is that we do have engineering signoff by Lou Caron, our engineer, and basically what this project does, similar to what was designed at Harley-Davidson, it provides for storm water detention and some level of treatment underneath the parking lots. There are also a couple separators and traps that the water flows through before it gets into those basins and I've recommended that the design engineer should develop and submit a document that outlines recommended practices as to how those should be maintained and that kind of operations manual is something that would be on file with us, but more importantly shared with whoever is responsible for managing the property to make sure sumps and traps are cleaned out and that kind of thing. A lot of these improvements are appropriate but they need to be maintained. This gives us something to go back to and ask them as a matter of follow-thru, how those facilities have been maintained. Tom Holly – Peter Stuart was unable to be here, he is the Architect on this building and I believe what we're trying to do is have a very pleasant looking building in a professional manner. It is 3 stories high with the first level (the basement area), the lower section having a stone face with the rest of the building having a clapboard siding with white vinyl double-hung windows. We are trying not to have a box but make it aesthetically pleasing as you look at the building. We have several little bump outs to break up the lines in the face of the building. The main entrance as you come into the building will be on the very first level with another entrance on the side from the upper parking lot. There are fire exits on all 3 levels and all of those are indicated by having roof lines over those, again to make it very much aesthetically pleasing. Our proposed outside lighting is all lighting that is directed down, nothing to be shaded up or away from the building and also on the building make it look very similar

to that which we are going to have in the parking lot as well. Edgar – Tom, has the lighting typical changed? At one point it was shoebox style parking lot lighting and we had flagged the fact that the cutoff fixtures are what is required if there is a way to look at a fixture that compliments the work that Peter did on the building. Has anything been changed as far as that goes? Holly – At the present time, we are working with Laconia Electric to come up with that style of lighting but the end result will be, before anything is put in, it would be approved by the Town prior to. Edgar – If it's OK with the Board that could be handled administratively. It's just that the shoebox styles meet cutoff requirements but don't go very far to compliment the building and the effort that's gone into designing the building. There's a series of administrative conditions, the only one that would necessitate any further discretionary action on the part of the Board would be the Performance Guarantee review when we look at site stabilization. Hearing closed at 7:18 p.m.

Touhey moved, Dever seconded, I MOVE WE CONDITIONALLY APPROVE THE APPLICATION OF NDN 2005 REALTY TRUST AND NORTHDRIVE TRUST OF 1995 FOR A PROPOSED SITE PLAN AMENDMENT TO CONSTRUCT A 3,328 SQ. FT. OFFICE BUILDING AND ASSOCIATED IMPROVEMENTS, TAX MAP S17, LOTS 17D AND 17E, LOCATED ON NORTHVIEW DRIVE IN THE CENTRAL BUSINESS DISTRICT, SUBJECT TO THE FOLLOWING CONDITONS:

- (1) FINAL PLANS SHALL INDICATE WHERE AND HOW POWER WILL BE BROUGHT TO THE PROPOSED BUILDING.
- (2) APPLICANT SHALL SUBMIT SEWER CONNECTION DETAILS, INVERT INFORMATION, PIPE SIZE AND TYPE, ETC.
- (3) A DPW DRIVEWAY PERMIT IS REQUIRED AT BOTH LOCATIONS AND SHALL BE REFERENCED ON FINAL PLANS.
- (4) THE DESIGN ENGINEER SHALL DEVELOP AND SUBMIT A DOCUMENT THAT OUTLINES THE RECOMMENDED PRACTICES ASSOCIATED WITH MAINTAINING THE INFILTRATION/DETENTION SYSTEM.
- (5) ANY CHANGES IN USE OR TENANCY ABOVE AND BEYOND A LOW IMPACTING OFFICE USE, WHICH SHALL NOT INCLUDE MEDICAL OR DENTAL, MAY REQUIRE REVIEW BY THE PLANNING BOARD AND NOTED ON THE PLAN ACCORDINGLY.
- (6) FINAL PLANS, (SHEET S-2) SHALL PROVIDE THE APPROPRIATE ZBA CROSS REFERENCE.
- (7) THE REVIEW AND ANY SUBSEQUENT LIGHT FIXTURES MAY BE HANDLED AS AN ADMINISTRATIVE CONDITION.
- (8) FINAL PLANS SHALL INDICATE PRACTICAL SNOW STORAGE AREAS.
- (9) FINAL PLANS SHALL BE SIGNED OFF BY THE FIRE DEPARTMENT.
- (10) WITH REGARDS TO A PERFORMANCE GUARANTEE, THE DESIGN ENGINEER SHALL PROVIDE A UNIT COST ESTIMATE ON FORMS PROVIDED BY THE TOWN. STAFF SHALL 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.

(11) THE PROPOSAL IS DEPENDENT UPON THE MERGER OF THE TWO LOTS WHICH ITSELF IS DEPENDENT ON THE LOTS BEING IN COMMON OWNERSHIP.

(12) THE PLANNING BOARD RESERVES THE RIGHT TO REVIEW AND AMEND ANY APPROVAL AS PROVIDED FOR IN SITE PLAN REVIEW REGULATION NOS. 7 AND 17.

Voted 6-0 in favor of the motion.

Edgar – Mr. Chairman, I have a question for Ed with respect to the plan note that any change in tenancy may require reconsideration by this Board, that is working under the premise that the Board grants the waiver as requested and then in response to that waiver, that note goes on the plan so we're looking at a parking waiver and that waiver would be premised upon relatively low impacting office use therefore the note goes in which was the fourth item you read into your motion. The question to you is, is that your understanding and do you feel that needs to be clarified? Touhey – That was my understanding that the change of tenancy had to do with the waiver of parking. Kahn - I ask that the second sentence under utilities be included as a condition. With respect to low impacting office use, I think we understood that would not under any circumstances include medical or dental, I would like to exclude them specifically.

Kahn moved, Dever seconded, MR. CHAIRMAN, I MOVE THAT WE APPROVE THE APPLICATION FOR ARCHITECTURAL DESIGN REVIEW AND FIND THAT THE PROPOSED DESIGN DEMONSTRATES SUBSTANTIAL CONFORMITY WITH THE GENERAL AND SPECIFIC CRITERIA SET FORTH IN THE ORDINANCE. Voted unanimously.

3. **ROBERT HALE ANDREW & PHYLLIS ELDRIDGE TRUST -**

Kahn moved, Sorell seconded, AT THE APPLICANT'S REQUEST, I MOVE THAT WE CONTINUE THE ELDRIDGE APPLCIATION TO DECEMBER 11, 2007. Voted unanimously.

4. **B & N DESIGNS, LLC:** (Dever stepped down) Continuation of public hearings held on August 28 and Octobret 9, 2007, for a proposed Major Subdivision of Tax Map S25, Lots 30 & 38, into 5 lots (2.26 ac., 3.82 ac., 4.45 ac., 5.60 ac. and 6.94 ac.) located on Waukewan Street in the Residential District. Application accepted August 14, 2007.

Jeff Burd – We last met with the Board on October 9th and reviewed some of the revisions we were anticipating at that time. In order to make those revisions, we were looking for support from the Board for the driveway waiver request to have more than two houses served by one driveway. That was granted at the last meeting so we went ahead and made our design and plan changes and resubmitted plans to the Planning Department. The sewer design was revised. Originally, we were tying our sewer into Waukegan Street on the northwesterly side of the property, that's now been changed and we're going to be extending the sewer 320' up Birch Hill Road and tying our sewer in for the 3 back lots down to that point so we don't need to cross the intermittent stream. We made a change to the lot line, originally there was a straight line between Lots 2 and 4 from one corner to the other and we put a little jog in that to give Lot 4 a little bigger building area. There seemed to be a concern about that building area being so close to the wetland down below it so that seemed to make good sense. Lot 2 had a very big building area and this seemed to be something the Board would find more appealing. The wetland delineation was revised to show Gove's more recent delineation and that changed our wetland impacts from 950 sq. ft. to 1,200 sq. ft. but again, the impacts also went down modestly because we eliminated the temporary impact crossing the stream. The drives for Lots 1 and 5 were relocated to provide two drives. Revisions have been made to the drainage design and we have added 3 culverts to the common drive, added a level spreader at one of the outlets to one of the culverts and added a detail and several locations for a filter strip berm which is basically just a berm that's intended to collect surface water runoff and disperse it evenly and slow the runoff down going off the lot. That's an EPA BMP or a low-impact development design standard that we borrowed from the EPA. The intent of the drainage changes was rather than concentrate the flows, to disperse them through the wetlands and let the wetlands mitigate any increases in runoff. We changed the name on the plans to reflect the current owner. Draft copies of deeds and easements have been submitted to the Planning Department. The waiver request has been submitted to the Selectmen for the shared driveway and a Special Exception application has been submitted to the ZBA. I think we've addressed all the comments and concerns from everyone other than meeting with the Selectmen and the ZBA. Vadney - When you engineered the two driveways onto Waukegan Street, how did that work out separating them? Burd – I didn't grade those out, I know we have to put culverts in the entrances, the location is defined but when it comes into the lot I wanted to give some flexibility. The grades do work and we can meet all the driveway criteria for the Town. Edgar – Mr. Chairman, a couple general comments that will resonate with several of my specific comments and that is when we are dealing with several aspects on this project, we want to make sure that the plan notes, the draft declaration and in some cases the deeds all jive and there are a couple things where I'm going to suggest additional clarity. The first comment in that regard has to deal with a 50' buffer. There's a buffer along Route 104, this is not a B & I District so it's not a zoning requirement for that buffer and the covenant language should address

what that means relative to the lot owners for those properties that have frontage on the highway. When we talked about it some of the Board thought it should be left open, some thought it should be screened, but there was no real consensus on it. It's not a major issue from a subdivision point of view. The plans retain a 50' additional buffer strip at the applicant's choice on the property and there should be some clarification in the easement declaration as to what that's all about so we have clarity for the benefit of the lot owners primarily. We do have two wetland permits that are necessary, one at the local level and one at the state level, D & F Permit from DES and both of those approvals should be referenced on the final plans. Bob Hill has reviewed the engineering of the sewer extension up Birch Hill. Any approval should be made subject to his final signoff. He has indicated he is supportive of that and has reviewed the plans initially and is OK with that. Final plans should depict a shared sewer easement for the two Waukegan Street lots that have an element of a shared sewer system on the downhill lot. In the declaration there's a reference to easements as depicted on the plan, Jeff, we have to make sure that we depict the easements on the plan. We're showing the driveway and the sewer line but we're not depicting easement areas but yet the legal document refers to a depiction. With respect to the road improvements that are called for as a function of this project, they are in a public ROW and as we've discussed on several other projects in the past, any time this Board approves a project that has an impact to a public ROW, our Town attorney has advised us it would be appropriate to secure the concurring approval from the Selectmen authorizing those improvements. Our approval would say you get 5 lots when you build the sewer up Birch Hill Road but at the end of the day, this Board can't give the developer the green light to dig up a public ROW. Burd – Does it have to be the 5 lots? Edgar – The practical side is it only affects the 3 that are tying into that sewer, but as a practical matter we can condition our approval subject to all of the sewerage but the Planning Board is not the keeper of the public ROW's. There is a reference to an easement that would extend beyond Birch Hill Road and go up to Route 104 that would be reserved for potential future connections. This has been discussed with the applicant from the beginning; my recommendation would be that now would be the time to secure that easement. This has the potential of interconnecting some of the Business & Industry District on the other side of the highway into our sewer system all of which is located in the Waukegan Watershed so the more we can facilitate the extension of sewer in that watershed is a good thing. That is supported by the Sewer Department and would need to be accepted by the Board of Selectmen. Final plans would need to show how each lot is going to be serviced by electricity. In this case, we have electricity on both Town roads so it's not a big deal. The easements that have been reserved for the project do provide for installation of underground or overhead utilities and that needs to be depicted on the final plan. Mike has reviewed the revised plans and has no problems, DPW permits are needed for the 3 access points, 2 on Waukegan Street and 1 on Birch Hill Road. As it relates to the 3-lot access and the waivers, Jeff has indicated that is in process through Carol and will be going to the

Selectmen within the next month for their review of the road standard waiver request. One of the things that's critical to that process is we reiterate that these are private, there is no dedication on the driveway itself to a future Town road, that is in fact forever private and that be stipulated in the approval and noted on the plan. We need to be sure we cover at all 3 locations that the driveway access to 2-4 is private. The staff report suggests that the applicant consider designating the downstream wetland buffers as no-cut zones or at least try to recognize we want to encourage the water to dissipate and filter through those wetlands so the least we disturb those wetlands, the better. We are in a fairly sensitive watershed, we do have a drainage crossing the property in a couple locations and I've recommended we require erosion control plans for the building sites that would be a function of the building permit process. The performance guarantee language is pretty standard similar to what we've done on other projects to guarantee the construction of the improvements. Once we receive the estimates, we would set up a compliance hearing. The applicant has submitted a declaration regarding access and utility easements, primarily associated with Lots 2-4 and we also have specimen deeds that were submitted. The comments I've made relative to the sewer easements and private nature of the driveways and so forth all need to be reiterated in those documents. The plan notes that the properties would not be further subdivided and I think a lot of the attractiveness of this plan and the evaluation that Jeff did at the last meeting demonstrating 5 lots under this configuration have less environmental impact are premised upon the fact that we deal with 5 lots and so the plan is noted accordingly. That also needs to be carried forward into the specimen deeds. Kahn – I would just note with respect to that last thing John mentioned about the note, we have had an experience recently where the note said there was no further subdivision didn't have any explanation attached to it and so I think we ought to beef up the note that there is no further subdivision because this subdivision has been designed to minimize impacts to the Town water supply so it will be absolutely clear to future Planning Boards why it is we restricted subdivision. Touhey - John in reference to that 50' strip of land along Route 104, were you suggesting that some buffer there might be preserved for those homes and for the viewscape from Route 104? Edgar – Not specifically, no. What I was noting, Ed, is the plans show a 50' buffer, they don't qualify what its purpose is or what the do's and don'ts are, it is not a requirement of the zoning in the Residential District so it's not a zoning requirement. It is consistent with what we would have if this was in the Business & Industry District which is across the street. I think what the attempt was probably trying to mimic that to provide for some screening of the houses. All I'm flagging is that it's not a zoning requirement, it hasn't been a requirement in previous discussions but for purposes of the private covenants that would govern that buffer because it's not a zoning matter and it's probably not a subdivision matter, I haven't gotten a sense that it was a big issue from our point of view. To the extent that they have private covenants that would encumber those properties on the highway with a 50'

buffer, what you can and cannot do in that buffer should be spelled out so when someone's buying that lot they know what the deal was. It has not been something we've spent any time with so I'm assuming it's not that kind of an issue but the plan refers to a buffer and it's a voluntary requirement that presumably they're adding to their plans to make the properties more marketable or to maybe lessen some of the noise impact from the highway and that kind of thing. Touhey – Does that constitute a condition? Edgar – That would be a condition, not that we're imposing the buffer, but we would have clarification in final legal documents. Vadney – John, if we want to go any deeper into that one, the only thing I would go along with is to say there could be no accessory buildings or anything in that buffer. As far as trying to specify and/or enforce any kind of cutting restrictions, my guess is anybody living in those houses is going to be planting the heaviest thicket they can to shield themselves from 104 and certainly don't want that cut. Edgar – I don't think it's something we necessarily want to get too deep into and it might be self-controlling. Relative to accessory structures, Lot 3 has the billboard on it and the specimen deeds reserve out that right to the developer to maintain the rights of access and so forth. Vadney – I would think the billboard is grandfathered. Kahn – Is there any possibility that any of those lots with access to 104 could seek a driveway to 104? Vadney – The state controls that and I can't imagine the state ever authorizing one. Edgar – Jeff, in your research, have you concluded that the state acquired the access rights to that property along Route 104 at the time the highway was laid out? Burd – Yes. Vadney – The only thing we might not want any garages stuck up in there. Edgar – Jeff, is that acceptable to you that we would not be locating structures within those buffer areas. Burd – I would think so and really I think the intent of that buffer was to perpetuate what was done in the other properties fronting on 104 in that commercial district. I don't know that I saw it as a no-cut. Vadney – I would just say if we could keep buildings out of it, then you've protected the visual end of it.

Kahn moved, Worsman seconded, I MOVE WITH RESPECT TO B & N DESIGNS, LLC, FOR A PROPOSED FIVE (5) LOT MAJOR SUBDIVISION, TAX MAP S25, LOTS 30 AND 38, THAT WE CONDITIONALLY APPROVE THIS SUBDIVISION SUBJECT TO THE FOLLOWING:

- (1) INFORMATION SHALL BE ADDED TO THE FINAL SUBDIVISION PLAN TO CLARIFY THE 50' BUFFER AS A PRIVATE COVENANT AND THOSE PROVISIONS SHALL BE INCORPORATED IN THE DEEDS AND I THINK THE ONLY CONDITION WE WOULD LIKE TO SEE WITH RESPECT TO THE BUFFER IS THERE BE NO ACCESSORY STRUCTURES BUILT IN THE BUFFER.
- (2) A SPECIAL EXCEPTION IS REQUIRED FROM THE ZONING BOARD OF ADJUSTMENT TO PERMIT WETLAND AND WETLAND IMPACTS ASSOCIATED WITH THE COMMON DRIVEWAY. A NHDES DREDGE AND

FILL PERMIT IS REQUIRED AND BOTH APPROVALS SHALL BE REFERENCED ON THE FINAL PLANS.

(3) THE FINAL PLANS SHALL DEPICT THE SHARED SEWER EASEMENT AREA ON LOT 5 FOR THE BENEFIT OF LOT 1.

(4) ANY APPROVAL SHALL BE SUBJECT TO BOB HILL'S SIGNOFF ON FINAL SEWER PLANS AND THE MUNICIPAL SEWER MAIN EXTENSION SHALL BE SUBJECT TO STANDARD TESTING, INSPECTION AND AS-BUILT PLAN REQUIREMENTS.

(5) CONCURRENT APPROVAL FROM THE BOARD OF SELECTMEN AUTHORIZING IMPROVEMENTS TO THE PUBLIC ROW THAT ARE REQUIRED PURSUANT TO THIS DECISION.

(6) WITH RESPECT TO AN EASEMENT TO THE TOWN OF MEREDITH FOR POSSIBLE FUTURE SEWER AND WATER LINES, THE EASEMENT SHALL BE REQUIRED PRIOR TO RECORDING THE FINAL PLANS. A DRAFT EASEMENT SHALL BE SUBMITTED FOR STAFF REVIEW, THE EASEMENT SHALL BE ACCEPTED BY THE SELECTMEN WITH MORTGAGE RELEASES IF APPLICABLE.

(7) FINAL PLANS SHALL SHOW PROPOSED SERVICE TO EACH LOT FOR ELECTRICITY, CABLE AND TELEPHONE.

(8) DPW PERMITS ARE REQUIRED AND SHALL BE CROSS REFERENCED ON THE FINAL PLANS.

(9) UNDER CURRENT ORDINANCE AND PRACTICE, WAIVERS FROM THE BOARD OF SELECTMEN'S MINIMUM ROAD STANDARDS SHALL BE NECESSARY TO TREAT THE ACCESS LIKE A DRIVEWAY AS OPPOSED TO A ROAD. WAIVERS WILL BE ACQUIRED FOR THE FOLLOWING:

- 50' ROW
- CROSS SECTION
- LENGTH OF DEAD END (1,100')
- HAMMERHEAD TURNAROUND.

(10) PRIVATE OWNERSHIP AND MAINTENANCE LANGUAGE WILL BE INCORPORATED IN ANY SUBDIVISION APPROVAL AND CARRIED FORWARD INTO DEEDS AND THE COMMON DRIVEWAY DECLARATION. THE PRIVATE EASEMENT AREA NEEDS TO BE DEPICTED.

(11) THE BOARD STIPULATES AN EROSION CONTROL PLAN, APPROVED BY THE CODE ENFORCEMENT OFFICER, WILL BE REQUIRED FOR EACH LOT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT AND PRIOR TO ANY SITE DISTURBANCE INCLUDING STUMPING OR GRUBBING, UTILITY INSTALLATION OR DRIVEWAY CONSTRUCTION. THIS STIPULATION SHALL BE NOTED ON THE FINAL PLANS.

(12) PLANS SHALL NOTE THAT THERE WILL BE NO UNDERGROUND OR OUTSIDE FOSSIL FUELS FOR HEATING EXCEPT NATURAL GAS OR PROPANE GAS CYLINDERS.

(13) A PERFORMANCE GUARANTEE WILL BE REQUIRED TO GUARANTEE DRIVEWAY CONSTRUCTION, SEWER UTILITIES AND SEWER CONNECTION, ROAD RESTORATION ASSOCIATED WITH SEWER MAIN

EXTENSION ON BIRCH HILL ROAD CONNECTION AND SATISFACTORY SITE STABILIZATION. 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 WILL ESTABLISH AMOUNT OF THE GUARANTEE FOLLOWING A PUBLIC HEARING. THE FORM OF THE GUARANTEE SHALL BE CASH OR LETTER OF CREDIT. THE FORMAT OF THE LETTER OF CREDIT OR CASH AGREEMENT WILL BE APPROVED BY THE FINANCE DIRECTOR.

(14) THE NOTE WITH RESPECT TO RESUBDIVISION OF ANY LOTS WILL BE EXPANDED AND THE DEEDS WILL CONTAIN REFERENCES RESTRICTING FURTHER SUBDIVISION AND IT WILL SPECIFY THAT FURTHER SUBDIVISION IS RESTRICTED BECAUSE THIS PLAN OF SUBDIVISION HAS BEEN DESIGNED TO MINIMIZE FURTHER IMPACTS TO THE TOWN'S WATER SUPPLY, LAKE WAUKEWAN.

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

Voted 5-0 in favor of the motion.

5. **BLNB, LLC** – Proposed Site Plan Amendment to construct new 48' x 48' metal frame building and related site improvements, Tax Map S25, Lot 14, located at 181 Waukewan Street in the Business & Industry District. Application accepted October 23, 2007.
6. **BLNB, LLC** – Architectural Design Review of a proposed metal frame building on Tax Map S25, Lot 24, located at 181 Waukewan Street in the Business & Industry District. Application accepted October 23, 2007.

Carl Johnson – Brad Leighton is in the audience. This property is located on Waukewan Street adjacent to the entrance to Waukewan Village. It currently has a building in the front that houses Triumph Auto Glass. The proposal is to construct a 48' x 48' extension or addition to that building with two additional bays, the uses of which to be low-impact uses as shown on the plan. In addition to that, there's an area that's been graded out to the rear of the lot that's currently being used for storage of plant materials for a landscaping company and we wish to have that finalized and be a permitted use on the plan so that use can continue. This has been discussed with the Water & Sewer Department regarding the water access. The water access actually comes off the existing stub which is from the water line going to Waukewan Village and Bob Hill from the Water Department would like to see separate water shutoffs for each one of the units and we've shown that on the plan. The sewer goes out the front of the building and connects to the sewer which goes down Waukewan Street. One of the issues John brings up in his staff review is that the applicant should have a wetlands scientist review the site, report back to the Board as to whether there

are any wetlands on the site or nearby that may trigger setback requirements. We can certainly do that but what I'd like to do is to be able to have that report if there are no wetlands that would trigger setback issues that we would report back to staff instead of having to come back to the Board with that information. If there are any wetland issues that we had to deal with that require setbacks, those issues would be dealt with at the ZBA level and then we would probably have to come back to the Board but I would like the stipulation to be such that if the wetlands scientist says there aren't any setbacks to any wetlands that affected the approval, we would just put that on record with staff and it would become part of the file. We'll probably contact Nicole of Ames Associates to go out and do a site inspection. As I mentioned, the utilities have been reviewed by Bob and he is OK with what we're showing on the plan. The existing electrical service is provided to the site via Waukegan Street through an overhead and based on a discussion I had with Mr. Leighton today, he would actually like to put the electrical connection as an underground connection to enhance the visual aspect looking from the street. With regards to the drainage and storm water management, John recommends the Board stipulate there be a note on the plan, "no on-site storage of hazardous material or other materials that represent a water quality threat and there shall be no outside vehicle maintenance, repair or washing." He did mention that during the review of the adjacent Leighton site to the east, there was a requirement that a berm be put up around the property to prevent any drainage from going into the wetlands which were located on the back. I don't think that's going to be necessary in this particular instance because in the other property we have vehicle access as parking shown in the back and there are wetlands in close proximity to the berm. When I was doing the mapping, I didn't see that this was a wetland to be indicated. We will have that verified but I don't think this is the same situation as the lot next door. For one thing, I don't believe this is a wetland situation and I also don't believe that the use that is being proposed in this area, which is the storage of plant material for landscaping, is the same as over in the area next door where we have vehicles parked. John mentioned consideration should be given to provide a landscaped buffer along the areas that were cleared and graded. There was a cut-thru here at one point that was being used by the developers of Waukegan Village and that is relatively devoid of vegetation. If the Board felt there was some landscaping that should be added in that area, we would be more than happy to do that. We are trying to leave all of the natural landscape buffer that's there now, the strip of trees that separate the property from the road to Waukegan Village, as well as the natural vegetative buffer in the northeast corner of the property and along the easterly border. We're not showing much lighting because we are not proposing much lighting on the building, but will have cut-off lighting where lighting is provided. Photographs were submitted of properties adjacent to this property and owned by Mr. Leighton as examples of the type of improvements proposed for this property. An architectural rendering was viewed by the Board and discussed. The sign is shown on the plan in the upper left-hand corner. Mr. Leighton intends as an architectural feature to add an awning to the pedestrian

entrance door at the front of the building and also awnings over the pedestrian entrances on the side. John suggests in his staff review that the fuel supply be moved to the interior of the building. The applicant has already relocated the oil tank which was previously located on the outside back of the Triumph Auto Glass building to inside that building. The other heat will be provided by propane and the tank with protective bollards is located to the north of the proposed expansion. A dumpster is anticipated on the site. Although it doesn't show on the typical on the plan, the intention of the dumpster is to have a 4-sided screen on the dumpster so it would have a gate on the front so the dumpster would not be visible from the sidewalk. In terms of the Architectural Design Review, basically the applicant has a couple of great examples of what he's done to the buildings in the area here which were not very nice to look at prior to ownership by Mr. Leighton and I think you can tell by the photos that the sites are very well maintained and the buildings are aesthetically pleasing considering we're in an industrial business zone and it's well in keeping with what the ARDO is trying to do. The advantage of this building in terms of its proximity to Waukegan Street is as you can see from the architectural rendering, you're looking diagonally across the lot to the front of the building and in terms of the access to Waukegan Village, you're actually looking at the back side of the building and not the front. There are some trees which we did not map so there will be no vehicular movement that's occurring on that side of the building. There is also a small vegetative buffer zone between the sidewalk and the building which we have not mapped.

Edgar – One of the discussions I've had with Bill Edney and with Carl has to do with the issue of the uses. In my opinion, this is an appropriate use of these small sites where we create small opportunities for businesses to locate and we've seen that to be very popular. It provides an opportunity for contractors to have some work space, storage space and maybe a small office and bathroom facility. On the adjacent property, we had a fairly lengthy review process but had a fairly general discussion about uses because a lot of times you don't know what the specific tenant's going to be when you create one of these 24' x 48' bays with an overhead door. It's a little bit different than building an office building or a shopping center where you know what it's going to be. In the prior application on the adjacent property, there was a discussion about pretty low-impacting uses that could fit on the site and then the plan was noted that the changes in tenancy may require reconsideration by the Board and that process is one picked up by the Code Enforcement Officer when he considers the issuance of Certificates of Use and Occupancy. We also talked about the C.O. process at length when we looked at an industrial condominium not so long ago and similarly we talked the C.O. being the control mechanism to determine whether or not something has to come back to the Planning Board for additional review. So the uses obviously need to comply with the zoning but the difficulty in these small incubator spaces is you don't always know on the front end exactly what's going to happen. One of the uses that's mentioned in the application is a business that has a mobile medical vehicle of some variety that would be stored there and that may or may not be the case a couple years after the units are constructed. We recognize

there's a certain employee load that's factored into the parking calcs and it's not about a lot of contractor equipment out in the back yard so in that context I talked with Carl about adding the plan notes that we used the last time around on the adjacent property. Johnson - Note is on plan as follows: "Any change of use is subject to review of the Code Enforcement Officer prior to issuance of a revised occupancy permit and may require additional Planning Board approval." I did also sort of update the storage issue because storage is not permitted in the zone when it's like furniture storage and that type of storage, it would have to be by Special Exception. This is really Mr. Leighton's personal storage. He's not storing stuff there to transfer it to some other site. I've modified the use from what I previously called storage to "personal storage" and the calculations were the same. Vadney - What unit will be personal storage? Johnson - Unit #3. Edgar - That's distinguished from self storage in that this is the owner, it's his property and his stuff as opposed to renting it for self storage. Edgar walked the Board through the photographs he had taken of this site and the surrounding areas. The pictures are to reiterate that we do abut a residential use and we typically look to have those areas with some level of screening. Obviously, the cutting, clearing, stumping and the grading work was done at the same time that project went in and may not have been done in anticipation of a specific use but it was nevertheless done. Now we may have to go back and revisit that to make sure there are some plantings in that area that might re-establish that buffer effect. With respect to the wetland scientist review, I do feel that's important. Carl may be right, it may be a moderately or somewhat poorly drained soil but we don't know. We've exercised a fair amount of caution on all these other projects in the immediate with respect to wetlands and I think we should have that review done. There's no objection on my part if that report comes back in the negative, that there's no filled wetland, there's no wetland in proximity that would trigger a setback, if those things can be confirmed by a wetland scientist, there's no objection from our point of view handling that administratively because it becomes moot at that point. Carl, are there any floor drains in the existing building. Johnson - The floor drains have been sealed in the existing building. Edgar - With respect to the solid waste, the dumpster, we can just flip the orientation of that so a rig could get in, you've got plenty of space to do it. What is the plan for the actual screen, is that a landscape screen? Johnson - There will be a stockade fence screen. Edgar - And call out the height to be sufficient to cover the dumpster. We've had circumstances where we haven't called it out and the dumpster sits 3' higher than what is supposed to be a screen. With respect to the architectural review, Carl has indicated this is consistent with what we've done nearby. Even though it is a Morton building per se, when you put it in the context of the neighborhood and the existing building we're dealing with, that is how you've handled the adjacent properties and it's how you've looked at the much larger metal building on Reservoir Road so it's consistent with the Board's past practice. Worsman - I don't have a problem with the project, but I do have a substantial problem with the lack of screening and if I were to vote in favor of this project, I would want to see substantial screening between the rear of this project and what can be viewed from Waukegan Village. I think that's just

fair intersanction between Residential and Commercial. Touhey – I agree with Colette completely. The pictures that view Waukegan Village from the proposed site and then the reverse of that certainly indicate that is wide open. Along Village Drive going in, there's nothing we can do about the first building but any trees along and behind the bus shelter are actually on Waukegan Village's land so there's really no screening on the Leighton property by the existing building nor will there be of the 48' x 24' addition. Johnson – The building's 200' from where the property line goes across, the expansion of the building and then the Waukegan Village condominium units are a couple hundred feet beyond that so in terms of the view of the building, there's a considerable distance between the buildings. Vadney – I don't know that that's the argument. I think the bigger problem for the condo units is the pile of bark or whatever it is and whatever kind of front-end loaders are running along that property, scooping it up and putting it in trucks. Johnson – The bark mulch that's here is to provide the base material for the plants that are there. The plant material is brought in and then they take the bark material and put it around the plants so when they water, the moisture is retained. There will not be a situation where forklifts and the bark mulch is loaded to go somewhere else. There's no type of material storage for commercial use proposed in this area. Vadney – In that case, I may be more concerned. If this is turning into a nursery where you are growing trees surrounded by bark mulch.. Johnson – It is not a nursery, the trees are already grown, the root systems have been contained and there are no plantings in the ground. Vadney – If you're bringing plants in there in quantities and they are coming and going because they are being sold somewhere and you're putting a lot of bark around them, soaking the bark and then the rain comes as well, it seems to me you're going to be leaching a lot of various acidic leachate down toward the lake. Edgar – I would be more concerned if we were fertilizing the plants and had nutrient runoff. I think it was indicated at the meeting that I was not at that there is no fertilizer being applied on this site. If that's the case, it should get picked up in a plan note and relative to the plan itself, if you just looked at the note in that box of the landscaped area, it is subject to interpretation because it does say proposed storage area for plants and materials and the distinctions you've made of the comings and goings and that there wouldn't materials in there. I think that note needs to be clarified. For that matter, if my reading of the minutes was correct, there is a tenant in the adjacent property that runs a landscaping business and this storage is kind of part and parcel to their business. That is an important point to get on the record because we do not retail out of this district so we're not looking at a retail garden center that this would evolve into. This is product that an installer has because he takes it somewhere and landscapes people's properties. Johnson – Right, it has already been purchased and it's being temporarily stored on this site. Vadney – I'm a little concerned when we start approving these properties and the guy next door buys the next lot and then starts running the business back and forth between the two lots, we kind of punt almost on some of these technical issues. If we approve it as is and then this property is sold separately, I think these words could haunt us pretty badly.

Edgar – That’s where the language clarifying that use have a self termination clause if the properties were sold separately and the storage area’s disconnected from the use next door and this is not approved as a standalone use. I would be happy to check with Bob Hill to see if he has any perspective on whether the placement of the bark mulch in quantity around landscape stock, whether that represents any cause for concern from his point of view. Touhey – What I saw there was a very large area of that lot that has been cleared, that’s going to be a pretty busy operation back there if they are going to be storing trees and bushes in that whole area that has been leveled that’s all the more reason it needs to be screened. Edgar – If the Board were to incorporate a screening requirement into any decision, you may want to review that as a follow-up to make sure because each one of you has reinforced a concern on the screening. In this particular case I’m sensing the Board feels pretty strongly about it, you may want to have it come back. Johnson – Are we trying to screen the building or the planting materials in the rear of the building? I am not so sure we can do any vegetative screening along the strip because of the narrowness so we may have to put in a couple sections of fencing in there if we can’t screen with vegetation. There will be no cutting of the existing trees. Touhey – The proposed building addition, do those trees that you showed in the photo go along the length of that building addition? Johnson – Yes. Vadney – I think you need to put a lot of plantings in that back buffer to prevent any activity in that storage area from being obnoxious to the people at the Moreau property. Edgar – If we were to do it administratively, let me draw the Board’s attention to Page 53 of the packet so I make sure I understand what we’re talking about. This view taken from the condo gives you a sense as to the rear line where the clearing occurred, so basically to the left, you’d be looking at something in that general area, is that correct? In terms of plant selection and plant spacings, probably we should go with evergreens something that is going to be hardy. So we’re looking to try to buffer that, we know its not going to be perfect but we would be staggering some trees, we’d probably go in with more evergreens, adding more deciduous probably doesn’t make sense, and trying to break that up we’d be using the depth which I think the setback is 25’ or 30’ to work with in terms of staggering those trees so that’s kind of the view we’d be looking to do. The idea would be not to put in itty bitty’s, something that would have at least some partial benefit when it goes in. Johnson – When the person who has the product could locate the product that’s the highest and the biggest in this end of the property would just be additional screening. Hearing closed at 8:50 p.m.

Dever moved, Sorell seconded, I MOVE WE APPROVE THE SITE PLAN AMENDMENT FOR BLNB, LLC, TO CONSTRUCT A NEW 48’ X 48’ METAL FRAME BUILDING AND RELATED SITE IMPROVEMENTS, TAX MAP S25, LOT 14, LOCATED AT 181 WAUKEWAN STREET IN THE BUSINESS & INDUSTRY DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) ANY CHANGE OF USE IS SUBJECT TO REVIEW OF THE CODE ENFORCEMENT OFFICER PRIOR TO ISSUANCE OF A REVISED OCCUPANCY PERMIT AND MAY REQUIRE ADDITIONAL PLANNING BOARD APPROVAL.
- (2) THE APPLICANT SHALL HAVE A WETLAND SCIENTIST REVIEW THE SITE AND REPORT BACK TO THE BOARD AS TO WHETHER THERE ARE ANY WETLANDS ON SITE OR NEARBY THAT MAY TRIGGER SETBACK REQUIREMENTS AND IF NEGATIVE, STAFF IS AUTHORIZED TO HANDLE COMPLIANCE.
- (3) WITH RESPECT TO MUNICIPAL WATER AND SEWER, APPROVAL SHALL BE MADE SUBJECT TO BOB HILL'S WRITTEN SIGNOFF ON FINAL PLANS.
- (4) A DPW DRIVEWAY PERMIT IS REQUIRED DUE TO THE EXPANDED USE AND SHALL BE REFERENCED ON FINAL PLANS.
- (5) WITH RESPECT TO DRAINAGE AND STORMWATER MANAGEMENT, THE BOARD STIPULATES THAT THERE SHALL BE NO OUTSIDE STORAGE OF HAZARDOUS MATERIAL OR OTHER MATERIALS THAT REPRESENT A WATER QUALITY THREAT AND THERE SHALL BE NO OUTSIDE VEHICLE MAINTENANCE , REPAIR OR WASHING AND SHALL BE NOTED ON FINAL PLANS.
- (6) THE BOARD REQUIRES THAT THE APPLICANT PROVIDE A LANDSCAPED BUFFER ALONG THE AREAS THAT WERE CLEARED AND GRADED PREVIOUSLY, SPECIFICALLY AT THE BACK OF THE LOT.
- (7) IF ANY SITE LIGHTING IS PROPOSED, PLANS SHALL BE AMENDED AND A CUTOFF FIXTURE TYPICAL SUBMITTED.
- (8) FINAL PLANS SHALL INDICATE PROPOSED LOCATIONS FOR SIGNAGE THAT COMPLY WITH THE ZONING REQUIREMENTS.
- (9) THE FIRE DEPARTMENT SHALL SIGN OFF ON FINAL PLANS REGARDING OUTSIDE STORAGE OF FUEL SUPPLY.
- (10) THE BOARD RESERVES THE RIGHT TO REVIEW AND AMEND ANY APPROVAL AS PROVIDED FOR IN SITE PLAN REVIEW REGULATION NOS. 7 AND 17.

Voted 6-0 in favor of the motion.

Touhey – I would like to suggest an amendment. The proposed storage area for landscaping plants and materials at the rear of the lot be limited to landscape plants but allowing for whatever materials are required for maintenance of the landscape plants. . Edgar - If I could suggest a way to work through that Mr. Chairman, we had talked in the public hearing about a series of clarifications regarding the plan note and I think Ed's getting at one of those clarifications that it be for plants as opposed to materials and that we would be looking at something to the extent that we're not going to be stockpiling materials for retail and we're not fertilizing so I think if we could have kind of an all inclusive note relative to the clarifications as we discussed them tonight, I think that would cover all the bases

and it's basically been agreed to. Kahn – Do you want to tie it to the adjoining property. That's one of the clarifications that this is not a stand alone use, it's tied to an adjoining unit and to the extent the properties were separated that would vacate that part of the approval. Carl, we're all set on that checklist for that note and we'll work through that. Kahn – I think you also wanted a note with respect to the access in the rear of the two lots, you wanted something to indicate what the story is. Edgar – Basically, we're looking for a clarification as to the status of that and the language would need to be such that if the properties were separated, there is clarification as to whether that's a legal access or is separated. In other words, it goes away. Vadney – Is it an easement or does it just happen to be there?

ZONING DISCUSSION

Dave Thorpe – We have talked about the waterfront ROW changes we would like to make. We've met with John 3 or 4 times, Bill Edney 2 of those times and with the Board twice and in all of those meetings we've gotten a very positive feeling that it is to the Town's advantage to make some changes in this provision, not only protection for the shoreline by changing the shoreline requirements but also to clean up the wording to make the provision more understanding and more defensible and more clear to the general public. All I would like to ask tonight is what the next steps would be for you to agree whether you will or will not promulgate the changes. We know we have not agreed on the specifics. We know we still have to get to the exact wording and even the shoreline footage requirements are up for contention, but does it feel as though changes to this provision are so advantageous to the Town that you will agree as a Board that we'll get through those specifics. We do not want to take the petition route on this, it's too complicated and without your approval it's not going to pass anyway. Vadney – I think this one is easy enough to see and fair enough that we should be able to tell you in about 20 minutes or less whether we'll go forward with it. Worsman – It seems logical to me. I always try to look at what the unintended consequences are and personally I can't see any. As far as I can see, it appears to make logical sense and you have my support. Kahn – The Thorpes have come to essentially request changes in two numbers. I don't think we have any real dispute with respect to one of the numbers, we'd be going from 25 per additional unit to 50 per additional unit. There seems to be on your part Herb some question about whether or not we should go from 100 for the starting to 150. The read I get is that the Thorpes aren't all that wrapped up in having to go to 150 on the first unit and the other changes are all changes that John and Bill Edney want in terms of clarifying language. I think we should go ahead on this one, it makes sense and we can work out the language. At some point we just have to sit down and take a vote as to whether or not it's 100 or 150 or something in between for the first unit. Touhey – I am very much in support of it and I think it's just a matter of clarifying the 100 or 150 or just the 50 per unit. I

think the proposal was a good one. Vadney – I'm in agreement with all 3 folks who have commented. I think we would have a better chance of convincing the public that this was a sane option if we went with 100' + 50' and I think that would give you most of what you're looking for. I'm willing to say here tonight that we will go forward with at a minimum the 100' + 50' and that covers your immediate concern and we will then use some of the weeks between now and when we have to publish this to deal with John and Bill as far as the cleanup of the ordinance and I don't want to promise that tonight because we've seen when we get into the ordinance, they get very tangled. It might make some sense to do this one by itself. Edgar – What would follow and there seems to be a consensus forming here to support the minimum you mentioned and my next step would be to discuss with the Town attorney the issues where there's clarification and contradiction, some of the things we talked about at the last workshop are going to be reviewed by Tim. Tim reviews all substantive zoning changes and I want to make sure why we raise certain questions. My drafting will try to keep it as simple as possible and if we can provide some clarification for keeping it simple within the context of these number changes is what you will get from us and it will just take a little time scheduled, hashed out and get a draft back to you. Vadney – I think we can give you a vote here tonight on the go ahead for at least the 100' + 50' situation, but we will still discuss it further. Edgar – The sense of the meeting is to direct me to follow up in light of this discussion to at a minimum look at the 100' + 50' and some alternatives for you to consider relative to cleanup or no cleanup. I'm going to run it by Tim and get feedback from him. All Board members in favor. The Board continued with discussion of possible zoning amendments, such as cluster, etc.

Meeting adjourned at 9:51 p.m.

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 _____.

William Bayard, Secretary