

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary; Bliss; Kahn; Worsman, Selectmen's Rep.; Edgar, Town Planner; Harvey, Clerk

Sorell moved, Kahn seconded, I MOVE WE APPROVE THE MINUTES OF OCTOBER 24, 2006, WITH THE FOLLOWING CORRECTIONS:

DUCHARME DECISION, #18: IT SHALL BE A CONDITION OF APPROVAL THAT ANY LOTS CREATED SUBSEQUENT TO THE ORIGINAL SUBDIVISION WITH FRONTAGE ON THE SUBDIVISION ROAD OR NEW ROAD SHALL BE ACCESSED ONLY VIA THE SUBDIVISION ROAD AND SHALL BE INCLUDED AS A PLAN NOTE;

ADD #21 TO DECISION: IN VIEW OF THE FACT THAT IT MAY BE NECESSARY IN THE FUTURE FOR THE TOWN TO IMPROVE OR WIDEN NEW ROAD, THE APPLICANT SHALL CONTRIBUTE 17 FEET TO THE TOWN ROW ALONG THE ENTIRE FRONTAGE OF THE APPLICANTS' PROPERTY ON NEW ROAD.

Minutes approved with these corrections.

### APPLICATION SUBMISSIONS

1. **RAHEEGIE SAMAHA, EXECUTRIX FOR THE ESTATE OF PRISCILLA SAMAHA** – Proposed major subdivision of Tax Map U11, Lot 34, into four (4) lots (12,557 sq. ft., 10,178 sq. ft., 10,095 sq. ft., 10,005 sq. ft.) located on Circle Drive and Greemore Road in the Residential District.

The application, subdivision plan and abutters list are on file. Filing fees have been paid. This is considered a major application by virtue of the number of lots proposed, therefore, acceptance of the application and the public hearing must occur at separate meetings. I recommend the application be accepted as complete for purposes of proceeding to public hearing and that the hearing be scheduled for December 12, 2006.

Bliss moved, Bayard seconded, THAT WE ACCEPT THE APPLICATION OF REHEEGIE SAMAHA, EXECUTRIX FOR THE ESTATE OF PRISCILLA SAMAHA FOR A PROPOSED 4-LOT SUBDIVISION AND THE HEARING BE SCHEDULED FOR DECEMBER 12, 2006. Voted unanimously.

Vadney – Do we want to do a site inspection? Will it bother anybody to do it the Saturday after Thanksgiving? The site walk will take place November 25, 2006, at 8:30 a.m. This is a major subdivision so all we can do this evening is make arrangements for future public hearings as we have just done and set a date and the site walk. There will be no more discussion of that this evening. You are welcome to attend the site walk. We will not be taking public comment at that time. Edgar – There's really no road involved. We're looking at basically a one-acre site, there's a house on it and I would assume that the corner pins are tagged. There's one existing driveway off Circle Drive and there would be one

common driveway proposed off Greemore Road and an individual driveway off Greemore. If we could have stakes tagged at the driveways as proposed on Greemore and just ribbons on the corner pins.

### PUBLIC HEARINGS

1. **JANICE SEUFERT** (Rep. Harry Wood) (Sorell stepped down) Continuation of Public Hearings held on September 12 and October 10, 2006, for a proposed Minor Subdivision of Tax Map R35, Lot 1, for a proposed Minor Subdivision of Tax Map R35, Lot 1, into three (3) lots (11.05666 ac., 10.057277 ac. and 11.28636 ac.) located on Edgerly School Road in the Forestry/Conservation District. Application accepted September 12, 2006.

We have appeared before the Board previously with this proposal. The property is located on Edgerly School Road. It's just under 30 acres in size. As part of a previous hearing, the Board conditionally approved a Boundary Line Adjustment with a neighbor to the south which would result in Parcel A being conveyed to the Seuferts. That would make the Seufert parcel over 30 acres in size and allow creation of three (3) lots which meet the zoning requirement of 10-acres. The proposal is to have 3 lots. At the present time there are 2 dwellings on the parent property, one occupied by Mrs. Seufert and one by one of her sons. We propose a third dwelling which would be located on Lot 3 and that would be occupied by Mrs. Seufert's other son, Daniel, who's present here this evening. Lots 1 and 2 as I say have been configured so that they contain the existing dwellings that are already present with existing driveways, existing wells and existing septic systems. Lot #3 which would be new and thereby increase the density by one dwelling on the parent property, we have obtained a State septic system approval for that already and if approved the dwelling would be built with that facility. There was a little bit of question on the soils with regard to lots of this configuration or size, generally there's not too much of an issue, but we do have a wetland which is not too far behind the existing dwellings. That was delineated by Nicole Whitney of Ames Associates and is shown on the plan. It's approximately a wet area about a hundred feet wide. The balance of the property is high and dry with an average of a "C" slope on the back of the property. According to the Belknap County Soil Survey and the NRCS provisional data, both indicate a Paxton soil in the vicinity of these dwellings. The lot analysis shows adequate soils between the wetland and the road for that particular soil and the slopes that we have there. After talking with John Edgar, we looked at the spot elevations that we have in the file and we can safely say that there's at least 4 acres of less than "E" slope on the rear portion of each of these lots and that would allow creation of a septic system to the rear of the wetland should that ever become necessary on the basis that the worst soil condition we have in Meredith would be a Shapleigh soil with up to a "D" slope which we do not have, we are less than that and that would require 160,000 sq. ft. of soils under Meredith's regulations and we have slightly more than that available on each lot. The 160,000 is just under 4 acres. We also had some notations with regard to plan notes. The existing dwellings, wells and drives are indicated, the

septic systems are a bit elusive for the two existing dwellings because they have not had any trouble with them and they don't exactly know where they are other than in the back of the houses. The certification for the wetland delineation has been added, the plans show the 75' setback from non-designated wetlands. We had shown a 50' originally which is for the dwellings. The individual septic design is noted on the plan; it was approved 10/17/06. The wells are shown, we have shown the utility poles on Edgerly School Road, there's at least one in front of every lot proposed and we show the two existing driveways, the DPW driveway permit for proposed Lot 3 is still being processed. I don't anticipate any problems with it, I just think it needs to run through the system and with regard to the Boundary Line Adjustment, we have submitted a proposed description for that, it simply states that Mrs. Chase would convey Parcel A as shown on the plan to Mrs. Seufert. There are no other conditions or special considerations with regard to that, there's no access, no easements being retained or anything like that and it's just an agreed-to transfer. The pins have been set and as indicated on the plan and obviously we're here this evening trying to obtain a conditional approval and a condition would have to be at least subject to the execution of the Boundary Line Adjustment, the approval of the driveway. Edgar – Mr. Chairman, at the last meeting back in September there was basically some additional information that was outstanding. All that information has been provided as has been requested. Harry is correct that there are no outstanding issues at this time are (1) the driveway permits and (2) the execution of the Boundary Line Adjustment plans. Those are the only two conditions outstanding at this time. Hearing closed at 7:20 p.m.

Bliss moved, Bayard seconded, MR. CHAIRMAN, I MOVE THAT WE GRANT CONDITIONAL APPROVAL TO JANICE SEUFERT FOR A PROPOSED MINOR SUBDIVISION OF TAX MAP R35, LOT 1, INTO THREE (3) LOTS LOCATED ON EDGERLY SCHOOL ROAD IN THE FORESTRY/CONSERVATION DISTRICT WITH THE FOLLOWING CONDITIONS:

- (1) A DPW DRIVEWAY PERMIT IS REQUIRED FOR PROPOSED LOT #3 AND SHALL BE CROSS-REFERENCED ON THE FINAL PLANS; AND
- (2) ANY APPROVAL SHALL BE CONDITIONED ON THE APPROVAL AND RECORDING OF THE PROPOSED BOUNDARY LINE ADJUSTMENT.

Voted 5-0 in favor of the motion.

Wood – Just one comment with regard to that, it's our expectation that there probably would be a simultaneous execution and recording all at one time because there are some funding issues involved in the project and so we would work with John and staff to coordinate that with the lender and the property owners so we could have a closing and recording all at the same time.

2. **HARRIS COVE ESTATES, LLC** (Rep. Attorney Steve Nix) Proposed major subdivision of Tax Map U32, Lot 11, into 13 lots (1.62 ac. – 8.127 ac.) located off Harris Road and Happy Homes Road in the Shoreline District. Application accepted October 10, 2006.

I do want to say that Dave Walker who is the professional engineer on this project came down with a 24-hour intestinal flu or something so he's incapacitated today. I got that call later in the day.. Krochina (inaudible – no mike) Nix – I don't have the LLC documents with me tonight but this application was submitted under the name of Harris Cove Estates, LLC, and it's my understanding this is the LLC that has the Purchase and Sales Agreement on this piece of property. I represent Harris Cove Estates. Harris Cove Estates is an LLC that was formed for this purpose, the member of the LLC is Vatche Manoukian and Vatche essentially holds the P & S Agreement for the property and has authority to submit this application. I believe there's been paperwork submitted to the file to that effect. Krochina (inaudible – no Mike) Vadney – We will press on with Harris Cove Estates. Nix – As I was saying, Dave Walker, who is the professional engineer, is incapacitated and instead of requesting a continuance because we know that a lot of people came out tonight, we decided I would press on with this presentation. There will come a point when some questions will be asked of me that I do not know the answer and I will raise one hand or the other and say I do not have the answer and write that question down and will have to get the answers to those questions. Please bear with me. Those will probably be engineering questions and issues regarding Dave's communication with the Fire Chief, Town Engineer and whoever else he talked to along the way, I'm not privy to all of the conversations so with that caveat I'll move on. I did review the plans and I think I can answer most of the questions. The property is located in the middle of three roads which would be Cattle Landing Road, Harris Road and Happy Homes Road. There is quite a history to the property, there were subdivisions done in the 1970's. One lot was sold from that particular approved subdivision and I'll get to that in a minute. The total acreage is 53 and what I've done is taken the plans at 11" x 17" and I've put them together in one plan that I put on the board with the proposed lot lines outlined in green with the lot numbers in orange and if you're looking at the first plan of your plan set, that has the overall plan but as you get into it you'll see there's topography and other items in there. Their proposal is to subdivide the property into 13 lots ranging in acreage from 1.6 to 8.12 acres. Each lot will have an on-site well and on-site septic system. The test pits have been dug for each particular lot. The technical engineering drawings do show a 4,000 sq. ft. area that is suitable for the placement of a septic system as well as a 75' well radius on each lot and those would be the major criteria for State subdivision approval from the Department of Environmental Services which would be required. It is zoned Shoreline and the proposal is for use as single-family residential dwellings which is an allowed use in the zone. I won't go into the details on the minimum lot sizes, John did that in his staff review, but all of these lots meet the minimum lot size and minimum road frontage requirements. There's 3,100' of proposed road. This proposal on the westerly side, Happy Homes Road comes in in this location here

and the southeasterly side, Harris Road comes into this location (pointed out on plan). There is a 1926 layout of Happy Homes Road that takes it over to this location right here. The layout from 1926 is in blue and actually it's a continuation of Happy Homes Road as it exists today. It just wasn't built all the way through. Harris Road was laid out originally in 1947 coming off of Cattle Landing Road further up and then it was constructed in 1957 I believe. There is a question that has been raised regarding whether the terminus of those two layouts is co-terminus and we have done extensive research and have determined that they are co-terminus. We will be providing a package probably about an inch thick of the descriptions of both layouts and the property owners and the metes and bounds descriptions to show that they all come to the same point which is right down here so we have definitively figured out that is the case and actually we were still working on it yesterday to figure out where Mr. Towne owned property back in the 1940's, but we figured it out and the two roads are co-terminus. Currently, this section of Happy Homes Road is a Class VI road, this proposal would propose to change the classification from a Class VI to a Class V road and construct the subdivision road within that existing ROW. Then there is a cul-de-sac which is shown in this location here which goes up, that would be a new road created through dedication and acceptance that would be through this Planning Board process. The roads are laid out so as to avoid wetland impacts, there's very little wetland impacts. There are also driveways that have been laid out to avoid wetlands impact. Lot #13 fronts on the road in this location but it's actual physical access is through Lot #12 and that is to avoid any wetland impacts so there would be a driveway easement, essentially it would turn out to be a shared driveway between Lot #12 and Lot #13, those are the two largest lots in the subdivision and the location of the shared driveway does not look like it would be a problem with either lot. The original subdivision plan had one lot sold out that was Mr. Flynn's lot, Mr. Flynn is here tonight. Mr. Flynn has rights to the beach which are not being challenged in this subdivision process. We had a discussion with Mr. Flynn prior to this meeting and those rights will actually be confirmed in this subdivision process. However, we decide to do that, Mr. Manoukian has agreed to confirm those rights. He also has rights to what is called Cushing Road which is a small dirt road that goes out to Cattle Landing right at the 90 degree corner. There is a 30' ROW that is depicted on this plan that essentially follows the existing road out to Cattle Landing. I had a conversation with John today regarding Cattle Landing, there is a 90 degree curve right here and John pointed out that there is some land on the north side of Cattle Landing that the Town of Meredith has a Quitclaim Deed for the purpose of relocating Cattle Landing Road. The engineers have looked at that and their initial response is that the cost of doing that is significant, there's also a legal issue involved in that as the State of New Hampshire ROW actually goes up to a location pointed out and the Town has an easement for that so in order to relocate that highway, it would have to entail a combined State and Town relocation, however that would occur and at this point because of the logistics and the sheer cost of doing that, the engineers have decided that is not a very viable option, we'd have to go through the State releasing rights back to the Town and such things. This proposal proposes to have the main entrance through the Harris Road section

with a seasonal gate located at the current end of Happy Homes Road. I don't have a lot of information on that seasonal gate, really what we'd like to do tonight is through an official Planning Board hearing and meeting, have abutter input, have Planning Board input as to whether the Town wants to see this road connected, whether it does want to see the road connected and which avenue of entrance into this particular property the Town would like to see. We brought these plans forward choosing to connect the two roads, again we're here tonight for a dialogue and discussion to see where the Town wants to go with this. Vadney – There are a number of issues on that. A couple that come to mind immediately are have you given any thought as to how you would control the unauthorized traffic from using Cushing Road? If you are living on Lot #12, it's pretty obvious it's a lot closer to Town using Cushing Road than going.. Nix – I don't have the answer to that one. John brought that up during the discussion and I had sent it to Dave and I did not have a chance to talk to Dave about that so I don't know what the thought process on the control of Cushing Road is. Vadney – It is certainly a major concern of the Board, actually I'm also worried that people living on Evergreen and the far end of Cattle Landing and Harris Road will also cut through there. At that intersection of Cushing Road which is an extremely poor intersection, it would end up seeing not only these dozen new houses, but many more so that would be a major concern. I'm sure we'll hear more of that from the audience in a few minutes. Nix – I can say that Mr. Flynn is the only person that has a right to that road except for Mr. Manoukian and Mr. Manoukian isn't proposing to have that as the access but we understand what the reality of it is so there are possibilities working with Mr. Flynn to come up with a solution to that problem, I just haven't had that conversation. Vadney – The other one actually is also gates and bars as far as this road goes. A seasonal gate, do you have any definition that you can say what the season is, is this open in the winter or open the summer? Nix – John may have more input on that through his discussion with Dave, I don't know whether you do or not. Edgar – Not specifically, my guess is that based upon conversations with Mike, some of Mike's concern was to try to have the ability to plow through the end of the Neck in the wintertime so my guess is and I'm speculating a little bit here and that is Mike's preference would be able to have a loop road that he can plow and because of the traffic concerns which are more prevalent in the summertime, it would be gated to preclude thru traffic in the summertime. It's a little bit of deduction on my part, but I don't know for a fact so I think you need to perhaps follow up with Dave and then report back at a subsequent hearing with a definitive answer as to how the applicant intends to suggest to the Town that the gate be utilized. Nix – John is mirroring my conversations with Mike Faller early on in this process where he thought that the benefit of having a loop road whether it's open to everyone or just the ability for his plow guys to get through would significantly reduce his need for certain vehicles and logistics on plowing because he wouldn't have to turn around, etc., etc. Vadney – That's enough for this evening. I just hadn't been briefed on whether it was a summer gate or a winter gate or which way it was open and what season. Edgar – First, I'd like to address the issue of the wetlands. Detailed wetland delineations have been conducted on the property by Eric Fontaine who is a certified wetland scientist and I'm not sure that I've seen the driveway locations

yet but I've been able to identify what appears to be at least two possible areas where a special exception from the ZBA may be necessary, one is for a driveway I believe between Lots 8 and 9 but there is a possibility of going with a common driveway up there that would avoid a wetland. The other area is in the vicinity of the Flynn out lot. If you look on your overview plan, you'll see a wetland on the Flynn out lot and the road is just to the left of that and if you were to look at the detailed drawings, you'd see that the 50' wetland setback would encompass some of the proposed road work so one thing the applicant might want to look at is whether or not the road alignment can be shifted slightly to avoid that impact. Other than that, it is my understanding that there are no direct wetland impacts, therefore, there are no dredge and fill requirements under this current configuration. I know that in discussions with Jim Gove early on in this project that there has been some assessment of the qualities of the wetlands and I think that type of information coming back at a follow-up hearing, Steve, would be helpful because what we try to do on projects is to understand the cumulative wetland impacts on the front end of a project and try to find mutual ways to see that there is no further wetland encroachment after the project's approved. In other words, trying to fix a building envelope within which there would be no additional wetland impacts and to help guide us with that some of Jim's assessment work on the qualitative values of the wetlands may be helpful. Not all wetlands have the same value, there are some relatively significant wetlands on the property and at some later point in this process, it would be nice to know that we've got our arms around the total impact of any wetlands and maybe stated the other way is try to conserve those wetlands as best we can in the context of some level of subdivision so that would be something I think that would be helpful at a subsequent hearing to have either Jim present or some qualitative information on the wetlands as well as some indication of how we might be able to void wetland impacts if possible. I've raised the question as to how and where utilities would be brought onto the site. Their existing conditions plan does show power coming in off Meredith Neck Road or the Cushing Road area. There's also some poles located on Lot #1 and at some point, we would encourage you early on to touch base with NH Electric Co-op and develop a utility layout for the subdivision and at that time we'd also need to know whether we're going with underground utilities or overheads and the like and that would all then be coordinated with the engineering plans and at this point I don't think we have that information. And obviously, until we get to a little further down the road as to how we get onto the property and what the ultimate layout configuration is, it's not something we would need right away but it's just something the Co-op likes to be in the loop sooner than later relative to how we provide power to the property. As Steve indicated, there are 3 ways that one could seemingly get onto the property, Happy Homes Road, the Cushing Road intersection and Harris Road. Each of these 3 access points has their own sets of issues, there's no question about that and what the applicant is essentially proposing is that there would be a thru connection with this plan, seasonally gated on the Happy Homes end which essentially, if my assumption on the purpose of that gate is correct, the majority of the time traffic would head through Harris Road out Cattle Landing Road and around. As a very oversimplified overview statement, there will be some additional

work needed on the engineering, but at the end of the day the engineers can take care of the engineering, but the core issue as I see it, is really how do we get onto the property and how do we balance the responsibilities that the Board has to the public with the responsibilities the Board has to any potential (47:18) impacts to neighboring properties as well as the Board's responsibility to those that have the property rights at stake in terms of their ability to develop under the regulatory scheme of the community and so that balancing act is critical on all projects and in particular in this case it's really going to come down I think to how we can skin the cat on the access issue because from what I can gather having scrubbed this a little bit is really what it all comes down to. How do we balance a lot of concerns that we'll hear about and determine if we can come up with something that is a reasonable balance? Happy Homes Road ties back to the 1926 layout and as Steve has indicated, it's a Class V road meaning that it's Town maintained, it's gravel surface, fairly narrow, mostly seasonal use. There are vertical and horizontal alignment questions on Happy Homes Road, the site distance particularly looking to the right as one exits Happy Homes Road is not very good and back during the design review that we had about a year ago, we had certainly heard an awful lot of input from the property owners on that road that had concerns about additional traffic and their safety and the like. Harris Road at the end of Cattle Landing is also Class VI, it's Town maintained and that particular layout from what I could gather from the road file dates back to I think 1954 if I'm not mistaken and is a Class V road, it is paved and as eluded to by Attorney Nix, we do need to see that layout depicted accurately so we can see definitively that if there is an interconnection from this project to Harris Road of any variety that we have a seamless ROW from the '26 layout to the Harris Road layout and nothing that would break up that continuous layout so that's definitely a need for additional submittal. Likewise, I believe we've heard information during the preliminary stages a year ago about additional traffic heading in that direction and the neighborhood concerns with respect to that. We've also heard previously and will hear again tonight that we have ROW limitations further down Cattle Landing Road in the vicinity just beyond the Town parking lot. When you went out on inspection if you visualized the little stone garage on the right-hand side as you're heading out, the ROW narrows down to 16' in that area, that's my understanding and that's flagged Mike's review comments as well. We also have the practical aspects of the pedestrian crossing at the Cattle Landing docks and the Cattle Landing parking lot that's in that immediate area as well. Meredith Neck Road and Cushing Road has its own set of issues. We have here again vertical and horizontal alignment concerns for sight distance and the limited width on Cushing Road at the intersection. We did discover a Quitclaim Deed to the Town of Meredith that was deeded to the Town in March of 1991 for an area on the opposite side of the road and I believe and here again from a feasibility point of view is information that needs to be provided back to you before at your level, you discharge that as an option. We have asked for reviews from the departments, the Fire Department has submitted a memorandum. Absent significant upgrades to Happy Homes Road, the Fire Chief is not in favor of using Happy Homes Road as a major point of access from his department's point of view because of the road conditions. They



would probably prefer to use Cattle Landing Road because it's paved and upgraded and what they would lose in time because of the distance using Cattle Landing Road, they would probably gain by virtue of the road surface so he's not real firm I don't think, but his initial reaction I believe was that he didn't favor use of Happy Homes Road from the emergency services point of view absent significant upgrades. He had spent some time in his report speaking to the concern of access for the waterfront properties just below the 1926 layout, the private portion of Harris Road or sometimes we refer to it as the Evergreen Lane area and the access that the emergency responders would have to those properties is not good under current conditions and as a practical matter under the current proposal, we would essentially have two roads running parallel one another and if we have access issues on those waterfront properties, if there's a way to collectively try to improve that situation at least from a planning point of view is something that we should be open to in terms of how we could improve the emergency response to that other neighborhood as part of this project. From the DPW's point of view, Mike has given you a memo, he's flagged the 16' ROW on Cattle Landing Road and like the rest of us, he needs the evidence to see how the Harris Road ties in with the Happy Homes ROW. He favors the full extension of this road as was envisioned in 1926 and to include upgrades to Happy Homes Road. He has concerns regarding how the gate would be operated as well. The Police Department gave me a very brief verbal indication, as a general matter, would favor the thru road because of the improved access to the area. There are many Selectmen's issues that ultimately will shake out as this process takes more definition dealing with any potential waivers to road standards, lengths of cul-de-sacs, road names, concurrence with improvements within public rights-of-way, the gate issue and the like and so as we get a little further along, those issues would take some shape. The plan set is under review by our engineer. Our engineer has met with Dave Walker and I've not yet received his comments. There are a series of legal questions or characteristics if you will on the subdivision side. We do have to see how the easement rights to the abutting property owner Flynn are preserved. We have common driveways, we have slopes outside of ROW's, we have drainage improvements outside of ROW's, all which would necessitate easements which all happen as a matter of course. It has been represented that the road would be reclassified from a VI to a V status. At this point in time, we don't know exactly how that would happen or if that would happen. That would be a determination made by others, not by this Board. It would either be the Board of Selectmen or potentially Town Meeting and so depending on how this shakes out in the future, we may need to at least look at a period of time for which there could be private maintenance on the roads and that would necessitate a homeowner's association and all the legal documentation that goes with that so that's another potential legal question. We have received a couple letters from an abutter, Mr. Krochina, that has also raised a couple legal questions and concerns as to the validity of the 1926 layout. That letter was referred to Town Counsel and Town Counsel's response is in your packet. Essentially, the short version is that Town Counsel doesn't see anything in Mr. Krochina's arguments that would suggest to our attorney that the ROW does not exist. Mr. Krochina has raised a concern that there may be significant legal costs

associated with the Town's review of the application and has requested that the Board establish an additional escrow fund to cover this contingency. His letter is also in the packet for reference. This request is within the reasonable discretion of the Board and is provided for in the Board's Subdivision Regulations, however, any funds escrowed for this purpose would be for the review of legal questions and documents pertinent to the Board's processing of application issues and would not be applicable to the Town's defense of any actions taken against any Town Board as a result of any decisions made by Town Boards. Further down the way on this project, we would look at performance guarantee requirements for a number of issues, the internal road layout, we would need significant contingencies for ledge, we have very poor soil conditions on the site, it's either very stony or shallow to ledge conditions everywhere so ledge contingencies would be critical, drainage improvements, site stabilization, off-site improvements, if any, as may be determined by the Board. We also have the issue of demolition and removal of several existing structures in and around the farmhouse as well as the removal of any septic or the discontinuance of any wells that would be out there so all that would run a natural course later in the review process. We had significant issues raised during previous design reviews, most recently on October 11, 2005, and the minutes of that meeting are in the Board's packet. We've received two letters most recently from abutters, Mr. Krochina and I had mentioned the two issues that were raised, one was essentially the validity of the layout of the 1926 petition and layout and the request for a legal escrow to be established. We also had received a very lengthy letter from Mr. Pisapia which is also in the Board's packet and in summary there were questions that were raised regarding the wildlife on the property, the substandard nature of each of the access roads to the property, public safety issues for both pedestrians and motorists. It was suggested that a traffic study be required for the subdivision. There was a suggestion that the seasonal gate would be inconsistent with the intent of the 1926 layout and that the current proposal would add travel time and compound existing safety concerns. It was noted that the current intersection of the private portion of Harris Road as it would intersect with the Town's portion of Harris Road is currently a bad intersection alignment and is unsafe. It suggested that we look at trying to correct sight distances at the Cushing Road, Meredith Neck, Cattle Landing intersection as an alternative. There are concerns that have been raised by the downstream property owners being those properties closer to the lake in between the proposed road and the lake and impacts to wetland habitats potentially as a result of the development. Questions have been raised regarding pollutants that would be collected in the roadside drainage system and then ultimately drained into I believe it's referred to as Bonnet Cove and in conclusion Mr. Pisapia felt that for all of the above reasons, the project should be considered scattered and premature. My recommendation, although not terribly enlightening at this point of the process, is that we will receive significant public input at tonight's hearing and in future hearings and it's very important that the Board allow for as much time as necessary as is your practice to get all the issues and concerns on the table so that we can proceed methodically with that testimony in mind. To that extent, should the Board desire the applicant or staff to submit any additional information such as direct participation from department

heads at subsequent hearings, intersection improvement options, wetland assessments, traffic studies, escrows for legal costs, those types of issues that I mentioned earlier, the Board needs to be clear as possible with its expectations so that we can provide the information that is requested and then we need to provide for a submittal date and continued hearing date that allows for the public review of the additional submittals and sufficient time for that information to be staffed as well. Joan Ekstrom – Abutter on Happy Homes Road. More than several tour buses have been seen out in that area, Cattle (1:01:25) Landing, out Meredith Neck this summer, poses the question of around a way right through and back out, every nosey person, lost person, sales person, tour bus. Pertaining to the plows – for years and years the plow plows out backs into Reed's driveway and plows back to Town, simple back up and forward, I could do it anybody could do it, it's no great big thing to plow that road in and out Happy Homes Road. What is the definition and purpose of a STOP sign? I'm referring to Cattle Landing Road, that big curve where the Crams almost bought it last month by a motorcycle coming tearing over that hill, why could not a STOP sign be put on the top of Cattle Landing and also on Cushing? That would be a safety issue, at least it would help someone. I'd like to know how much blasting, how much, how deep would occur on this property. It's called Rock Ledge and it certainly is that as you know from the walk. And in the packet referred to by Mr. Edgar, back letters submitted and received for the last time that this came around this January, 2006, would these letters be held over to this proceeding where it was withdrawn and here we are again with a new plan. Would these be held over? Also I have petitions here and also the letters from all of these people that did write in and they are stamped received and I have petitions that I'd like to know if that's been taken care of pertaining to the need for road impact surveys, shoreline protection studies, wetland impacts, perc tests and increased impact on community and safety, all studies which should more accurately be done in the summer months and here we are again in November. Also, a petition from Happy Homes Road, that last one was signed by not only people on Happy Homes Road, Harris Road, Cattle Landing Road but also the people that live on Meredith Neck where they know it's not safe to ride a bicycle, push a baby carriage, walk a dog, jog or whatever and if anyone coming over by the Union Church at the top of that hill, how many of you have almost bought it on that curve by someone tearing over that hill. You're going to widen that, I think you'll have to take down his whole ledge there. So this was another thing and also pertaining to Happy Homes Road where it's always been just what it is simple, dirt road, quiet, peaceful, not a problem for anybody and I guess that's the way most of us here would like to see it stay. Ralph Pisapia – I've submitted a letter that John eluded to and I didn't want to read the entire letter. Basically in my letter I addressed a number of key issues that I think the Board needs to be considering here and that are of concern to the neighborhood, the natural resources of the area, public safety, the drainage plan, wetlands and just the layout of the roads and where they are laid out. The one I want to concentrate on tonight though is the public safety issue because this is an issue I raised in October of 2005 and asked the Board at that time that before you proceed with this application that you consider doing a traffic study to get some facts. Those of us who live out there

know what the facts are, but I would contend that most of you on the Board may get out there 2 or 3 times a year and really are not that familiar with what's going on out there. The traffic study that I proposed should be done at several times during the year, but certainly during the summer, winter, fall and spring, at least 4 times a year. You need to find out what the facts are on the ground as far as safety, what the traffic is before you put any more traffic out there because the Board has already approved 2 subdivisions at that end of the Neck in the last year and a half. We have new homes coming out there, there's more traffic already that the building permit process has authorized there and the other thing we have going on at the end of the Neck that is increasing our traffic and the safety issues is that we're getting more and more conversions from seasonal to year-round homes. First I want to comment on the safety issues on Cattle Landing and on Harris Road because the proposal that we have before us tonight has all of the traffic from this new subdivision coming out on Harris Road. That's a total of 13 new homes plus Mr. Flynn's home which I assume if he has access to a hard paved road, he will go out the hard paved road rather than going out that bumpy road he has currently so you have to figure there's going to be at least 14 new residences exiting onto Harris Road. I wanted to illustrate my concern for some of the safety issues beginning at where Meredith Neck Road and Cattle Landing Road begin, call that mile .0. As you know, there is a hairpin turn, a 90 degree turn whatever you want to call it at that point that causes significant line of sight issues and to complicate things, there's even a severe knoll at that point so you have an upgrade as well. Traveling towards the end of the Neck, in about .3 miles, you come to a point where the road is very much constricted with a metal barrier on the left (lake side) and a steep hill on the right making it very difficult to walk along that road, you take your life in your hands and if you're driving it's even a problem, especially if there is larger vehicles moving through there. You continue down the road and come to Patricia Lane and then to the Town parking lot and Cattle Landing docks. That is a major congested area in the summertime. There is a major safety issue there now. People coming off the Neck going back into Town have to contend with a sharp curve to the left and a downgrade and all of a sudden you hit the Cattle Landing dock area, you find cars parked in the roadway, people crossing the road, it's a major safety problem now. Can you imagine what it's going to be like putting more traffic on that road? Continuing on down the Neck, you come into a place that narrows to 16' wide, a garage on the right-hand side, that garage you can't pass two cars through there safely and you definitely can't pass pedestrians and cars at the same time. You're going to put more traffic through there, that's a one-way road right there. You continue on down and you come to the end of Cattle Landing where Harris Road begins, you've got a sharp right-hand turn, 3 driveways come in at that point, I believe the number of residences coming in will be mentioned by one of the people that lives on one of those driveways, but you've got 3 driveways coming in there at that point. You continue to the end of Harris Road and you come to a dead-end. At the dead-end, you've got 3 driveways that come into it, you've got the Taylor's, Chase's and a new driveway from Weiss' who are building a house there now and you also have 9 residences coming in from the Harris Road extension, those are the folks that live down on the private portion of Harris Road. You've got a total of

12 residences coming into that site right there and now we're going to bring in a new road that comes off of Happy Homes right to that point, you're going to have a total of about 26 residences that are going to access that one intersection. To me that's a major safety issue, that's the reason I say we need to do some studies and find out what the real issues are so the Board can act in a way that is fair to the public and fairly assesses the public safety issue here which those of us who live out there are well aware of and that's why we are trying to bring this to your attention. John has also mentioned the issue of the intersection between Harris Road Extension and this new road which is also going to be a big safety issue. There are some ways to solve some of these problems but it's going to take action by the Board to make sure these things get done before you approve this subdivision, before you approve new traffic on that road. This subdivision is going to add 14 additional residences emptying onto Harris Road. When I talked to John about what's the average I should anticipate as far as traffic, 10 trips per day per residence is a fair estimate according the Town Planner. It's 140 trips per day, that means 140 more trips per day will travel from the existing Harris Road down through this gauntlet of safety issues that I just mentioned and to me that is a major public safety concern that the Board needs to consider. Vadney – I would like to add one thing, when you do that analysis, a trip is a one-way trip, that's going to the store is a trip and coming back is a trip so there would be 5 leavings of the home and 5 coming back. Pisapia – It's still 140 trips per day that are going to go up and down that road. But you add to that the 9 residences that are currently on Harris Road Extension, the 3 residences that empty right into that dead-end at this point in time and by the way, someone's going to come along and say if those are seasonal homes, then you don't have that heavy traffic, but the planning that needs to be done is for the heaviest time of the year, that's when the safety issues occur. This time of the year the safety issues go away to some extent because there is not that volume of traffic, but in June, July, August and a good part of September, we have some major traffic out there and some major problems and the Board needs to take this into consideration before they approve this subdivision. I've given some alternatives in my letter, I won't go into those at this point in time because I want to move on to a couple of the other concerns that I think the Board needs to be aware of having to do with the drainage. The total drainage area of this site is 69.17 acres, 53.37 of which are on this subject property. We have slopes that range from 3% - 25%, the soils are extremely rocky and stoney sandy loams. What that tells me is that we have a lot of ledge out there, we have a lot of land that is going to need to be modified, blasted, moved around and a lot of work is going to be needed out there. The other thing is that the applicant doesn't go into a lot of detail on this but one can infer from his plans that there will be a lot of clearing of the vegetation. You've got to clear trees and shrubs to get line of sight for the roads, you've got to clear this vegetation to build houses, utilities and all the other infrastructure that goes along with these subdivisions, including what people do out there to get a field of vision or line of sight to see at least a glimpse of the lake even though most of these residences as I understand it, will not have direct access to the lake. There's only two from what I understand that are going to have direct access, but other folks may try to clear and probably will clear it unless there are some restrictions

put in here so they have somewhat of a view. The reason I bring that up is because I reviewed their drainage plan. Their estimates, for the amount of land that's going to be cleared, I think are extremely conservative. I want you to take a look at them. If you read their write-up it looks like this is going to be a wonderful forested ecosystem with little houses sprinkled here and there but if you go out and look at some of what really happens on the ground and I would invite the Board to go back out to the Atteberry project which was approved by the Board last summer as I recall and see what it looks like today. You won't recognize the place. That's what this is going to look like and for them to contend that they are going to reduce the amount of runoff by 5.6 cfs, I think is inconceivable. You need to pay attention to that and someone needs to go out and double check to see these numbers and can check them on the ground on what our reality is here in Meredith as far as what happens with subdivisions. They are going to clear a lot of land, there's going to be a lot more open land than they proposed and I would contend that there's going to be a lot more runoff than they are proposing. The other thing they are proposing is to put ditches in along side the new road and they are going to bring more water towards the downstream or down slope people like myself than currently exists. What they are proposing to do is catch that water in ditches and then run it along the road and bring it into Bonnet Cove and part of it is going to go the other way. But a lot more is going to go into Bonnet Cove than currently goes in there today. That new runoff is going to be carrying hydrocarbons from the road, from the vehicles, it's going to be carrying lawn fertilizers, it's going to be carrying sediment and all new additional pollutants are going to go into Bonnet Cove and into Winnepesaukee. Bonnet Cove today if you go down there is a pretty pristine area. I don't have any data on it and I don't know that there is any data, but there again, we're being asked by the developer to allow more pollutants to go in there when we don't know what's in there now and there are solutions to that problem, off-stream sediment basins or catch basins of some kind, infiltration basins, but an infiltration which is what they are proposing is not going to cut it and the reason it's not is because you've got so much ledge. It just ain't going to work, you've got to have more than that if you're going to protect Bonnet Cove and I think we should, that's a public resource. The other thing about the runoff is they are planning for a 10-year event. Right now, we get periodic 25-year events and 15-year events and my concern being downstream almost directly looking straight up at them, how much more water is that going to put on me and my property and what effect is that going to have on me? I think the Board needs to seriously take a look at where this water's going and project out beyond the 10-year event because a 10-year event is pretty small relatively speaking. Make sure whatever they build is going to be sufficient to protect us that are downstream and there are 9 of us that are right below this development currently. Another issue has to do with on-site wetlands, John mentioned it, hopefully, my letter brought to light some issues for him as well, and the road is going to impact the buffer zone of at least 2 or 3 buffer zones. The road either needs to be realigned in some way to avoid those because if we're going to have more pollutants added to the environment out there and the wetlands are supposed to act as one of the filters for this to absorb some of these pollutants, then we need to make sure we protect the buffer zone because the buffer zone is

what really makes the wetland function. Without the buffer zone, you might as well just fill in the wetland and that's the reason we have a buffer zoning ordinance in this Town is to try to protect these wetlands so that they will be able to function. They serve a number of functions but the major one for the buffer zone is to protect how a wetland functions so it can do its job. I'm going to summarize here because I know a lot of other people want to talk. As I said, there are going to be 14 homes that are going to be coming onto Harris and Cattle Land roads which are going to compound the safety issues, 140 new vehicle trips per day. By requiring them all to go the long way around to get back to Meredith Neck Road, you're going to be adding to their commute, those 14 new homes, you're going to be adding 210 extra miles per day of travel time. To me that's like driving from Meredith to Boston and back twice a day. If they can't go out Happy Homes or Cushing, you're going to add 210 miles to what people are going to have to drive adding more pollution to the air, as well as more hydrocarbons on that road, etc., etc. John picked up on this comment that I made that has to do with the validity of this extended Happy Homes Road that we're talking about, the 1926 layout, if the applicant is proposing that there is this layout and the Town agrees that it's valid, then if they cut off that access from this new road that they are proposing to Happy Homes Road and allow the rest of us to use Happy Homes Road as a public way, then they are not complying with the 1926 decision, then they have no right to cross anyone's private property. The other thing I asked the Board to do is look at the Land Subdivision Regulations and in particular conformance with 6.5 and 6.6 A,B,C & E, I don't believe that this project is in conformance with those provisions. It does not ensure protection of the downstream residents, it doesn't protect wetlands, it's not environmentally friendly and it certainly does not protect public safety and if it doesn't comply with the 1926 decision as John said, this should be considered scattered and premature. Chris Krochina – Mr. Chairman, Ladies & Gentlemen of the Board, I'm an abutter toward the private portion of Harris Road. Mr. Chairman, I have a couple questions if I could directly address them to Mr. Nix if that's possible. From my understanding, there's a 16' ROW on the Cattle Landing portion of it, is that correct? The Cattle Landing ROW is 16'. Nix – Actually, I think what I would like to do is maybe have Mr. Krochina address the Board and then the Board can address the questions to me. Vadney – We did hear from John that at the stone garage, it's a 16' ROW right there, I don't know and I haven't heard anyone else speak to any wider or narrower. (Skinner – inaudible-no mike) Edgar – I don't have personal knowledge as to the width of the ROW. In Mike's review he's flagged the fact that it narrows down to 16' which would suggest to me it's probably variable. I don't know the actual width, but Mike has indicated that it does narrow down to 16'. Vadney – Mr. Nix, do you have anything to add to that? Nix – We did some limited research on the actual Cattle Landing Road layout when we were putting together the Harris Road layout, I didn't realize that was going to be a question specifically as to the width at the garage. I know we have that information in our files and we would be more than happy to supply it to the Board. I know there was an early layout and the dates aren't going to be exactly right, but maybe the late 1800's, then there was a second layout in the mid-1900's which made a lot of Cattle Landing Road a 50' wide ROW. Some of the property owners at that time

objected, there was litigation, my recollection of the plans is that the area where the stone garage is was one of those that objected and that's all I recall of that particular area, but we do have that information and we will submit it to the Board. Krochina – In regards to your lot that you want to subdivide, that has 25' of road frontage on Meredith Neck Road? Vadney – Road frontage at Cushing Road? Nix – The plans reflect something in the neighborhood of 25'. Krochina – And that's what it says in your client's deed or the one he wants to purchase? Nix – Again, Mr. Chairman, I would prefer not to be cross examined and if Mr. Krochina could perhaps provide a list of questions and then I could either respond verbally tonight or I could respond in writing to those, but I do object to being cross examined at the podium tonight. Vadney – If he asks the questions of me, I'll be happy to ask them to you. We do have as pretty much a standing policy here relatively informal exchange so we do get the, I mean these aren't professional interrogators but they do have questions and so we do our best to answer them. Krochina – The proposed layout, this alleged 1926 layout that you contend is... Vadney - It's not him, it's me. Mr. Chairman, could you please ask Mr. Nix if the alleged layout that he's bringing before this Board is 50' wide. Vadney – The Happy Homes extension? Krochina – The layout he's allegedly claiming? Vadney – Do you know what the layout of 1926, did it lay out a right-of-way width? Nix – Sure, let me check my notes. Vadney – Do you have other questions you'd like to ask? Krochina – I'd like to get the answer to this one if I could. Vadney – We may not have time for that, we barely had time for Ralph's letter. Nix – In reviewing the layout, Mr. Chairman, it does reflect that the 1926 layout is 50' wide. Krochina – I'd like to ask Mr. Nix how he can say it's safer for the public given those 3 scenarios to send the new subdivision lots down the narrowest ROW, the 50', the 25' or the 16', given those options, it appears it would be safer for the public to use the 50' one, why have they chosen to use the narrowest way for ingressing the subdivision. Vadney – I'm going to intercept that question at this point and say some of the things John mentioned earlier, these are things we think will come out in further study and public hearing. I think the applicant was more or less required, I mean they have what they believe to be an ownership on that land with the ROW across it, they were laying out and they've described here what they believe is the legal situation. They didn't hint that it was safer, it's just that it's the more legal issue because they own that ROW or it's a Town ROW, but they own the land that it passes through so I think that will all come out in future hearings, I don't think it's fair to ask him to answer why he's asking for an unsafe situation. Krochina – I'm saying why is that the better route to access, they are proposing a seasonal gate to block the widest ROW? Vadney – I asked right at the beginning of the meeting about the seasonal gate because I certainly have questions if there is, if that road was extended, if it's already a Class VI road and the Town Selectmen say yes it's up to standards whatever, it's now a Class V road, it's pretty uncommon that you would put gates and bars on a Class V road and so I think maybe the seasonal gate issue is a non-starter. I suspect we would run into some State law problems if we tried to put a gate on a Class VI road and say during these months you can only go that way. We'll see, that's something I think that we'll work out a little later. Krochina – If the Board might be able to explain how this process works then, I



we're not supposed to bring these issues up now although we have the opportunity to do so? Vadney – They are good issues to bring up, I can't say that we can answer them all tonight. We're going to take all of these down... Krochina- So the purpose of tonight is just to bring up an issue? Vadney – We need to hear these questions and try to get an answer tonight. I prefer to get an answer tonight, but some of these are pretty mystifying you might say and difficult to get an answer tonight. Krochina – It just seems to be common sense to me that you would send the people down the widest ROW. Vadney – I agree from a logical sense, but as I said they have what they believe to be, as a matter of fact, they might not even like this option but it's their first start, I don't know. Kahn – If the layout is 50', what about Happy Homes Road as it now exists, is that a 50' ROW or is it a two rod ROW or is it 16' or what is it? Nix – No, the layout of Happy Homes Road is one layout all the way from Cattle Landing through this property to the other side of this property. It's 50' wide the entire way. The road was only constructed, the traveled way was only constructed to this property and in response to the last dialogue, I'm going to invoke the raise the hand answer and say that I'm not the professional engineer that made the decision to go this way but, however, I have made copious notes and I will be bringing that to the professional engineer to answer that question. Krochina – I'd like to get back to who's actually bringing this proposal to the Board? Mr. Nix has eluded that he's here on behalf of Harris Cove Estates, does he have a letter of authorization to speak on behalf of Harris Cove Estates? I've reviewed the file and I haven't seen any. Vadney – John, do you know any details on that? Edgar – I believe what's in the file is authorization for Harris Cove Estates to be the applicant on behalf of the Tampusi Trust. Krochina – I'm reading this one received August 18<sup>th</sup>, 2006, it gives Vatche Manoukian of Bay Bridge Building & Remodeling, Inc., on behalf of SAT, Sr. Limited Partnership and AMC, LLC., I don't see any authorization for Harris Cove Estates. I've checked with the Department of State and that's a newly formed company, neither of which Vatche nor Mr. Nix nor Harris Cove Estates is not an interested party in this if they don't have any authorization from the current owners. Nix – If I may, Mr. Krochina raises an interesting question and I think that the underlying issue or the solution I think that he's trying to propose, I'm not sure because he's not really saying, is that we shouldn't have this meeting tonight which would mean that we would go back, we would obtain a letter of authorization, we would renote everybody, everybody would have to come back out and instead of having everybody be able to speak tonight, you'd have to waste another night which is fine, but I'm sure that I can obtain a ratification from the Harris Estates LLC for the meeting tonight if that is the technical defect, but if Mr. Krochina is going to make great hay of this, he's really affecting all of his neighbors in the enormous amount of wasted time. Vadney – It is my policy to ignore comments like that actually. I agree, these folks have come out tonight; they have a right to hear stuff. If we should be overruled by some Court somewhere, we'll do it again, but I don't think it's fair to waste your time. Edgar – Mr. Chairman, could I ask a question of Steve? Do you know if Vatche Manoukian is a principle in the Harris Cove LLC. Nix – I'd have to defer to Vatche on that, I didn't set up the company. Vatche Manoukian – Yes, I am. Vadney – I personally don't think there's a problem and I'm willing to take my lumps if there is. Krochina –

I'd like to read my full letter to the Board and I'd like the public to do their own research on behalf of whether or not this alleged layout actually exists or not. I wrote to the Selectmen, I've basically said it appears that Vatche Manoukian and his attorney, Steve Nix, on behalf of Mile High Real Estate and/or Harris Cove Estates are mis-applying the law and the facts to the Town of Meredith and the current residents and taxpayers of an alleged 1926 public highway that allegedly may have in their opinion somehow connected Happy Homes and Harris roads. In support of their claims, they reference a highway layout that was not returned or attested to by the Town of Meredith Clerk (Attachment A). It has been undisputed that any current Town of Meredith employee or Board member knew the existence of the alleged 1926 public highway until it was brought to their attention by Attorney Steve Nix. Echoing the responses of many Meredith Neck property owners in opposition to the proposed subdivision, it appears that they were also unaware of the alleged 1926 public highway when purchasing or inheriting their properties. The authenticity of Attachment A is questionable. These pages could have been substituted, changed or added to the Town's records by Attorney Steve Nix or Vatche Manoukian. Nix – I'm going to have to object to this, the tone of this letter indicates and it is a direct attack on my credibility and this is not information that should be submitted in a forum of this sort, it is really dragging down the entire credibility of this. If Mr. Krochina would like to raise these issues in the proper forum, he may but I object completely to the continuation of the reading of this letter. Vadney – I would only comment on this. We've got your letter. Krochina – But the public hasn't heard my letter. Are you saying that I don't have the right to speak my mind, Mr. Chairman. Vadney – It is part of the public record. To answer your question in part, whether anybody knew about it, I believe it's fairly well described in Harold Wyatt's book he wrote in 1981. John, isn't that in there as I recall? Edgar – I believe that book does include descriptions as Harold understood it relative to all town roads including Harris Road. Vadney – That's not the definitive document, but to say that nobody knew that it existed when it was in a fairly public document.. Krochina – After the last preliminary hearing, Mr. Chairman, I specifically spoke to Mr. Edgar, nobody knew. I was at the Town numerous times, nobody knew so I'm speaking on behalf of my interpretation on this, Mr. Nix can take whatever recourse he wants to, but it's my interpretation from the townspeople that I personally have spoken to, I'm not eluding that it's all town people. Vadney – We understand the issue that the layout of that road is a point of contention and for this evening that's basically all we need to know. We'll now take that under study, John will be doing some work on it as will the Board members and once we start making any conclusions, you can come back and fire at us if you like, but we do have that issue on our paper for things we will looking at. Krochina – Which brings me back to my, maybe if you could just do a brief scenario on how this works, how many times we'll be coming back, not how many times but the process. When is this going to shift to the Selectmen, when are those things going to happen. Vadney – It doesn't really shift to the Selectmen other than for certain items. Some of the road issues go to the Selectmen and that would depend on the progress that we make, I don't know the date or length of time. History has said a contentious issue like this, some make it through, some don't make it through. The

real contentious ones will probably take 4-8 months or something like that. It takes a long time because of the scheduling of meetings. It won't be a single meeting or two meetings, I would expect (rough guess) that this will take something like 4-6 public hearings. Krochina – And somewhere along the line we will be able to ask the applicant specific questions. Vadney – It will come out through questioning by the Board as you feed your questions to us, we'll do our best to research and come up with answers and make decisions which you can then further question, but for tonight I don't want to spend all night just hearing letters. I just want to know the issues if we can and if there's some specific ones that we can give quick answers to, I like to do that, that way 11 more people don't ask the same question. Krochina – OK, nobody besides me seems to worry about if this thing ever existed or not. Vadney – We may all be as worried as you are about it, we just can't solve it tonight. That's all I'm saying, I'm not trying to delay you or anything else, I'm saying we now have it as an issue and we will certainly dig to the bottom as well as we can. Krochina – I came up here for a preliminary design review. Much of these same people came in and gave these same questions last year. The applicant under another alias or name came up and said we expressed our concerns, none of them were addressed. Now we come up again, I drove 4 hours again today to express my concerns and they are not getting addressed again. To me it seems like the applicant is just harassing us every year they're coming back with a new plan. The plan has actually escalated, they started off with 7 lots, now they want 13 lots, they chose not to proceed last year when everybody's letters were already before the Board, on their own accord, they dropped it. That last one is done so this year they're going to come in. This has been before the Board for generations, the same issue, nothings gotten resolved. How many times is the Board going to make all the public come up here to express their concerns without addressing the issues. Vadney – I'll answer your question. First I'll apologize, but the answer is several. It will be several times and that's the best we can do. Craig Skinner – I'm the owner of 76 Cattle Landing Road which is everybody's garage. I just wanted to address Mr. Nix's remarks relative to the Cattle Landing garage. I'm just wondering if Mr. Nix wants to clarify his knowledge of that area before I speak. Nix – I represented Mr. Skinner on an issue regarding the boundary on his lot which was another part of the lot so I'm familiar with the garage and Mr. Skinner, but I don't recall off the top of my head what the width of the ROW is. Again, I know we have the information and we'll supply that. Skinner – I just bring it to your attention, Mr. Chairman, because it frustrated me when I heard the answer that was given with respect to the lack of clarity with respect to knowledge, it is a 16' width. It is a ROW across my land, it would require a widening of the road if you're going to put more people back there and it's not something I'm willing to do lately. As a matter of fact, I'm not going to do it unless I'm required to by the Town. Mr. Nix does have great knowledge on it, we did a full survey of the land on his request, he's familiar with it, he knows it and I'm bringing that to your attention because I think that goes to the core of what your case is which is the reliability and the consistency of the information that's being given to you by the engineers and the professionals that represent the developer. I'm concerned about that now because he had specific knowledge to that. Nix – Mr. Chairman, I had no idea that Mr.

Skinner was going to be here tonight and I had no idea that the garage was an issue; it was not brought up in any of the prior hearings. It was a couple of years ago. I'm in the business of land use, I deal with hundreds or thousands of properties, I knew there was a ROW out there, did I remember it was 16', no. So I think that the comment that my not remembering the exact width of his ROW from a case that was a couple years old doesn't go to credibility. Bayard – I just wanted to ask Mr. Skinner a question if he doesn't mind. You said it's a 16' ROW there, what is that one rod? Is the road built pretty much edge to edge on that? Skinner - Pretty much edge to the edge. Bayard - I was not there at the site inspection. Skinner - The snowplows will regularly hit the roof of the garage and if you go on the other side, you fall down the hill so you're sort of stuck within the balance of it. Important too, with respect to some comments that I just heard, it is important to know that Mr. Nix is not only an attorney, but he also was a surveyor before hand so his knowledge with respect.. Vadney – We didn't come here tonight just to pick on Mr. Nix. Skinner – I understand that, but the credibility of the application is in question here and whether or not the engineers did their work with respect to the corner at Cattle Landing and Meredith Neck, whether or not Cushing Road is the right way to come out or go in, the comments have been conveyed to you by his hired individuals to say this is the best way to go because the engineers have dismissed these approaches. I think you need to take a look now and say whether or not the engineers have taken a look at it, what information can they supply to you and whether or not it is the acceptable way to do it or not because their credibility is in question now. Vadney – We have been doing that. Lindquist - I can assure that I won't be as hard on Mr. Nix as everyone else. I'm one of the Trustees of Lindquist that's right adjacent to Lot #1 and my name is Marla Lindquist. I will say, however, that being an attorney you must be able to sleep well at night because that's why we bought our land, but I am one that needs peace and quiet, noise pollution is very much a concern of mine regarding this development and the thruway of another road not with just respect to traffic but to dirt bikes, people and lights and I agree with Mr. Pisapia regarding the buffer zone. We pay taxes gladly in order that we can have property that we can go and retreat and be next to God. Why are they cutting down the buffer zone, the trees as opposed to the field and I'd also like to know who did the perc test? When Ella Gordon owned that property, the perc test never was passed and I want to know whether the Board has taken a look at that and who did the perc test. Edgar – There were 50 test pit logs submitted by the applicant for the 13 lots and the system designer's stamp who is on the test pit log is a gentleman by the name of Peter D. Stoddard, License #1404, so we have the test pit and perc data that was submitted by Mr. Stoddard. Lindquist – What I want to know is why didn't it pass before and why is it passing now? Vadney – That's certainly a good question and the fact that that land is extremely bony I expect maybe, John, we need to think about the details on it. Edgar – I have no personal knowledge of what may have been done previously. We certainly can look at these perc rates. One thing that is required by virtue of the lot sizes is something called State subdivision approval, anything less than 5 acres requires NHDES to also review all the data that's been submitted, the test pit logs and the perc rates for each of those lots would have to meet State perc rate

requirements and test pit requirements as well so there's a local review as well as a State review relative to that. Vadney – I haven't seen all that data yet, you say 50 were submitted, were there 50 that passed? Edgar – They obviously didn't use all 50 pits, there are 13 lots so they're relying on 13 or so of the 50 pits, but they've submitted all the logs. Test Pit #101 has 12" to ledge, obviously that's not one that's being used, whereas the test pit for Lot 7, the depth to ledge is 48", the estimated seasonal high water table is 24 inches, the perc rate is 14 min. to move an inch and so I'm not a designer and this is not my expertise, but depth to ledge for a bony soil, 48" is not abnormal. A water table of 2 feet is not abnormal and perc rates around 14 minutes/inch is not unusual for those soil characteristics. We'll review this more carefully, but it doesn't mean that it's not necessarily not doable, it's a design parameter for the person doing the septic design so if you have shallowness to ledge, it means you have to raise the bed up. If you have a high water table, it means you have to raise the bed up. The same thing with the perc rate, it means you have to bring in more receiving soil to make it all work and so it doesn't mean that it's not doable necessarily, it just means there's more of a challenge for the designer that has to design the system. That's my limited knowledge of this but we'd be happy to look at it more carefully. Vadney – For tonight, we are aware that it's a bony site, we are aware there are a lot of wetlands on it and thank you for making us aware of that specific question and we'll be following up. Krochina – It appears that every time we come to one of these things, anyone that can give us specific answers hasn't been present. We went for a surveying thing on the site walk, the surveyor wasn't there. We've come here tonight, the engineer's not here. If the Board does choose to have another meeting, I respectfully request that the applicant bring in all his experts so that they may be able to field the questions that we have because a lot of the people in the public, they might be strong in one area, but not in the other and during this forum they can understand how the interplay happens between, some are contractors, some are attorneys, some are road people, they all have their individual expertise, but if everything was out in an open forum rather than it seems, no offense, but a lot of behind the scenes things here. John talks to Police, John talks to Fire, John talks to you all on the site visit, I think the Police Department, the road guy, Mr. Faller, should be here so that the public understands the interplay of all these events. Vadney – That's a good point and it's one I was going to make toward the end of this that we do and this is obviously one that's coming down to where we will say to the applicant, we can't say you have to have X, Y, Z here, we may start turning negative on this idea because we do need the questions answered and so we will get there and before it's over the applicant will know that we need to have those questions answerable. Brenda Gallagher – I live at the end of Cattle Landing Road on a driveway called Clark Drive. There are 4 homes off of Clark Drive and when I come out of Clark Drive it's right at the corner, there's 3 driveways there and the people from Harris Road come down and they can hardly see me come out and it's a very dangerous intersection for me, my family and the other homes so I just want you to be aware of that because it just looks like a tiny driveway, but there are 4 homes there. Also, a lot of cars come up and they ask for directions to Center Harbor and they'll turn around at the end of Harris Road

and they also don't see my driveway. The medical facilities are very far away from the end of Cattle Landing Road and now you're talking about 13 more lots. If this has to go through and there's a storm or something and Cattle Landing is blocked, I sure would like to have another way to go out in case there's a medical emergency. Then the wear and tear on the road (which you are aware) I just want you aware of all the construction vehicles for 13 lots. When do abutters get notified of the meetings. At the end of this particular hearing this evening, we will continue it to a date specific and we will announce at that time when the meeting will be. Gallagher – Letters will go to abutters? Vadney – No, it will be posted in newspapers and public formats, but we tell you tonight when the next meeting will be. If we don't continue it, those would require that we renotice you, but if it's a continuation, there won't be a renotification. Krochina – If this is escalating into a Cattle Landing issue, I would appreciate it if somehow or other the people all could get noticed on Cattle Landing because they are all going to be affected by this, it's not just specifically the abutters, interested parties are affected that aren't previously noticed or before the Board tonight so if you could take that into consideration, I'd appreciate it. Vadney – We do that through public media. Edgar – We've been advised in the past on other applications to follow the law relative to what an abutter is and not start venturing beyond that because of the inconsistencies it could represent. It's fair and appropriate to allow testimony from abutters that can demonstrate with a fair amount of latitude, that they are impacted by a project so you don't need to be a certified addressee for purposes of testimony, but we've been cautioned in the past about getting selective as to who gets certified and who doesn't. The only other thing I can suggest that we have offered to people is that as the word gets out regarding the possibility of a continued hearing, certainly checking in with the Planning Office, the web site and those kinds of things, certainly the Planning Office would be able to disseminate any information as to when we would have another hearing. Vadney – I don't mean to put you off, Mr. Krochina, but it does get out of hand, I shouldn't say it's not that it gets out of hand; we don't know where to stop if we go wider than the legal description of abutter. Lynn Montana – I'm not an abutter, I was told about this by my friend Joan Ekstrom and did a little research on my own and saw some of the information she had received, mainly a plan and I was curious to know if that is the same road on that plan that has been on any plan all along or has that layout changed at some point, I don't know? Let me explain why I'm asking the question, maybe that will help a little. When I saw the first plan that was submitted earlier this year in January and then I went digging for Happy Homes Road extension, it's Happy Home Road if you want to look at the literature, there's no "s". The road on the plan that was going to be built over that 1926 extension did not follow the 1926 extension. It was somewhere else on the property. I just wonder why wouldn't you, if you are going to claim you have a right to build this road, why would you not be putting the road in the same place as the extension you're claiming the right to use. Vadney – As I understand, this latest addition follows the best of the surveyor's ability to delineate what was meant or to follow what was delineated. Montana – So the design has been changed since January? Vadney – That was my opinion, but Mr. Nix is working feverishly over here finding information. Nix – When you

said there was a plan that shows the road, it's a 1970's plan that I think Harry Wood did. Harry did a plan that showed a road in this location here and when we first started, we weren't sure what the situation was with this road and I did the research and found the layout for Happy Homes Road which actually has a metes and bounds description. It starts up at the intersection up here and the surveyors went out and surveyed all the way up here and then brought it all the way back in using the metes and bounds from the layout and that's what this shows right here. I don't know what this road represents. This particular plan doesn't reference the 1926 layout. Vadney – To the best of your knowledge, the green line and the blue you colored in earlier, that is what you now believe to be the delineated layout of 1926. Nix – That's correct. Montana – Has the Board been given the map of the 1926 extension that I was looking at where I saw a differentiation, do you have any other layouts of that road besides the one he shows on his subdivision plan? Vadney – I don't know which one you've seen or if I've seen the one you've seen, I've seen several but John do you have any other official maps or what we call quasi-official maps and if you have one there I'd be happy to look at it. It doesn't look a whole lot different. Montana – No, that one doesn't look a whole lot different so maybe they've changed it since then. Vadney – What is the date on this, this is September 23<sup>rd</sup> of last year. Montana – I would be happy to bring in what I was looking at and I'll give it to Mary Lee and she can make a copy of it. Just sort of out of interest, there is some other development information, John, you might want to check about perc tests. Back in the 80's when I was on the Planning Board, this property came before the Board for subdivision. They wanted to do something like 140 condo units and it was basically funnel development because they were all going to go to the beach from the back land and it was a very difficult and complex plan for the Board and I think what it came down to was we asked Tamposi of Nashua if they would do an environmental impact study which was required because over a certain amount of units and we also asked for a feasibility study, but unfortunately we never saw them after that so I don't know what that means, but we didn't see them again. There might be some plans submitted and some perc tests on that proposal. It was in 1982, 83 or 84 somewhere in there. I'd like to second everything Mr. Krochina said about the question of this road and obviously I'm just seconding it because you're also very aware of the question of what the basis is for finding this all legal, this road that the Town never recognized, never put forth, never vested any interest or money in developing for 90 years. The other thing is if this subdivision was not coming before the Board at this time, do you seriously think the Town would do anything about the plowing issue. Do you think they would ever join that road just for plowing? That's pretty unrealistic. So, they may go along with it, but it shouldn't have that much of an impact on the Board. The Town's done a fine job for a long time plowing and have never asked for anything more. I'm sorry to see this large acreage ending up in the shoreline district when it really belongs in the Meredith Neck District. It's a lot farther back from the lake shore than 300 feet which is what the zoning code says as a description for shoreline. This is 53 acres right back smack in the middle of the Meredith Neck District and it never should have been taken out and it should have had that zoning applied to it. What is the smallest acreage of these lots? When I looked at the 7-

lot plan, they all seemed to be fairly good size, but now he's proposing 13 lots, what's the smallest acreage? Edgar – Over an acre, I believe. Montana – So if this had fallen in the Meredith Neck District, it would have been required to have 3 acres, so I hope the Planning Board will take that into consideration and look at your zone and go around and clean up all these large places that really should go into the Meredith Neck zone. Vadney – I appreciate Ms. Montana coming in and inadvertently giving us evidence that there's life after Planning Board. Bliss – Mr. Chairman, can I make a comment in regards to the comment Lynn made about the zoning changes. All I can say is when anything big like this comes before us, what I say is we have tried for many years to change the zoning, to tighten it and it has been rejected at Town Meeting. We've had informational hearings on different changes wanting to be made so I would say when it's Town Meeting time and you see articles in the paper or you see a public hearing for zoning changes, please come and try to stand behind it because we've put a lot of different thoughts into it. Pisapia – I just wanted to remind the Board that I personally came before the Board a year and a half or two years ago about this issue and the zoning out there and asked that the Board consider rezoning some of the Neck as Meredith Neck District. Last year when the proposal came before the Town, the Board decided that it wasn't prudent to do it. I asked again this year that the Board consider it and again the Board rejected my proposal so I appreciate someone else making that same comment and I thank Lynn for that and again it really is a big issue that needs to be addressed down at the end of the Neck. Nix – Regarding the prior applications that have come before the Board, I did go into the Planning Office and look at the old plans. I viewed the original plans from the 1970's which included topography and test pits and I photographed sections of those plans including the test pit logs and I'd be more than happy to submit that as part of this file, but those logs are on record. They are on the plan, not necessarily in the file and they substantially agree with the pits that were done here. In 1986 there was a proposal submitted as a preliminary design review for a 150-site campground on this piece of property. There's a relatively large bed sheet plan that shows 150 campsites out there. That was the only thing in that particular file so that indicates to me that that particular proposal didn't go too far. There was no test pit information on that plan or that I came away with from the file review on that, but I'd be more than happy to run off more copies of these photographs and submit them for this file. Sherrie Cheney – My folks own the lot abutting Lot 1. I think you addressed this on the use of the waterfront that it would be only the people that own Lot 1 and the Flynn property. I just wanted that confirmed. Nix – That is correct. I may not have addressed that specifically in my presentation but that is correct. There will be one waterfront lot and the Flynn's rights to that lot will be confirmed in this process in writing in some fashion. We'll figure out the details on that as the process moves forward. My other question is I'm a little concerned about the seasonal gate thing because when the seasonal gate's removed, people will be using Happy Homes Road and I'm worried that it may mean that the improvements, if they do get to use that, maybe the improvements won't be made because they'll think that the use will be less because it's just winter months or something, but that road is extremely narrow and I hold my breath a little bit when I go up over the rise and I'm not sure



who's coming the other way. I don't think it's safe as it is now. I hear everybody talk about Harris Road and going in the other direction and I hear about the width of Happy Homes Road but certainly it isn't that wide now. Vadney – That was ROW they were talking about, not open way. Krochina – Mr. Nix brought up this new plan he has here from an old preliminary subdivision. I believe one question I have is since Mr. Wood is here, how come Mr. Wood drew the layout in a different spot if he's a surveyor and Mr. Nix's surveyor drew it and there's discrepancy between the two? Vadney – Harry do you want to comment on this? Harry Wood – Speaking with regard to some earlier work done on this property. I worked for Helen Gordon, I worked for Mr. O'Grady, I worked for the Stellos', I've seen this property since 1967. At the time that the subdivision was done, the first one that I can recall would have been in the very early 70's probably for Helen Gordon. At that time, the Town had a lot of concern over dead-end roads that didn't connect. We had Veasey Shore Road, Pinnacle Park Road, we had this one where in some instances it was 300 to 500 feet to making a connection with another Town road so the Town was very interested in making connections and they said in this particular instance, they wanted the developer to show a connection and so they did. They made no attempt to put it anywhere except between the two roads and also at that time although these things were done, the Town did not require the applicant to provide an easement to the Town, it just showed up on the plan so it was a nice effort to show that the intent was there but it was never carried to completion and the same thing happened on Veasey Shore Road, there was about a 600 foot connection to a private road that could have been connected, never has been. Pinnacle Park Road we were a little bit luckier instead of connecting to Sachem Cove Road, there was a subdivision and now it connects to Eaton Avenue so that's the reason they don't agree. There was no attempt to make it match a Town road layout and at the time in the 70's you had to go to Concord and you had to read the archives in order to find these layouts. The Town did not have them readily available. As an example, at the time of the Bicentennial for the Town, the Town had to find a lot of documents they didn't even realize they had some of them in their own vault and we located some of them for them and Town Clerks have done a wonderful job of getting those things caught up to date, indexed and now they have a lot of road records readily available that they did not have at that time so there are reasons why things are different and I would not want to suggest in any way, shape or form that the present developers have not done a good job trying to tie down these layouts. It requires a tremendous amount of work and you have to back up a long ways and cover a lot of ground in order to tie them in. That was not done in the 70's, it was not required, it wasn't intended and not even tried, it was just given as a way for the Town to connect the two roads if they wanted to and that's it. Kahn – I think what you're saying is if you could establish that our property touches a Town road, you could extend that Town road any way you want across the property if the Planning Board and Selectmen would agree, is that what you're saying? Wood – No, I'm not saying that at all. What I am saying is that if there is a layout and it can be re-established, it's valid unless it's been discontinued by Town Meeting or some other thing has happened to it that makes it no longer valid. Another good example, you go driving out Chemung Road and when you get

out near where the Robinson's live just before Robinson Pond, you say this is a wonderful road, look where it is. That's not where it used to be, it used to be over near the house and they moved it. The individual there paid for it and moved it over at a new layout, went to Town Meeting, discontinued the old road so things change and that's what you have to try to establish. You have to follow the whole record from the time it was first laid out to what happened in between and where does it end up and sometimes that's possible and sometimes you can't find where the old tree next to the barn owned by Mr. Smith is located. Dick Seiss, Harris Road – John said something earlier, something about skinning the cat. I think you people are also playing with a cat, you've got a tiger by the tail and this thing is sort of out of hand. If you can approve everything the developer wants to do on the land, perc, runoffs and things like that, then everything seems to be good at that end, but you're playing with something coming in the back door to that property. This gentleman just said roads change, they do change, you can put one here, you have to make an exception. If you're coming into this property, there should be some way shape or form that you can come in from the front and have the developer or whoever pays for this road work, in this case would it be the Town? Vadney – The developer. Seiss – How about the back road which they have on the map next to Harris Road, the proposed road going into Happy Homes? Vadney – That would all be, it ends up being negotiated to a degree but it's.. Seiss – OK, so now here's what you do, you forget this back road which is a lot of nonsense. You're going to come all the way around, cars are going around in a circle, get rid of the road, widen the road somewhere along Cattle Landing Road, open it up, come in that way, put a STOP sign, widen it, a red light anything you want which is more practical. If you go to your home, you usually don't go in the back, you come in the front door, it's easier, less effort and there you are so I think you people really instead of coming back and forth constantly, go ahead and try and do something in that way. Vadney – You're saying at the Cushing Road intersection? Seiss – Cushing or anything, make some kind of turn. It can be done if the Town wants to do it. It's more practical than fooling around with all this nonsense. Vadney – I appreciate your thoughts. Krochina – I didn't mean to relinquish my mike, Mr. Chairman, but the point I was trying to say that Mr. Wood is very familiar with the area. For 80 years surveyors have been doing it, but he didn't find that 1926 layout but I'm sure you would have put it in if you did obtain that record and all of a sudden Mr. Nix finally brings this up and it brings me back to my original thing, if the Town doesn't build the highway within 20 years, the public use is non-existent any more. Vadney – Our attorney has given us the legal opinion that because it was laid out by the Selectmen, it does not expire at the end of 20 years, that's for a different type of layout or a different type of acquisition of a road. We have an opinion on that. Krochina – And Mr. Vatche paid for that? Sam Travis, Cattle Landing – I'd like to follow through with a bit of what Dick Seiss had to say. Skinning a cat, common sense I think needs to be involved here because we're talking about two communities, Happy Homes is very happy with what they have there. Cattle Landing and Harris are very happy with what we've had there. New things happen, you accept them but you do it with common sense. I just want to draw something up here and to me it seems simple, my wife and I drove around to

take a look at the Happy Homes entrance and the Cushing Road entrance. What you're doing is taking 2 dead-ends, you're creating another road for the Town to maintain which makes no sense to me, you're creating more safety issues which makes no sense to me and if you can picture it, as you're coming down Cattle Landing, the land between the Happy Homes entrance and the Cushing entrance, who owns that land right in between there. Vadney – I believe someone in the audience could answer that question. Joan Ekstrom, her sister and the Sleepers are the owners. Those are the people that are on Happy Homes and that's kind of a buffer for you guys on the left-hand side as you pull into your area. If a front portion of that on Cattle Landing Road between Happy Homes and Cushing were provided to the Town, was sold to the developer where you could come in Happy Homes which is the safer entrance between the two, there's no doubt about that, I think going into Cushing without making other road changes with the site condition issues, that's not a safe way. If you came in Happy Homes and within 25 or 50 feet shot over to Cushing. Ekstrom – It's all wetlands in there. Vadney – Pretty substantial wetland, it's doable but there is a big wetland there. It creates fewer problems if an engineer can design through that wetland then everything else you're actually talking about gets the developer into his development instantly, I think it can be made safely. Is it that the wetlands would eliminate the ability to put a road there? Vadney – No, they would complicate, I can't say that it would be a show stopper. The ownership of the land and whether whoever owns it would be willing to sell. Seiss – I'm not sure whether you would be open to that to save the rest of Happy Homes. Ekstrom – We'd like Harris Road to be dead-ended. Seiss – You would like to be dead-ended on Happy Homes, Harris Road would like to be dead-ended and if some way a bit of your land could be provided to them and the engineering people could do a crossover across the wetland, then everybody's going to be happy. Vadney – I wouldn't go that far. Lindquist – There was one point in which Cushing Road was used for renters. There used to be between 6 to 8 houses rented and this was during the summer months and they would go in and out Cushing Road with no problems at all. Why was that allowed and then supposedly this development is now trying to come with more houses, the 13 as opposed to the 7, and they are not allowing this Cushing Road. Was that the change that O'Grady put in there when he sold the lot to the Flynns or to his in-laws? Vadney – I can't say who sold the land. Lindquist – That was perfectly safe, there was no problem with the hairpin turn there, it's a road that only one car can go through but nevertheless it was doable and it would save a lot of us, this is what we think would be the best. I know for Mr. Flynn it may not be but in terms of relocation of certain sites, certain development, it might be doable for everybody. Vadney – I would take exception to your one statement that it was perfectly safe, I would agree that maybe nobody died there, but that is a very unsafe corner and hill and lack of sight distance so under today's rules, I won't say we couldn't do it, we would be strongly chastised if we did approve a subdivision using that exit the way it is under today's rules. Is that still State road at that point? It ends right there but even the road agent of the DOT would not issue an expanded driveway permit for that corner the way it is. That doesn't mean some minor changes couldn't improve it. I've walked that site a couple of times recently. If you were to move up the hill

probably less than 30 feet, you raise enough in elevation to where you can start getting your sight distance toward Cattle Landing. It's not the perfect 300 or 400 feet that the State and the Town usually requires, but because of that change in elevation, it might work, but this is a question of who owns the land and whether they would be willing and able to sell it to who wants to do the work and who wants to do the project. We can't direct that kind of thing, but the lay of the land looks like there would be some benefit to doing that. No question in any of our minds, the connecting of Happy Homes Road has some benefit for fire, has some benefit for police, has some benefit for the residents of Harris Road and Evergreen Lane, but at the same time the tour bus issue is one we discussed a year ago, there are just many, many issues with extending that road and trying to get all these new homes to go out that back way and loop an extra two miles to get to Town. If some way can be worked out, we can't direct it, we don't own the land, we don't have the authority to direct it, but if something can be worked out to go out that front door, we would certainly say that looks like a positive move. I can't say we'd pass it, there are several different people up here, but I think most would say at least it's a step in the right direction. Sean Flynn – We own the property in the middle that many of the questions are directed towards, I just want to have the Board recognize that Mr. Nix and Vatche have already recognized the issues with the beach access and will also be in discussion about possibly changing access to the house whether we use Cushing Road or some other road. You kind of took some of the information I was going to give you about access on Cushing Road and why that may look like a great idea, but there's a lot of issues there as well and a lot of them are sight distance for one. The State of New Hampshire would require 400 feet of safe sight distance in both directions, that would be very difficult to get there. It is the State of New Hampshire where Cushing Road comes out onto, not the Town, I believe the change is just to the right of Cushing Road so they would have to be dealing with the State. The wetland issues are a big factor, not only there but as the road comes down the hill it crosses another wet area, there's a culvert or two in there now, but that would all be changed. I'm not saying it can't be done possibly, but as the Chairman pointed out there's issues there as well. Craig Skinner - I want to say all the things I was planning on saying the first time up here now that I've calmed down a little bit. The gentleman over here summed this up just right on the head of the nail. We are trying to go in all the way around the back and as I listen to the conversation and all the discussion that's been taking place, everybody's coming up with a reason why this or that might work and the presumption almost sounds like we'll find a way to fix this, but when you really take a look at it and you start to analyze what you're doing by allowing this backdoor entry into this proposed development, you are decreasing safety and increasing the proposal or exposure to people. You have the narrowing through my property which is an issue you're going to have to face. You have the narrowing right along the water where they put in the guardrails. You have the hairpin turn which I hear over here from my neighbor that excavators are pretty good at just changing grade and increasing sight distance. You have the concept of going to the State but I haven't heard one person say except that you have to go to the State that they have, that they've asked the State would you be willing to do a modification or a

change, push it over to that quitclaim deed area that you talked about earlier and all these processes just don't seem like due diligence has been done and so I guess the concern from my perspective is why would we want to be doing something that clearly the neighborhood out at the end of Meredith Neck doesn't want and isn't happy about and is concerned about the amount of traffic. Next summer go to Cattle Landing on the Fourth of July and see if you can get past the landing to your house. It's out of control so there's no desire, intent by anything I've heard to bring forward anything with respect to solving those issues so why are we looking at well we could do this and we could that when we really should be looking at how do we preserve the public safety, how do we make sure that the rights of the people that live out there are preserved, how in the world do you make sure that the citizens of the Town who pay the taxes for all these roads and maintenance and everything else can use the road instead of putting a fence across it once you finish making a brand new fancy road and then you put a fence across it. These are crazy ideas, these are all plug and play, fill it in, make it work; come out with something that's logical, something that's coherent, something that makes sense. Do due diligence, go to the State and see if they're willing to make modifications with you and come out with something that's not a bunch of plug and play and hair brained scheme fixes and that's what I originally meant to say. Vadney – When we look at the bottlenecks concerning this particular project, any time we work on anything on the Neck, they start at Pleasant Street and Barnard Ridge so we understand the problems on that and appreciate your thoughts. Nix – If I could respond to some of these good comments that have come up, this is a composite tax map and this is the intersection at issue that everybody's been talking about. That orange line represents the approximate division between State road which is Cattle Landing and then Town road this way so the intersection ends up in a State highway. On December 22, 2005, I met with Mark Morrill one of the District 3 engineers regarding this particular intersection. We did a comprehensive search of the State files and found that the State does not have any proposals to change this, there's nothing in the 10-year plan, there's nothing in whatever their local budget is called for fix-its. John, as I said earlier, indicated to me that the Town had obtained an easement and that easement interesting enough when you look at it is this curve right here so it's really an easement, a portion of that easement, it looks like it was a fee conveyance, but a portion of that actually overlays on top of the State highway so we've got this dual jurisdictional issue going on here, however, as far as the technical legal status of the ROW, it's a State highway regardless of whether the Town owns the underlying fee or not so once we determined that there are no plans, the engineers did look at trying to do something out here and didn't get too far because of the wetland issues, because of the issue of the 25 feet, because of the multiple owner issue on the abutting lot, however, given the discussions tonight, my client is very interested in discussing an alternate solution out here, but one major thing needs to happen before a lot of money is expended looking at that solution, we would need a written agreement from all of the owners of this piece of property that they would be willing to convey whatever ultimately needed to be conveyed to do that and I'm not saying the whole parcel, we're saying within reason. It doesn't make sense to spend a lot of engineering time and money if

you've got one holdout that won't participate. There's just no reason to try to go that way, however, if the owners of that piece of property would be willing to come to an agreement in relatively short order, it would be worth spending the money to go to the Wetlands Board, go to the State, there is a process where the State can release its right-of-way to the Town, it's in the form of a letter, the Selectmen would have to accept that and one way to kill a State problem so to speak is for the State to release a portion of their State highway so it becomes a Class V highway, then we can go to the Planning Board and the Selectmen and work on the issues without having the dual jurisdictional issues. That's easily said, whether that can be done or not from the private/public point of view, we don't know, but we're certainly willing to hear the options. ?? What road is he talking about? Vadney – Right where Cattle Landing begins and Meredith Neck ends and Cushing Road dead-ends into it. Lindquist – Before you ask, I see the owner's willingness to try to please the most amount of people with some sort of solution here, but I'm not quite clear, is Tamposi the owner or has this property been sold? Before we put anything in writing, I think that signifies that we're in approval of this whole development here so I hesitate to put anything in writing, I mean there's certainly a letter stating that we would be open to, we'd rather this than putting anything in writing, we could submit it to the Board but not directly to you. Vadney – Let me point out, the Board doesn't really get in the middle of this at this point. I think you've heard a number of options here tonight, but if land is going to change hands that's a private issue that has to take place between the abutters who own that little section there and whoever owns this other one, I don't know, but whoever it is, they have to do that, I think it would be prudent of those two parties to coordinate with John Edgar to coordinate with the Board possibly, but we can't control it, that's not our business. Kahn – With respect to the intersection, it may not be your property that's going to be the key property for purposes of the intersection, it might be property on the other side of the road, it really depends on how one straightens out that curve and that hump on Cattle Landing Road and I don't know what kind of rights the Town has on the other side of Meredith Neck Road and Cattle Landing Road that the Town has the quitclaim. What I'm saying is it needs further investigation by everyone and by engineers as to if one were to try to figure out a better way of making that connection and straightening out the sight distance on Cattle Landing Road, who and land would be affected, somebody's land is going to be affected but it's not necessarily going to be (inaudible). Vadney – For the purposes of being here tonight and getting out of here tonight, it doesn't make any difference to the Board I don't believe whether Cushing Road, if Cushing Road could be widened, it has to cross wetlands and there are some issues there but if it could be widened and become the primary access for this piece of property and these new homes, it doesn't make any difference to me at least whether the end of Cushing Road swings 50 or 100 feet or 200 feet to the east or if it swings a similar amount through the property. Mrs. Ekstrom and this other lady pointed to as the one, swings and connects with the first few feet of Happy Homes, but that's the kind of thing that has to be worked out between whoever does own the land. Lindquist – I'm still not clear as to who the owner is of the property. Vadney – Which property, to the left? Lindquist – The 13 lots. Vadney – I'm not sure who

owns that either. Lindquist – Mr. Nix, do you represent the buyer or the seller. I represent the buyer. Nix – The property is currently owned by a consortium of businesses, one of the names that people have been saying is Tamposi, that's an easy one to remember. Mr. Manoukian has a purchase & sales agreement on the property so he has an equity interest in the property and that gives him the authority to come before the Planning Board. Whatever type of entity Mr. Manoukian chooses, whether it's an LLC or corporation, it really doesn't matter, he has the equitable rights to bring application here. If there was an agreement that was entered into for a transfer of a piece of property, the agreement would be between the appropriate parties to meet all of the requirements of the statute of frauds which is a requirement for the transfer of property which means a written agreement between all of the owners of this piece of property and the appropriate parties in the subdivision for the purchase of that land, that's how it works. Bayard – Maybe I'm speaking a little out of turn here, but this is not uncommon. We often do have the buyer come in front of us when they are proposing to purchase some land to set up the whole deal however you want to call it. There are owners of record noted on the plan that was submitted. Who AMC Properties, LLC is exactly, it's like anytime you look through Board reports or even some personal property stuff, you find exactly who owns it is sometimes a little different, but the legal owners of record are listed here. But again, it's very typical that the buyer will come in front of us so this is not something unusual. You've got a lot of issues, but that's something that's fairly typical. Nix – I think it's important to note that Mr. Manoukian brought several plans before the abutters over the last couple of years and there was a great human cry from the people on Happy Homes about not changing the character of the road and not having the flow-thru traffic. Hearing that, again this plan was developed to create a gate, there are questions about the gate and the purpose of that was to take care of or try to address the issues of the people on Happy Homes. Now we have a consortium of people from Cattle Landing Road that have raised a number of issues and I guess what we're looking for here is some type of consensus in the neighborhood as to which way to go. Lindquist – I have one last comment. That purchase & sales agreement, does that have a contingency? Vatche Manoukian – I am the sole member of the Harris Road Estates, LLC and I have a P & S Agreement with no contingencies and in May of 2007 I'm going to close on the property. I'm hearing lots of stories here as to who owns this one, who owns that one, I tried to buy a portion of the front of this property to connect the two roads; the owners didn't cooperate with me. I spent over \$200,000 to find a way to do this to connect the roads and I'm going to try to please everybody one more time to do what I have to do to come from the front and not disturb them, but I need their cooperation too so I'm trying to work with them. If they want to try to work with me, I'd happy to work with them, but I tried before, I'm going to try again. Vadney – We can't control that, don't want to control that and shouldn't control that, that's a private issue, but you've heard what the man has offered. Pisapia – I know that the Board will probably bring the issue back to the Board at some point in time and decide how you're going to proceed, I suspect that's your normal routine to decide what you're going to do next. I think you've heard a lot of issues that need to be investigated, need for a traffic study, need for

more wetlands information, drainage information, pollution information, validity of the claim whatever that is, I think you've heard enough information that you should be able to make a decision tonight to conclude that this is definitely scattered and premature and you should reject this application at this time and send it back to the applicant to rework it and come back with something we can react to rather than for us to try to piecemeal this together for them. The applicant can build on this property without a subdivision plan. There is a buildable lot out there, at least one so by doing this you're not going to preclude the reasonable use of this property. I would submit that you should reject this application. Vadney - I would say, Ralph, it would be inappropriate for us to use the term premature and scattered in the use of this property. That's a term that has some legal implications more applicable to the wilds than areas that are already surrounded by homes and school bus routes and the like so I would say we will not invoke the term "scattered and premature". It does raise the issue though as to what action to take and I don't think we're at a point where we should say you cannot go forward with this issue. The applicant is willing to work and the abutters have heard a lot of the arguments. At the same time, I don't see how we could set a date for a continuance because there are certainly a lot of issues. John, do you want to comment on future schedules and what needs to be done before we can look at this further. Edgar - In terms of the upcoming agenda, just to give you a flavor on that, obviously the 28<sup>th</sup> would be too quick to do anything, we have at least 8 applications coming before us that evening. The 12<sup>th</sup> of December, depending on what happens on the 28<sup>th</sup>, probably some of that will carry over to the 12<sup>th</sup> and we have what looks like 3 pre-apps on the 12<sup>th</sup> as well so the 12<sup>th</sup> will probably be pretty busy. My guess is if you have a meeting on December 26<sup>th</sup> there won't be a quorum and actually the Chairman and I spoke about that earlier and I believe there will not be a meeting on December 26<sup>th</sup> so that means we would resume our meeting schedule I believe on January 9<sup>th</sup>. It won't be until January that we start having any real quality meeting time for the larger projects. I think as a practical matter that's the earliest continuance date if you were to continue it. The other alternative is to table it subject to very specific items being submitted and at what certain time when those items in the aggregate are submitted, we would re-notice for a hearing so you could procedurally approach it either continuing it far enough out to a date specific to allow enough time for whatever it is that you require to be presented keeping in mind, Steve, that we would be looking at what would otherwise be a due date as being a submittal date for any new items. Nix - My thought would be the January 9<sup>th</sup> meeting if we were to continue this meeting with the thought that between now and January 9<sup>th</sup> an agreement between the abutters, if it's going to be struck, could be struck and we could come back at that point and at least give the Board and other abutters in the neighborhood an update of where we are. If that agreement hasn't been struck, then the developer would either move forward with these or just ask for it to be tabled at that point, but I think it may be premature, just the timing aspect of it, we may not know by the time that we have to apply for the January 9<sup>th</sup> meeting, it would be logistically better just to continue it to the January 9<sup>th</sup> meeting. Edgar - That's certainly feasible and I think I would just ask the Board to do, I mean you've got to exercise your discretion, that's what you get the big money for, clearly there's



a lot of issues that have been raised and to the extent that you can, I think trying to provide some direction to the applicant and in some cases to the staff on checking on some things so that we all have a common understanding as to what's expected at the next meeting so we don't get to the meeting and start falling apart because things didn't get done. If you want a traffic study, tell them you want a traffic study, if you want an assessment of the roads even at a conceptual level notwithstanding the agreements, they could start working on some conceptual options in terms of alignments before they invest any big money until they have an agreement, they could start to look at some of the front-ended alternative alignments that have been suggested. Three things I think we've talked about, one is swinging over to Happy Homes and then looking at how that intersection might work. We've talked about direct upgrades at Cushing and whether or not any improvements to the road would work to help that and whether or not any abutting properties would be necessary and then possibly swinging to the right and getting into somebody else's land so at least from a conceptual point of view, some of that work could at least get initiated. The sense I get from the hearing and you guys really haven't spoken to it yet is there are certainly a lot of good reasons to at least give that a good analysis to see if it's feasible and if it looks like it's fundamentally feasible, kind of parallel track that working with the abutters to try to see if the land's available. If it looks conceptually feasible and you bring that back and you've got some willing abutters, then you go full steam ahead into trying to make that work. If not, then you've got to go to Plan B or C. Nix – I think that's reasonable and I think the idea of a traffic study, the term traffic study is sort of thrown out there, but I think we need to define that a little bit and I would suggest that we treat it like level one environmental study where instead of running out there and putting traffic counters out that we have a traffic engineer look at the physical aspects of the roads and come back with the initial opinion as to the quality of all the roads and the different plans and then if it's determined that traffic counters and full-fledged traffic study needs to be performed at that point. Edgar – For the sake of argument if we can come up with a safe intersection alignment on the front-end of the project, the volume issue at that point for the most part goes away. On the Neck road it's not as though there isn't traffic, but you don't have a flow issue, you don't have a level of service issue. What a traffic study would show you is you've got intersection problems, alignment problems on Happy Homes Road, alignment problems on Cattle Landing and alignment problems at Cushing, all the things we just talked about I can quantify those. I'm not sure how much that's going to get us at this point proving to all of us what some of the obvious limitations are on all the approaches. If we are successful going on the front end of this, the turning movements in and out are going to have to be accommodated by the traffic engineer, sight distances are going to have to be achieved but the volume of 140 trips or whatever that's going to be is to a large degree a non-issue. At that point you would need a State permit to do it so if there was a volume issue, they'd take a peek at it but as a practical matter, my guess is we've seen a lot larger projects on State roads, 50 lots here, 43 lots there where traffic studies weren't even required as long as they had safe alignment so it's the alignment issues that they are going to look at if we're not in some kind of deteriorated level of service which we don't have in that immediate

area. It's not to say there aren't traffic issues, but principally a traffic study in the first instance looks at volume and capacity and we really don't have a capacity problem as much as we have alignment problems and safety problems. Vadney – I agree with that and as a person who in a previous life has done a good number of traffic studies, a typical traffic study would be pretty much meaningless out here. Think of Winona Road where the road passes underneath the railroad overpass, how many of you need to do a study to know that's not a good point in the highway system. Some things are pretty obvious and look at the marks on Mr. Skinner's garage there. It's pretty obvious that's a bottleneck. We need to get some level of a safety evaluation; common sense is really all you need to apply on that part of it as far as the stuff around the back side. I would like to see a little bit more on the drainage. One of my concerns when I walked that site in the rain a few weeks ago, the Happy Homes extension, the part cutting across this property, is cutting through a pretty bony piece of land at best, it's hilly with some turns, where the road from the north going up to the cul-de-sac, where that road comes down and intersects with the Happy Homes portion, they will show you go through a fairly deep cut, it would require a 10 or 12 foot cut or something like that and the slopes and stuff from that, you're going to end up if you've got a 22 or 24 foot travel way, you're probably going to have a 20 foot slope on each side at a minimum so you're starting to talk 60 or 70 feet or more cutting through there. Most of Happy Homes extension would have to be probably a 50 foot clearing a good deal of the way because of the slopes. The northbound going up to that cul-de-sac, there are a couple places it would have to be wider than that because of the cuts and fills but some of it would snake along probably with only maybe a 30-foot cut, but it's still substantial and when you cut that notch to connect the cul-de-sac road with the Happy Homes extension, there's a possibility there will be if not a change of micro watershed, there will at least be a change in the concentration of flow because of the stream and the highway system, the new road system and that does pose problems as you get closer and closer to the lake so I guess in a nutshell what I'm saying, I would be happier to entertain, if we have to do some environmental damage out there, I know Ralph doesn't like to hear that word, but if we have to do some environmental damage out there, I would far prefer to do that damage up near the end of Cushing Road near Cattle Landing where it's a few hundred or several hundred feet from the lake rather than make a 1500-1800' major cut, right along the top of the banking from Lake Winnepesaukee and then the road up to the north so I think we need to take a good look at that and have some good detailed engineering that comes back to us to really explain where that drainage would go. I was talking mostly toward the east; it's also a problem as that road goes to the west because that's the one where there'll be a driveway that cuts down toward the lake on the one shorefront property. Kahn – It seems to me that the traffic issue doesn't answer all of the questions and no one should think that if we resolve somehow the traffic issue, that's the end of it all, but that is really the principle question. I think looking at this, if I were living in this area and I saw a way out through Happy Homes, I'd definitely go by way of Happy Homes and I wouldn't go past your garage. I don't think anybody would. Why go all the way around to the south and come back to the east and then come north again, it doesn't make any

sense. You're going to shoot right out through Happy Homes unless you can go out through Cushing Road so I think that the traffic issue and I don't really understand what it is the Town has in the way of property rights at the intersection of Meredith Neck and Cattle Landing, but somehow we've got to get the Town, the applicant and some highway engineers to figure out what is the best way to reconfigure that intersection, then you can approach the abutting landowners and say we'd like to buy some of your land, but how that's going to be reconfigured I don't know. It seems to me without having looked at it, the best way would be to somehow extend Cattle Landing into Meredith Neck and eliminate that curve which would push Cushing Road further to the east. Edgar – If I could interject just briefly, in 1990 when Gypsy Camp did one of their subdivisions, as you are on Cattle Landing as you approach that intersection with Cushing and you're heading towards Town right at that sharp intersection on the right-hand side, opposite Cushing Road, on the right-hand side of the curve heading towards Town, the Town had acquired a quitclaim deed for a given amount of area for the purposes of future road relocation and that was done at the time when Gypsy Camp had a couple subdivisions coming before us, the Planning Board had approved plans that allowed for a widening of the ROW on both sides of the road in that area and as part of that additional ROW that was conveyed to the Town, one of those plans included not only an additional 8 or 10 feet, but the inside that curve to a degree does have a radius and a dimension indicated on a 1990 subdivision plan that we found recently so that information will be shared with the engineers and to the extent that land could be useful in a conceptual plan, we certainly should be looking at that and if it's something that can be part of the solution then we go back to the Selectmen to see if they concur and we go from there. Kahn – Are you talking about land that lies west of Cattle Landing Road? Edgar – I don't have my norths and souths in front of me right now, but if you're on Cattle Landing Road and you're heading to Town and Cushing Road is on your left, it's immediately on the opposite side of the road on the other side of that intersection. Kahn – On the far side so that doesn't take care of the 25 foot issue. Edgar – No, it does not, but it allows potentially for some alignment improvements and pushing the road away that would give you a little more of a platform approach and a little more flexibility for the engineers to set finish grades that might work. Nix – That's the area where we have the dual jurisdiction because that's actually a State highway even though the Town owns the rights to that piece of land. Vadney – We're a very forward thinking Town, we bought the ROW for a future State road. Edgar – Thank god we did or otherwise we wouldn't even have this conversation so it was a very forward.. Kahn – It seems hard to imagine the State would refuse a gift from the Town of the underlying way. Nix – I think it's the other way around, the Town would accept a gift and move the Town road back someplace which from a practical standpoint, I don't think would really matter. Kahn – Another concern that I have and it may be resolved if we can somehow figure out a way to get traffic out through Cushing Road, but having two roads running parallel to each other at the top of the hill to me doesn't make much sense and the intersection there at Harris Road with the dirt driveway that now serves as the Harris Road extension and I think it's a really dangerous intersection and we'd have to figure out something about that. The

drainage I think is right in that area, Herb, I think that's what you were saying. Further up I walked it not in the rain and it struck me that while the land was very bony, actually that road that's proposed, the extension that goes up to the cul-de-sac really was relatively level and you had some degree of play as to avoiding that wetland where it impinges on the wetland setback. Other than that I think if we can solve some of these traffic problems, I think the drainage problems and that sort of thing will work itself out. I think we've just got to really concentrate by early January in trying to solve the traffic problem. Vadney – I want to make clear particularly to the applicant, we're talking about the possible realignment of that Cattle Landing/Meredith Neck curve and Cushing Road coming into it. Don't be misled thinking that the Town is going to pony up to pay for that. The Town has a fairly stingy history of doing any of these fixes for an applicant so it tends to fall pretty much 100% on the applicant so I can't say the Selectmen might not have a change of heart, but traditionally that has been pretty much a strong rule that the bulk of any modification for a development is paid for by the developer. Bliss – One thing I would like to see also is if you can show the building envelope for each lot and can come up with some type of a no cut area so we get an idea of how far out you're going to cut so somebody isn't going to come in and clear cut a lot and put their house anywhere they want because I do think that is a concern of abutters that they don't want a lot of trees cut and in the past that seems to have been a helpful way to do that. Kahn – I would like to see an overall topo so I don't have to look at a topo section that covers one or two lots and try to piece it together. I realize that when you do it overall you may have to get off 2' radiants but in trying to figure out where one would cut to get a view, if you have an overall topo you can see how high the trees are and how high the land is and you can figure it out so I would like to see an overall topo you can see how high the trees are and how high the land is and you can figure it out so I would like to see an overall topo made available. Bayard – In keeping with what Herb said, we do often require improvements to be paid for. That being said, I'm not sure how Harris Road could ever be paid for all the way through Cattle Landing. The amount of improvements that would be required for that I kind of really see that as a show stopper, I don't know whether it's perhaps premature, I don't know whether it's scattered or not, that would be a tough one for me. Nix – What I'm trying to saying is to go through Cattle Landing and Harris Road, its that whole proposal to swing through there and all that, there's just an awful lot that needs to be done if you were to do that and then there's traffic studies that would probably have to be looked at and I would find that very hard for us to approve that. That being said, then Happy Homes may not be so happy with that alternative. We have looked at a third one which is something to do up in the Cushing Road area which does seem to make some sense for the abutters and probably in general for the Town and all, I think this having two roads next to each other doesn't work well and how you resolve that I don't know. It sounds like there's been attempts but clearly if you went out through Cushing Road, you'd probably have some redesign of the road work anyway and I think some other good comments have been made but I think the one thing I'd be somewhat interested in is sort of the topo of how the road would work when you come up with a final plan and that is to give an idea how much spread and how

much cut and fill, I'm not sure whether that's already shown but we typically get that for something of this order. Edgar – Mr. Chairman, I've got an aggregate list of some things from my notes of suggestions that have been made and it's not necessarily meant to be your list but the ones stated most recently looking at the consolidated plan on a single sheet, Steve, and not just the topo, maybe it's the same organization of the plan set but just do them at the overall scale sort of like what you had to do by taping up those pages. The building envelopes are there but they could be more clear and here again maybe some shading and so forth including proposed driveways to each of the lots so we can evaluate those from a wetland point of view as well as the grades. I think the only grade issue might be is to how snake one down on Lot #1 but the Fire Department will want to look at that. The cutting areas depicted to the extent you have that information. We would follow-up with Bill Edney's review of the perc rates to see if there are any flags raised with the test pit data that's been submitted. I think having some of the wetland information backup that Gove has eluded to would be helpful in looking at alternatives to see if we could try to avoid any wetland impacts. The principle issue as Lou stated was really looking at the analysis up front and kind of parallel tracking that with working with the abutters to see if any agreements can be made so maybe looking at some level of conceptual work coupled with following up with the abutters to see what may pan out of that. On the engineering, certainly you've taken notes on the engineering issues that you'll be sharing with Dave, likewise I'll be sharing that with our engineer and we'll be doing a third party review of the engineering and I know, for example, on a design storm issue, I know when we walked the property with the engineers they were looking for, even though it was designed at 10, to look at a 50-year event just as a practical matter given the downstream properties and likewise concerns were raised about the issues that Herb had raised about the inability to infiltrate and all like that so that focus on the engineering issues. The availability of department heads to participate at a meeting was suggested by one of the abutters as well as trying to bring the full development team so we have everybody in the room at the next meeting that could shed light on things. Kahn – Having driven down there from the intersection of 25 and Pleasant Street, there is no chance that a fire truck will get there in time to save anything so you're going to have sprinklers. Nix – I think the Fire Chief's already made that request. Vadney – I intentionally have left the public meeting open for a few minutes because I wanted you to hear kind of what we've summarized, is there anything that we didn't hit in our summary or that hasn't been said here tonight that you want us to know. We don't want to hear the same regurgitations but anything new you can come up with. Krochina – I would just like you to consider having a little more time to talk about the additional information instead of two weeks, it's awful hard to review this, if you could make the applicant submit his information one or two months prior to a hearing. Vadney – We probably can't do that. Edgar – The normal filing date which would be two weeks prior to a hearing. Krochina – Can you make it longer? Vadney – I don't think we can. Edgar – We struggle just to work with the 15-day timeframe to get the reviews done. Pisapia – I just have a question and then a comment. You mentioned the traffic study, but it sounded like at the same time you kind of rejected a traffic study. What is it that you are proposing to do because

again, my concern has to do with the safety issues on Happy Homes and Harris as I've outlined in my letter and I would refer you back to that and the safety issues relate to the configuration of the road as well as the volume of traffic on the road so if the traffic study is going to only address the configuration, the 16' for example or the constrictions, that's not going to deal with the volume issues when it comes to places like the parking lot and the docks at Cattle Landing. I'm looking for some clarification of what it is you are going to require the applicant to do. Vadney – As much as people don't like to hear this, 12 or 14 houses won't add enough traffic out there to be barely noticeable and that may sound shocking to you, but go out and count how many cars there are out there now, how many houses are there, even from the Cattle Landing parking lot beyond there, how many houses are there? There are many dwelling units out there and 14 is a relatively small percentage. Pisapia – It's 140 trips a day. Vadney – I know that, but you've already got 100 houses out there doing 10 trips also, that's 1,000 a day. Pisapia – But Herb are you saying that it's OK to make a bad situation worse? Vadney – I'm saying we're going to make it retroactive, what date did you move here? Effectively, that's what we're talking about. Pisapia – We're talking about a new development here, we're not talking about retro-active anything. Kahn – I think, Ralph, what we're saying is it's premature to do a traffic study until we can figure out whether we can route the traffic onto Meredith Neck Road in such a way as to not send it down Happy Homes Road or Harris Road and we know that Meredith Neck Road when you get up to the north end of it is a disaster and that another 13 houses isn't going to matter. How many cars can you stack up at Pleasant Street? It's infinite. What we're saying is there's no point in trying to count until we can figure out whether or not there is a way of getting the traffic out a better way. Pisapia – I agree, I don't think the counting issue is relevant if you're going to allow the development to go forward. The safety issue is the primary issue and that's where the count comes in because right now you have major congestion at Cattle Landing and at the garage, one-way traffic at the garage so that's where the number of vehicles passing makes a difference, but the safety issue is of paramount concern here. Kahn – As I said earlier, it is apparent to me that if this development goes through according to this plan, you will not see any of this traffic at that garage or Cattle Landing; it will all be shooting down Happy Homes Road. Kahn – That's why we're trying to get it out of there. Pisapia – That's not what the applicant is proposing. Kahn – He's proposing having two ways out, but one of those ways is not going to be acceptable to the people who are going to live in this development. It's wonderful to take a scenic ride down past this gentleman's garage and to look at that new steel guardrail and then I can go past the parking lot; nobody's going to go that way. We don't need to deal with the safety issue until we can figure out if we can get the traffic out in a safer way. Pisapia – I'd just ask you to take a look at the detail I put into my comments and try to get some answers to those and coming back here in January I think is unreasonable. I think that we should postpone at least until March or thereabouts because a number of people are not going to be in Town during the winter months and I don't think it's fair to the abutters to have to deal with this from afar and I for one will not be here in January. This was planned a long time ago and I just don't think it's fair to us abutters to have to show up when

we weren't planning to be here. Ekstrom – This is why I brought to your attention all of the letters that were sent in before requesting that all of these surveys be done in the summer months, not only are we faced with all of the traffic and all of the other things that go on, but all of the people that should be here and who can't be here because they don't reside here in the winter time to give their input instead of all of these little things going from all angles. We need these people here, we need their input and it has to be in the summer time when everyone is here because otherwise it only gets a quarter of it done. Vadney – I think you had a pretty good sample tonight so that we've heard.. If you know anybody that has an argument or an issue that hasn't come before us, give us their name, but we don't need 300 people to give us the same issue. We need one person to give us a new issue and that's really what we want so the things discussed here tonight, we've taken them in and we'll be looking at them, I just want to know the ones we don't know about yet. That's where you want to put your emphasis if there's something else out there that nobody's brought in. Ekstrom – I shall. Kahn – We can move the letters from the earlier file into this file. Ekstrom – I just want to know that I don't have to start all over again with writing letters and having all of these people.. Vadney – Mr. Nix has said that the applicant would not be averse to moving those letters forward as part of this application. Ekstrom – OK, so that's a legal issue that's OK. Edgar – As long as that's agreed to by the applicant and it's in our record, that's fine by me. Nix – My client's waiving his right of appeal on that one issue. Vadney – So you do not have to start your letter writing campaign. Flynn - Currently, there are several plans out there that make reference to our beach rights and at some point I'd like to see the reference that we come up with to be on the plans and I don't know if it needs to be on there in January, because we still have to work it out. Vadney – You make the agreement and we can make that a part of the final. I do want to make one comment to make sure it's on the list and for the applicant to know, I'm very troubled by the thought of having a seasonal gate on a Class V Town road and I would at least like to see if there's any case history of where this was done somewhere else in the State, how it has worked and why it has been proposed and why we would support that because it seems to me to be a problematic issue. Bayard – I don't know what kind of gate you'd have to put, but the gates I've seen sometimes are open. I do want to make a note that on the plan of the thing that was submitted to us, there is a footnote #8 that does talk about the deeded rights to the beach and access so that is on what was submitted here and I'm sure it would be on the final plan, we would require it to be if for some reason it wasn't. Vadney – Do you want to push it as fast as the 9<sup>th</sup> of January or do you want a month or two on top of that? Kahn – I don't know that we're going to wrap up on the 9<sup>th</sup> of January but if we can make substantial progress, I think that the applicant deserves a chance to do it. There are a lot of issues and I don't think we're going to be done with this, I don't see an approval being granted on the 9<sup>th</sup> of January but I think if the applicant can move this all forward, he should be given an opportunity to do so.

Kahn moved, Bliss seconded, MR. CHAIRMAN, I MOVE THAT THIS MATTER BE CONTINUED TO JANUARY 9, 2007. Voted unanimously.

Meeting adjourned at 10:31 p.m.

Respectfully submitted,

Mary Lee Harvey  
Administrative Assistant  
Planning/Zoning Department

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

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William Bayard, Secretary