

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

Finer moved, Bliss seconded, THAT WE APPROVE THE MINUTES OF NOVEMBER 8, 2005, AS PRESENTED.

Bliss – Mr. Chairman, if I could I just make a comment regarding the last meeting and as far as the minutes went out and like you said, it took a long time to read them. A few of the Board members weren't here, but I do feel that we did have a conflict of interest on the Board that we as regular members did not recognize and should have recognized. I do believe that was part of the issue that happened at the last meeting as far as the CIP acceptance. I do still feel that the CIP did a terrific job and it was a very tough meeting, but in the future, I'm not saying I want us to look at it again because it's done for this year, but I do believe in the future if there are issues involving the Town, Mr. Granfield should step down. That's my thought on that. Finer – I will agree with her and I would actually take it one step further, I don't think Mr. Flanders should have been voting on an issue that was going to be going before the Selectmen for a vote. Just something to keep in mind for the future. Vadney – I've had several compliments on Bill's chairing of the meeting in both my and Roger's absence and by the way for those of you who weren't here, Lou was in Italy, all three of us were missing so we had two alternates sitting. It was a very controversial issue, but I did get many comments and in reading the minutes today, it was obvious that Bill did an extremely good job trying to corral a number of discussions. The issue on Mr. Granfield, I don't want to beat up on Mr. Granfield tonight because he's not here, when he was appointed to the Planning Board, I did bring up that issue. I talked with the Selectmen about it, I talked with Mrs. Granfield and I talked with Mr. Granfield and did discuss my displeasure. I have absolutely nothing against him, he's been a tremendous asset to the Board, he's very knowledgeable and been very good. It's the perception of conflict of interest that, for those of you who don't know, the husband of the Town Manager is an alternate to the Planning Board and that's what the discussion here is about. John has done an outstanding job for us, but there is still a possible real conflict of interest, there's certainly a distinct perception of conflict of interest and that's why two of the members have brought it forward here tonight. I will speak to the Selectmen again about it. It is an issue that's hard to explain it away, it's that simple. As to the merits of the CIP, I appoint, as Chairman of the Planning Board, I appoint the members of the CIP and in contrast to a few towns I'm sure in New Hampshire who have members on the CIP who would have difficulty balancing their checkbooks. We have on our CIP, you might say even a distinguished group, we have a banker, an economist, a builder, we have people who know the business and when they bring forth and the real issue on this one is the Police Station, when they bring forth an issue, say you want to build a new X, Y, Z, if it's 10 years in the future, a million, two million, three million

who cares, if it's in there, you've got it in the line you're not going to worry about the decimal point. In this case, the issue was something to go before the voters in this coming March and the numbers weren't firm and a couple of the Selectmen, I knew according to the minutes, referred to that as micro-managing that the CIP didn't need any better numbers than that to put in and say go. I would strongly disagree with that, I don't know how when you've got something that close to going before the voters, that you can do that without having pretty definitive cost estimates and so far, I haven't seen them and as far as I know, the CIP people haven't seen them, to that I'm chagrined. I think if there's any micro-managing, it comes when you have some people you've asked to do a job for you and then you try to steer what the answer's going to be. To me that's true micro-managing, but I'll drop it at that. I will speak to the Selectmen and of course Mr. Flanders is here. Now about the Granfield issue. Flanders – You weren't here for the discussion, you didn't attend the CIP meetings, I did attend the CIP meetings even though I'm not a member of that Committee any more. I was the first Chairman. The process is that when a need is identified, a project identification form is filled out and brought to the CIP Committee. They review it and if they feel it has merit, then they move forward with it. The Project ID Form was filled out over a year ago; the estimated cost was 1.9 million. As we started working this year, we realized that was just a touch light and we had a firm number of 2 million dollars and so they had all the information they needed and with other projects, if the road agent or Public Works Director needs a grader, he puts in a Project ID Form, he identifies what he needs and what the cost of that is. We don't ask him what color it is, we don't care whether it's got 6 cylinders or 10 tires or anything else and the CIP Committee wanted to get into the details of the building which is not their role. That's the role of the Police Station Design Committee which is moving forward and doing an excellent job so I strongly disagree with your comments and I was the first Chairman of the CIP and have been on Board since the beginning and this is the first project that they've tried to drill down into exactly what's going in the building, how big it's going to be and so forth and that's not the role of that Committee, that Committee's role is to accept the Project ID Form and if they think it has merit, then see where it will fit without causing a blip in the tax rate. It was reasonably close on the CIP Committee, they spent a lot of time debating whether 2006 or 2007, we even had Brenda there with her computer and Miller Lovett asked her at the last meeting, let's just see what would happen over the 10-year spread if that project was included in 2006 instead of 2007, the only impact was that the first bond payment would have been due in 2007 instead of 2008. It had no impact on the 2006 tax year and that impact was extremely manageable and doable so it was strictly a matter that they felt they wanted to get into the details of the building which is not what the CIP is supposed to do. Bliss – Mr. Chairman, if I can just add to that and I know we do have to get on because we do have a busy meeting but I was on the CIP as well, not this session but the last one when the Community Center was talked about. When the Community Center first came up they had wanted a running track inside, they had wanted a humongous building so I do think the CIP had the right to ask how big the building was going to be. What

saddens me is that just like us here, we are a volunteer Board, you put all your time into that, the CIP had their delivery of what to do from the Selectmen and because one issue did not go the way they wanted it to go, they tried to turn down the whole CIP report altogether. I think that in itself was a mistake, these people worked hard just like the Selectmen work hard, but the Selectmen are going to see this issue of the Police Station as we come into budget hearings and stuff like and I just think it was a shame the way it played out last week. Bayard – I would second Pam’s comments on that. Vadney – I would leave this only to say when the CIP comes forth with their best intellectual scrub of what’s happening in the CIP, the Selectmen can always disagree with them when it gets to them, but to try and change what that report is going to say before it gets to them sticks in my craw and if all of what Bob says is true, maybe we should quit wasting the time of distinguished people on the CIP and use people who can’t balance their checkbook, but I’ll leave it at that. Edgar – Mr. Chairman, just for the benefit of the folks that don’t know what the outcome of that was, the way it was left with the amended version of the CIP because there were questions about the year and so forth was to not recommend a particular year recognizing that the Committee was going to continue its work, report back to the Board of Selectmen and the Board of Selectmen would have the benefit of the additional information and at that time the Board of Selectmen would determine what the next step would be. I just wanted to make sure that the audience knew what the outcome was.

APPLICATION SUBMISSIONS

1. **MERTON WINN CAPITAL, INC.** – Proposed Major Subdivision of Tax Map S06, Lot 2, into five (5) lots ranging from 13.5 acres to 22.7 acres, located on Meredith Neck and Powers Road in the Shoreline District.

The applicant proposes to subdivide 77.7 acres into 5 lots, the lots ranging from 13.5 ac. to 22.7 ac. The parcel has frontage on Meredith Neck Road and Powers Road and Lake Winnepesaukee. This item was before you in terms of a pre-application... Vadney – Is this the one where the camp was? This is known locally as General Atteberry’s property on Meredith Neck, has an existing house on the Meredith Neck side of the property. This was before you in the context of a preliminary discussion. At the time they were looking at about twice as many units in a cluster configuration. The number of units has been scaled back; it’s not looked at in the context of a cluster. The application, subdivision plan and abutters list are on file. Filing fees have been paid. I would recommend that the application be accepted as complete for purposes of proceeding to public hearing. This is a major subdivision due both to the number of lots and potential for re-subdivision, the public hearing must be scheduled at a separate meeting and as I suggested in the staff review that could be at the next cycle on December 13, 2005. I also

recommend that we schedule a site inspection of the property hopefully to occur prior to the scheduled hearing and I suggest, depending on the Board's availability, perhaps December 3, 2005.

Finer moved, Bliss seconded, I MOVE WE ACCEPT THE APPLICATION OF MERTON WINN CAPITAL, INC. FOR A 5-LOT MAJOR SUBDIVISION AS COMPLETE FOR PURPOSES OF PROCEEDING TO PUBLIC HEARING ON DECEMBER 13, 2005, AND THAT WE SCHEDULE A SITE INSPECTION . FOR DECEMBER 3, 2005, AT 9:00 A.M. Voted unanimously.

2. **THOMAS AND PATRICIA SAURIOL** – Proposed Site Plan for a change of use to convert residence and home occupation into professional office space, Tax Map U06, Lot 89, located at 118 Main Street in the Residential District.

Applicant proposes to convert a single-family residence/home occupation to professional office space. No changes to the site or building exterior are proposed. The application, site plan and abutters list are on file. Filing fees have been paid. Recommend the application be accepted as complete for purposes of proceeding to public hearing.

Finer moved, Bliss seconded, THAT WE ACCEPT THE PROPOSED SITE PLAN OF THOMAS AND PATRICIA SAURIOL FOR A CHANGE OF USE TO CONVERT A RESIDENCE AND HOME OCCUPATION INTO PROFESSIONAL OFFICE SPACE. Voted unanimously.

PUBLIC HEARINGS

1. **DONNA AND ALBERT DUCHARME:** (Rep. Carl Johnson & Paul Fluet) Proposed major subdivision (cluster) of Tax Map R30, Lots 3 & 4, into fourteen (14) lots (1.9 ac. – 12.4 ac.). located on New Road in the Forestry and Conservation District. Application accepted October 25, 2005.

I'm going to give a brief presentation about the parcel in general, location configuration, topography, soils, wetlands and then basically describe the process that we went through to develop the layout of the lots, the creation of the cluster concept and Paul Fluet who is the engineer of record on the project is here. He's going to give a brief presentation about the design, horizontal and vertical configuration of the roadway which is servicing the majority of the proposed lots. In August of 2004, the Ducharme's purchased the approximate 50 acres, Tax Map R30, Lot 3, and at that time entered into the negotiations with me for survey services and also entered into the planning process by visiting with John Edgar, the Town Planner, and discussing the possibilities of the ways that the Meredith Zoning Ordinance and Subdivision Regulations allowed the development of property. Subsequent to that, the availability of the 160 or so acres to the southeast

became available and they also purchased that in February of the following year so the project as it consists right now is just shy of 210 acres. It has the majority of its frontage or all of the useable frontage on New Road which is off of Higgins Road. It also has frontage on Roxbury Road, which is a Class VI Town road, and there is no access proposed from the Class VI Town road, as we'll go over in the description of the property itself. You can see that at a scale of 1" = 200', a square inch being approximately an acre, there's a lot of frontage on New Road. Some of the frontage is good, most of it is not in terms of site distance and access to the property so we looked at where the primary access to the property would be and there's an existing roadway which comes in, it was a logging road, which comes in off of New Road in this vicinity and enters up into the property. The sight distance is good in both directions and can be improved with some fairly minor modifications to the vegetation on this side of the road. The other access point is a common driveway shared between two lots, 13 and 14, which is off of the southerly portion of New Road. This is not a roadway; it is a common driveway that would be constructed to a standard quite a bit less than what Mr. Fluet will describe in the construction of the roadway. In terms of developing the property, there are two ways that a person can approach the development. We took a look at some of the cursory information that's available in terms of topography and I did an overlay of the USGS topography to get a sense of where the lay of the land was from a contour standpoint. As you can see as you come in off of New Road, you go up a rise, there's a ridge here that looks off to the northwest and you proceed up to the property and there's a high spot that has views pretty much in 360 degrees. As you come down, there's also an additional ridge here where we're proposing two lots. Those lots being accessed off of the southern driveway. You can see here that there's a swale, there's also a swale located to the northeast. Then the property goes back, there's a rise here, there's a big plateau over here. The first step in many instances in the development of property is to look at the layout and see where the best home sites would be and then to find out the proximity of any wetland soil types that are in the area. Nicole Whitney from Ames Associates was hired to delineate the wetlands that were going to be in the proximity of where the development was going to be. Early on, it became evident to the owners through conversations with John Edgar and with me that this property would be well suited for a cluster concept. The benefit of a cluster concept is that the home sites are constructed on those portions of the property which are best able to support development and then large areas of open space are created by ordinance a minimum of 50% whereby some of the more sensitive areas ecologically can be protected and preserved. Subsequent to those conversations, we developed a concept plan that showed a cluster subdivision and presented that concept plan to the Zoning Board of Adjustment. We were asking at that meeting for a couple of things, one of which was for the Special Exception to be granted permission to appear before the Planning Board with a cluster subdivision. We were granted that.

Additionally, there are two wetland crossings for the two drainage ways and we requested a Special Exception to the Watershed Conservation Overlay District for those two crossings and associated buffer impacts and were granted those Special Exceptions as well. There are two standards by which a property is developed, one of which is a density standard and then when there aren't municipal sewers, there's the soils based lot-sizing standard. The density standard in the Forestry/Conservation zone is one unit per 10 acres of land. From a pure density standpoint, you have 209.83 acres, 10 acre minimum area for dwellings, you're permitted to have 20 lots by density so the zoning ordinance by creating a 10-acre net density zone which is a very low density residential development determines that you can have 20 units on this piece of property. That considers the property as a whole. The soils based lot sizing standard is a standard by which detailed topography is done, the wetlands and non-qualifying soil types are netted out so only those soils that are capable of supporting on-site septic systems are calculated to come up with how many lots you would be permitted. We have in this particular case opted to go with a worst case slopes scenario. You can go out and do a detailed soils analysis, you can use the Belknap County soils book, you can hire a soils scientist to do what's called a site specific soils map of the property or you can do the worst case soils analysis. The Zoning Ordinance has a table where all the different soil types are listed and the 3 slope categories are also listed, A/B slope, C slope, D slope. Slopes that are E slope which are over 25% are not permitted to be used in the calculation of soils based lot sizing. The worst case soils analysis takes the detailed topographic information and you can see we've done a detailed topo of two areas. When you crunch the numbers, you take the worst case soil type for each particular slope category. The worst case soil types for the individual categories are 90,000 for an A/B slope, 100,000 for a C slope and 160,000 for a D slope. That means if you had the worst case soil type on a D slope, you would be required to have 4 acres per lot so you can see that the soils based lot sizing in a 10-acre net density zone is not normally the most restrictive element because you can have many A/B worst case scenario lots on a single 10-acre lot so the density is really the most restrictive layer in the development of a property that's in the Forestry/Conservation zone. That's why we didn't go out and topo the entire 200 acres of property. We essentially topo'd enough of the property to demonstrate one of the worst case situations that would exist, you would be able to have 16.19 lots of just the area that we've mapped. That's not 16.19 lots for the whole 200 acres, it's 16.19 lots just in the area that we've done the detailed topo subtracting out the road and subtracting out the wetlands. If you should enter some type of further analysis and started looking at the soils, that number is going to go up. If you do additional topography and the area that we show detailed topography on gets bigger or if you do a site specific soils map which based on the test pit information that was submitted and based on the provisional soils maps which are produced by NRCS, this 16.19 lots would get bigger. In

other words, we're demonstrating to you that would be the absolutely worst case scenario for the area that we mapped. The provisional maps indicate a soils mapping unit and you can see here that the soil mapping units on a provisional maps are considerably more detailed than the Belknap County Soils Map, however, we still always have to come back to that because the Belknap County Soils Map is the indicator in our Zoning Ordinance by which we have to compute our lot sizes. In talking to Nicole Whitney about the soil mapping units here, 77 and 79, which means very little to me, it means a lot to a soil scientist, those basically would translate back into a Paxton or a Woodbridge type soil unit so if you were to take and do this site specific soils map, most likely, not definitely because this is not absolute, most likely you would have a Woodbridge or Paxton type soil for this particular area and those numbers you use as a divisor to determine how many lots you can have go down. In some cases they go down by one half, you can go as little as 50,000 sq. ft. in some of these which is just over an acre for a single lot so we believe we've given the Board enough specific soils and topographic information to give them the comfort level that this 200-acre parcel can support the amount of lots that we're proposing. In laying out the units, you can see that we have a roadway coming up into this area. We have 5 lots to the left of that roadway in this vicinity which occur primarily on Tax Map R20, Lot 3, Lots 9-12, two lots are off the common driveway to the south which comprise the cluster area. The remaining portion of the property is dedicated green space, it's listed as green area. The Zoning Ordinance requires that a minimum of 50% of the property be open space or green. It does not say that you have to have any type of management scheme for the green area, it does not say you have to have any covenants and restrictions for the green area, it just says that it has to be open. One of the most important things in presenting things before the Town of Meredith over the years has been from the Planning Department, Conservation Commission and others, how important it is to have a specific management plan for common area, open space or green space. In other words, this green area that I'm saying does not have to be green by ordinance. You could clear cut a green area as long as it was open space and it would qualify for the 50% that's required in the ordinance. The owners have spent a lot of time developing a set of standards that apply to this open space, the development of a homeowner's association and how this green area is going to be treated. That's important for several different reasons, it's important for the Town, it's important for the abutters and it's important for the people who are going to be purchasing lots in the development in that everybody will know what the purpose and function of this is. That document has been submitted and is part of the package and I would like to go over some of the issues not in detail, but in general what the Declaration of Covenants includes. It does include creation of a homeowner's association, it does indicate that this property is going to be common to all of those members, all of those parties who own lots within the development and the basic dedication of the space has 5 primary points of focus. The preservation of land for outdoor recreation enjoyment, agriculture and shared

stewardship, protection of the natural habitat, preservation and protection in perpetuity of the natural qualities and steady character of the property, to prevent any future development or use that will significantly impair or interfere with the conservation values of the property while allowing the reserved rights of the association and to support and be consistent with the open space conservation goals of the Town of Meredith and to encourage preservation of open space thus providing a healthful, attractive outdoor environment while maintaining the character and natural landscape, conserving the land, forest and agriculture and wildlife resources. What this means is that forever, this 111 acre parcel will be permanently protected from further development. There will be no structures, there will be no tennis courts, there will be no barns, there will be no other types of development on that parcel. Additionally, all of the 14 units that are proposed in the cluster development will be restricted from further subdivision. As the future proceeds in Meredith, there are several possibilities of the Forestry/ Conservation zone, one of which has to be considered is that the 10-acre net density will not stay forever. There are increasing improvements to the roadway systems, there are increasing pressures on lots in Meredith to be developed and it's entirely one of the possibilities that 10-acre zoning will be reduced. Most of the people that live there right now probably do not want that to happen, but that's entirely a possibility so one point to consider is not only 2005, but potentially 2025 and what would be happening. The density in this development as proposed right now is one unit for 15 acres so not only does this cluster development meet the 10-acre net density standard, it increases that standard by 50% so the density here is not 1 lot per 10 acres, it's one lot per 15 acres. The additional benefit is that this green area is going to be permanently protected against development and will be under a strict management plan so that everybody, the Town, the abutters and the owners know what is going to be happening with that green space. This is just an indication of the proportion of the green space that is the hatched area to the parcels which are the lots. The Zoning Ordinance for cluster subdivision mandates that you have a 50' perimeter buffer around the property. Fifty feet (50') at this scale is a quarter inch so you can see that this is about the smallest it gets in 100 feet and you can see in terms of a perimeter buffer this is all green space. There is a buffer that isn't green space that is a non-buildable area which is also along the frontage of the two lots on New Road in this vicinity. This is a brief presentation of what the birds eye view of the development would look like without the lot lines, without the metes and bounds, without the topo lines, without the soils lines, the test pits, the 4K areas and this shows you that there is somewhat of a collection of homes here, but that most of the development, the homes are spread out considerably from one another. Again, keep in the mind the scale to this drawing is 1" = 200' so you can see that there are several hundred feet between most of the homes with the exception of this area in here where it's approximately 200'. One of the things that happened with this property is that the owners spent a great deal of time not only identifying the areas to be built on, but specifically identified each

particular home site. When we did the mapping out here, there were specific home sites that were designated by the owners, those are where the houses are shown and the covenants and restrictions mandate that when each lot is purchased that the location of the home site has to be approved by the Declarant so somebody can't come in and build a house in some location that's not approved by and quite frankly identical to where these home sites are shown. One of the other issues that comes up frequently is what other types of development can be supported by the project. One of the misconceptions with a cluster subdivision is that you get more units when you go with a cluster. That's hardly ever true, what you get is you get more units in a smaller area with a cluster, but generally speaking, you get just as many or fewer and in this case fewer. This is what a subdivision typical would be using the same roadway configuration that we've used for the cluster. These lots, there's 14 lots here with some house sites shown, all of the lots are 10 acres or bigger, keeping in mind that lot design is one of the most expensive portions of developing a plan so you don't spend a lot of time analyzing each particular lot here so there may be some tweaking that would occur if you actually went to conventional, but this gives you an indication that you could get 10-acre lots which would not be a cluster subdivision, each person would have fee ownership to the entire 10 acres or more, each person would be able to do whatever they saw fit with the property under the law and under the Zoning Ordinance, but there would be no buffers, there would be no green space, there would be no managed open space, it would all be individual parcel ownership. If and there are people who would come through my door and say how many units can we possibly get using a cluster? Remember that you're allowed 20. There's a provision in the ordinance that you can actually, if you cluster, ask for a 10% bonus in the density which means that you could potentially ask for 22 units. This is a presentation that would be a maximum cluster type subdivision if you went with a condominium form of ownership similar to Grouse Point. I use Grouse Point sometimes as a good example, but mostly as a bad example. This is typical, you would have 10,000 sq. ft. units, you would have houses maximizing the views in each direction and again you would have to have some driveway and roadway access issues here, but this would be one of the potentials if you really took the cluster to a more conventional interpretation. One of the unconventional things about this cluster is that several lots in the cluster exceed the density requirements. Five of the lots, 14, 13, 12, 11 and 10 are greater than 10 acres. That's not typical of a cluster subdivision. The majority of cluster subdivisions develop units or lots that are less than so more than a third of the lots actually exceed the density requirement and that's by design, that's by owner request. During the presentation to the zoning Board there were several concerns raised by staff and by owners, one of which surrounded the amount of traffic that would be generated by the proposal. I'm not a traffic engineer and so we decided to hire a traffic engineer to do an analysis of trip generation. Steve Pernaw prepared a report that's part of your packet and it's basically just an analysis of what the anticipated trip generation would be for a residential subdivision in

this area and I know between now and when this project proceeds, you will be able to take a hard look at the numbers and I won't go into the numbers in detail, but I will go into his conclusions that basically say that based on the results of the analysis that the proposed subdivision will generate approximately 14 vehicle trips during the worst case pm peak hour on an average weekday basis and from a traffic engineering standpoint, this proposed subdivision does not constitute a major traffic generator and subdivision traffic will not significantly impact traffic operations along the principal access routes. When Paul talks about the actual design of the roadway, he'll go into some comments by Lou Caron who's the Town Consulting Engineer. There was a site walk with our engineer, Town Staff and the Town Consulting Engineer. Based on the site walk and the analysis of Mr. Fluet's plans, Mr. Caron produced a document that has several suggestions about the design and configuration of the roadway. We had an on-site meeting with the Town of Meredith Public Works Department to basically to look at a couple of issues. The first issues were the two entranceways off of New Road, primarily in terms of sight distance and whether or not they were access points that would be safe to come on and off the road. Mike Faller has generated a review, he's here in the audience and he'll probably have a chance to go over some of his comments regarding the sight distance issues. The other issues that were discussed were possible off site improvements to the roadway and Mike has several suggestions about off-site road improvements to portions of New Road, Higgins Road, the intersection of Higgins Road and Chemung and a portion of Chemung Road. In Mr. Caron's comments, who is the Town's Consulting Engineer, he suggests a meeting between our engineer and Mike Faller to go over some of the details about these improvements which is something we would be very willing to do. One of the things that are important for an owner to analyze is how much everything is going to cost when you start talking about roadway improvements. Right now we're talking about what those improvements are. We haven't discussed what our contribution towards those improvements may be, that's going to be a factor in the process. Right at this point, we don't know what the financial impact is, but we are certainly aware of and are willing to enter into analysis and discussion about those improvements. The firefighting aspect is that for 4 lots or more. In the Town of Meredith you have to provide some additional firefighting support in areas that are remote from Town, from municipal water lines and that normally entails the installation of what is called a cistern, which is a big tank of water. The most recent one that I can think of that we were involved with was the Paquette subdivision, Clover Ridge, off of Pease Road. There was the installation of a 30,000 gallon tank there for firefighting purposes. That was an 18-lot subdivision, this is a 14-lot subdivision so we are proposing the installation of a 30,000 gallon cistern for this particular process. That's currently being reviewed by Chief Palm and his comments will be incorporated in whatever further plans and evolution of the plans we produce. There also is a dry hydrant at the foot of Randlett Pond that's within close proximity to the site. Furthermore, with the firefighting and

emergency services aspect, the Town is attempting to, although they do not have an ordinance specifically relating to it, address driveways. Right now the issue of driveways is largely handled by the Public Works Department and they basically look at the proximity of the driveway entrance to the Town road and how it will affect the safety and sight distance at the point of access and how it will affect the drainage in the immediate vicinity of the ROW and then once you're on your own property for all practical purposes, you're on your own. The Town is concerned with length and steepness of private driveways because of the firefighting and emergency services aspect so currently the process is that an additional meeting is held with Chief Palm to go over not only the access road and the cistern, but also the access to each lot to make sure that we don't have driveways that are either too long or too steep. You may remember with the Convex subdivision off Batchelder Hill Road, just recently we went through this exercise. We went to the meeting, we did some initial analysis and we came to a resolution with his concerns. That is most likely to happen also. John Edgar has prepared a staff review, I'm sure he's going to go over the details of it, but I'll go over a couple of the highlights of it. John mentions about the zoning that I've discussed in terms of the density, the lot sizing, John would like to see a tabular form of the soils based lot sizing where we show the actual areas that are each particular soil type. What happens is the computer generates little triangles which are used to determine slope and calculate the slope, those triangles are then analyzed in terms of their particular slope category and it nets out the area of each one of those triangles in these categories. It's kind of cumbersome to produce on a plan, it would be better to produce in tabular form and I'd be happy to provide that information to John and the Board. It will take me a little while to put into a comprehensive document, but I think I can do it and make it abundantly clear what's going on, what's being netted out and what's being left. One of the things he mentions is that the lots that are less than 5 acres and there are some will require NHDES subsurface approval, that's also known as State of New Hampshire Subdivision Approval. They have jurisdiction over all lots under 5 acres in size. There's a paragraph in here regarding the Town of Sanbornton. This property is in close proximity to the Sanbornton Town Line; it actually does not touch the Sanbornton Town Line, but it's in close proximity thereof, there's about a 20' gap into where this property comes to a point on New Road and the Sanbornton Town Line, that's based on a subdivision plan that was produced by H.E. Johnson Associates where they took the town bound that's on New Road and connected it to the town bound that's on Roxbury Road over 2,000 feet away to determine the town line. It's a little bit confusing on the Town Tax Map which is often wrong and is wrong in this particular case as it does show frontage for this property on the Sanbornton Town Line. The Tax Map also shows that this particular parcel went significantly further to the northeast and as a result of the survey determined that that was not the case, so there are a couple of inconsistencies with the Tax Map as it relates to this parcel. The Town of Sanbornton was made aware of the proposed subdivision, we had discussions with the Town Planner

in Sanbornton, the owners appeared before the Sanbornton Planning Board and gave a brief presentation. They were well received and they were asked to produce a traffic report, which we were in the process of doing. We submitted the traffic report to the Sanbornton Planning Board and in one of their recent meetings, they had a motion and that motion was to do improvements to the section of New Road that's in Sanbornton at the developer's expense to bring that up to a specific standard as determined by the Board of Selectmen in Sanbornton and the Sanbornton Road Agent. The Sanbornton Planning Board obviously feels they have some jurisdiction in the matter, that's not a matter of Meredith Planning Board's immediate concern whether they do or don't, that's something between the Ducharmes and the Sanbornton Planning Board. One of the things that Mike Faller had suggested and we had offered up front was to increase the right-of-way for New Road wherever we could on our property so that some of the kinks in the road could be straightened in the short term or long term. Maybe not in the short term, but in the long term when we're in a position to grant the Town additional right-of-way width, we would be willing to do so. We can do that almost throughout the entire length of New Road. What we would want to do is we would want to do a fairly specific analysis of those areas instead of granting a 100' strip along the entire length, because what it may do is it may have an affect on our green area calculations and we may have to tweak some lot lines in order to stay at the 50% if we were to grant the Town some additional ROW so we would have to be a little bit more specific in that regard. It is certainly something that the owners have offered up front and would be more than willing to grant to the Town. A NHDES Alteration of Terrain Permit is required for this property because the amount of disturbed area is in excess of 100,000 square feet. The Alteration of Terrain Permit has been prepared and submitted to DES by Mr. Fluet and they have had that for a couple weeks. To say that their turnaround on projects is slow would be an understatement. It may be a couple of months, maybe 3 months to review projects. They are overworked and understaffed. The Lakes Region Planning Commission has issued a letter that's in your packet, the comments are general in nature and identify broad beams??, John may want to touch on that a little bit later. John talks about the performance guarantee and as you know what normally happens is that when a roadway like this is proposed and there are sediment and erosion control measures and there are roadway construction costs, those unit cost estimates are prepared by the engineer, they are reviewed by the Town consulting engineer and the Planning Board and ultimately a number is arrived at to determine a performance guarantee for construction of the road. The Town has a policy basically to build it or bond it. If you want to sell lots right away, you have to bond the entire construction cost of the road so that if you decide to go to Tijuana, the Town can pull the construction bond and go ahead and build the road. That's a security for the people who own the land in the subdivision. The other option is to build the road first and then submit to the Town that it's been built to the specifications as determined by the Selectmen and then you can sell lots after

that. That's something that's negotiated between the owners and the Planning Board to be determined at a later date. Right as we speak, the intent of the owners because they intend to live on Lot 12, and they do have two existing lots of record, they wanted to pull a building permit and get construction going on a home regardless of the outcome of the subdivision. They pulled a driveway permit and were in the process of constructing the driveway when the decision of the Zoning Board was litigated. By advice of Town Counsel that does not constitute a stay on the proceedings of the Planning Board, but it constituted somewhat of a stay and the Ducharmes are proceeding with their plans so right now the driveway which was to be to the Ducharmes home is cut and not built. As a result, Bill Edney has requested a temporary sediment and erosion control plan dealing with those issues and that has been submitted to the Town. Mr. Fluet prepared a sediment and erosion control plan that deals specifically with the roadway that's been cut; hopefully, it will be a driveway in the event that does not get built this year. This, of course, would require that these two lots be merged, that's a given. There will be several easements that would be necessitated for utilities, it's proposed that the utilities for this project be underground utilities so that there will be no visible telephone lines, power lines or power poles. John has a bunch of comments regarding the Declaration of Covenants. Through the advanced copy of the staff review comments, we have already addressed some of these issues. John may want to go over them, but we've already revised the Covenants and Restrictions to some extent to deal with his comments and John's recommendation is that no action be taken on the application at this particular time allowing for the completion of outstanding reviews, the submittal of any additional information, the review of that information and possible consultation with legal counsel. He recommends that the hearing be continued to a date specific. One of the things I would like to stress in this presentation is that the owners of the property currently live in this portion of Town and then intend to live in this cluster subdivision and have taken a great Deal of time and a lot of hard work in coming up with this particular presentation. There's opposition to the cluster concept, there's some opposition to the development at all of the parcels, but I want the Board to know that in terms of planning and trying to come up with a configuration that meets the criteria of the Forestry and Conservation zone and to be sensitive with the general character of the neighborhood regardless of what some opinions may be, there's been a lot of work that's gone into this proposal. There's a lot of care that's been taken to the sensitivity of the environment, there's been a lot of care and sensitivity taken into the buffering of the abutting properties and there's been a lot of care and sensitivity taken into trying to localize the development on that portion of the property which is best suited to support it. Mr. Fluet is ready to give his presentation of the road. Perhaps this would be the time to do that. Vadney – I would like to ask two things, the first one is you use the term open space, does that mean open to other residents of this development or open to the general public? At the very least, open to the residents of this development. Mrs. Ducharme can answer

that question probably better than I can in terms of open to the general public. Donna Ducharme – Currently, in the Declaration of Covenants, we have it set up so that it's open to the lot owners, their families and their invited guests. The next one is just of interest when we did the site walk, Lot 9 that's built on that ridge, do you have any idea what they call that ridge, it's a very strange formation? Johnson - You mean down here, Lots 13 & 14, it's hogback. Lot 14 is a very distinctive ridge, I was just wondering if it had a geological formation name? Fluet – I'm going to give you a brief presentation on the road. I've got 3 drawings to put up here. This is the one giving you the overall look at the road and from beginning to end is 1,500 lineal feet. The blue represents kind of a drainage break where water flows in three different directions. The orange is where we're putting the road and obviously the road will have a crown in it so that will break water along in this direction so this piece will come down here, this piece is going to collect in a drainage ditch going to a detention pond here and there's a dual 24" pipe at the bottom of the hill presently where there's an existing 18" culvert. In this area here and just nicking this wetland up in this direction. Vadney – Crowning of the road and stuff doesn't change any actual drainage watershed? Fluet – Not really, I mean this water that came in this direction is still going to end up at the base of the hill in this wetland area. We've done a drainage analysis and, you know, where somebody fills in their house 500' out away from the road, it's impossible for me to do a detention pond to handle that house so I've tried to do a detention pond that handles this portion of road here where we'll treat and detain water and then it eventually still gets back into this wetland here. These are the plan and profile drawings. This is the first half of the road and you can see the green is the wetland impact, the blue wherever we have slopes on the road and the ditches are greater than 5%, we have a stone lined ditch. The pink you see the driveway culverts that are leading off the road. We have guardrail in this area where we have a drop off, the road warrants a guardrail right in here. One of the comments, again I got Lou's comments this afternoon about 4:30 p.m. and Mike Faller's also, but we may be able to eliminate the guardrail and flare out the fill to a 4:1 slope, that was one of Lou's comments. The slope coming off the road is minus 1.2%, so we're not going to put any water out onto New Road, it will flow into the low area here and then the roadway itself, the beginning portion of it is 10%. As you get to the top of the road, it decreases to 5 ½% at the top of the cul-de-sac, again you still have driveway culverts here. This is where we're proposing to put our 30,000-gallon cistern, it will be similar to the cistern that's in at Clover Ridge which is 30,000 gallons. The road itself is going to be identical in terms of the gravel box and the crossing through the Clover Ridge which is two 10' wide paved lanes and a 2' gravel shoulder on each side. That's pretty much it. I'm briefly looking at some of the comments that the Town had, the cul-de-sac here is in the 5% area, I think Mike would like that portion of the cul-de-sac to flatten out. The 2%, which we could do. I don't believe there are any other comments that Lou had or anything that we can't

accommodate. Edgar – As indicated earlier the project is located in the Forestry/Conservation District. This District is contrasted with other districts in the community being in the western end of Town and is characterized by low-density development and relatively low traffic volumes. In some cases, very challenging terrain, scenic and natural resources and conserved properties are abundant and the existing road network varies in terms of its alignment and conditions. These are distinguishing characteristics that provide a different context to this subdivision over which we might have elsewhere in the community. With respect to the cluster side of things, I think its important to recognize a couple things. First off, the Town of Meredith Zoning Ordinance relative to cluster provisions does not provide vast amounts of guidance and clarity in certain areas. There are, however, some very fundamental tenants that most Planners and Lawyers would agree that were characteristic with cluster or open space design and that is there is a quick pro quo of sorts. An applicant gets the opportunity to exercise some flexibility of lot sizing, the community benefits from the preservation of dedicated open space. Another generally accepted tenant in open space subdivision is that you will not get yield from a cluster that would be greater than you would get through conventional subdivision and I think that's important and I think you need to be mindful that we are looking to try to view open space development in the context of a win/win situation, that we not create greater demands on the community or greater demands on any of the road network, but also have the added benefit of the dedicated open space. With respect to the wetland aspect of the project, the wetlands have been delineated on the site plan, these are from our regulatory point of view non-designated wetlands. They come with 75' setbacks for septics and 50' setbacks for all other development. In typical fashion, we like to have verification of who did the delineation and when the fieldwork was performed. We like to know that just in case that if the field work were done in the winter time with snow cover, it could be of a preliminary nature because of the reliance upon vegetation as one of the delineation parameters, so we like to know when the work was done, what the standard was. Typically, it's three parameter Army Corp standard and then the confirmation of the certification number of the wetland scientist. As was indicated before, the ZBA's decisions are on appeal before the Courts. If and when we get to any kind of a decision on the application, we need to be clear that if the Court system has not, if that process hasn't completed itself, it is important that any decision would be made subject to resolution of those issues that are before the Courts. With respect to the open space aspect of the proposed subdivision, a cluster does provide opportunities to conserve unfragmented natural resources that a fully parcelized conventional subdivision would not. I think it's important that the applicant articulate what the on-the-ground open space natural resource attributes are that are being conserved. I know that we had some conversations informally as the project was getting developed and I think if these could be articulated in the context of a public hearing as to what are the conservation values that are on the ground that are actually being, we know what the intended uses of this area

are, but we need support beyond what the attributes are in the open spaces that would be conserved. The existing ordinance does not require specific features to be included or excluded from the open space requirements. It is unfortunate that that's the facts, however, there are several non-regulatory documents such as a recently completed Natural Resource Inventory finished by Rick Van de Poll, an additional Visual Resource Inventory and Assessment that was prepared by Tom Kokx that was referenced in the Master Plan and a related document prepared by Tom Kokx entitled Best Management Practices for Hillside and Ridgeline development. These are not regulatory documents but they could be consulted for guidance in dealing with any future fine-tuning of the nature and location of the dedicated open space component of the proposal. Similarly, the wetlands scientist who conducted the wetland delineations often have a background in wildlife and forestry issues, some do and some don't and perhaps the wetlands scientist in this case also having been on the property may have some insights as to some of the functions and values of the wetlands on the property and therefore some of its conservation value. Similarly, it is my understanding that the applicants will have a Land Use Attorney working with them and that attorney may also have some familiarity with the documentary side of the open space and may be able to offer some constructive suggestions. With respect to utilities, it is on-site septic and water, the well information needs to be added to the plan, as well as the way in which electrical and telephone service would be brought up New Road to access the subdivision. I don't recall if the subdivision itself would be serviced via overhead or underground utilities. They would need to be factored into the engineering plans. The subdivision itself fronts on New Road as was mentioned before which is a Town-maintained road. It involves a common driveway further down the road. Mike Faller, Director of Public Works, is here this evening. Mike has reviewed the proposal and has made several recommendations dealing with the subdivision road, sight distances and off-site road improvements. Lou Caron functions in the capacity of the Town's Consulting Planning Board Engineer. He, myself and Paul Fluet have met to review the engineering drawings and then conducted a follow-up site inspection. Lou did send us via fax this afternoon at approximately 4:30 p.m. his review comments and given the lateness of the hour, I have not distributed that to anybody. We have copies here, but neither the applicant nor any of the abutters have had an opportunity to review those review comments. The function of the regional review statute that we invoked at the time of application acceptance, we did submit plans to both the Town of Sanbornton and the Lakes Region Planning Commission and advised them of both the site inspection and public hearing this evening. We have received comments from both. As was indicated earlier, the Town of Sanbornton has, I'm not sure what the correct word is, if its suggested or requested or they feel they can require, I'm not sure what the appropriate term is but they have identified an improvement to their end of New Road and it's my understanding that that improvement from their point of view continue down to the first "T" intersection. They have recommended that road be upgraded to 22' of gravel

width, plus drainage and sight distance improvements and other specifications as may be determined by the Sanbornton Board of Selectmen. I have asked for and received copies of the November 15th minutes of the Sanbornton Planning Board, which are in the file. With respect to the trip generation analysis, this analysis estimates the quantity of vehicle trips based upon generally accepted generation rates that would be likely approved by the subdivision. As Carl had indicated, the report concludes it is not a major traffic generator in the context of the world of traffic engineering, however, in the context of the rural aspects of Meredith, this is a relatively large project. It is important to note, however, that although the subdivision is not a large generator of traffic, the report is not an analysis of the adequacy of the existing road conditions that either provide frontage, access to frontage or access to a proposed street and it's within the Board's regulatory requirements to require that analysis to determine whether or not any roadway improvements are warranted. As Carl indicated, our consulting engineer, given the recommendations from Sanbornton, our engineer has suggested that the dialogue be continued to further evaluate the improvements that have been submitted. It was also noted that the driveways are under review by the Fire Chief as we have looked at in recent subdivisions under the health and safety issues, trying to look at the adequacy to support vehicle weights of emergency vehicles, turning radiuses that an emergency vehicle could get to a building site and a reasonable grade that likewise would allow the emergency equipment to get to a building site in the event of an emergency. The road standards that we follow are referenced in our regulations as the Selectmen's Minimum Road Standards for the Town of Meredith. I've identified two aspects of the project that would necessitate approval by the Board of Selectmen and the regulation speaks to a 1000' maximum for dead-end roads unless the Selectmen determine that there is topographic or other conditions that would suggest that greater length would be approvable so in the context of a 1500' road, that would need to be referred to the Selectmen for their consideration. Similarly, the proposed cross-section is just a foot or two shy of the typical cross section in the road standards, the current road standards refer to two 10' lanes paved, plus two 3' gravel shoulders and they have proposed a slightly reduced section which would necessitate a waiver or similar processes followed for the Clover Ridge Subdivision and I believe the structural box includes gravel depths that are slightly greater depths. We don't require waivers if they want to make the road stronger. With respect to storm water management which is a very important issue of the project, Mr. Fluet has prepared a site drainage report which is being reviewed by Lou and perhaps as a follow-up when my comments are completed, Paul could speak to water quality issues, I don't know if those were addressed directly and I think they need to be part of the dialogue. With respect to the drainage improvements, there is a detention pond, a level spreader, some drainage swales and treatment swales that are part of the system. The drainage system like the roadway will be privately maintained up until such time if and when the road is accepted by the Town of

Meredith. It is important to understand, the Board and everybody else, that at the time these ROW's are dedicated and the subdivision is created, there needs to be sufficient provisions set up in the form of homeowner's associations that all these improvements are privately maintained. There are processes set forth in the law for property owners to seek the Town to take over any private road and up until that time plays out, the roads are considered private regardless of how they're built and they need to be of sufficient capacity in the form of a homeowner's association to take care of the private maintenance of the roads, drainage and the cistern. I've noted that the drainage improvements are proposed within the green area. Although the ordinance is silent on this issue, it is my understanding that it would be the intent of the ordinance and the intent of the green space requirements that it be open and to the extent that a green area is developed in any way, shape or fashion for purposes of supporting houses, recreation amenities such as tennis courts or pools or ___ courts or any of those kinds of things and in this case drainage, even if they are green drainage and even if they are non-structural, my sense of it is that that would be inconsistent with the intent of the ordinance which is to preserve open space so I think that where the drainage improvements fall within the green area, there should be some modification to the descriptions of the common areas. There can be multiple common areas and there can be common areas for purposes of drainage and there could be other common areas for purposes of maintaining the regulatory requirements and that would suggest a revision to the plan and calculations. Site stabilization is another important aspect to the project and here again those are being reviewed by the Town's engineer. As Carl had indicated, the Fire Department, the Fire Chief exercising his authority under his regulations, looks at a 4-unit for examining whether or not rural firefighting supply kick in. In this case he has recommended that a cistern be located on the property. We are in and around that 5½ -5.6% grade and we want to make sure there is sufficient grading detail in and around the pull off area such that the pull off platform will function as intended. As was indicated earlier, we have received a letter from the Lakes Region Planning Commission from Mike Izard, who is the Principal Planner for the LRPC. It's in the file and in the Board's packet. It's a very general letter, it doesn't get into any real specifics of the proposal and the stated purposes suggesting that the plan engineering be reviewed, which they are being reviewed and then encourages careful consideration of the proposal's ability to meet State and Local regulations and ordinances and, in particular, identifies storm water management, impervious surfaces, management during construction phase of the project, impacts to the transportation network, proximity to municipal services, consistency with Master Plan, fire-related issues and that's about it and we have that for the Board's consideration. As in all projects, there would be performance guarantee requirements for the roads and the drainage and the site stabilization. It's probably a little bit premature to start getting into cost estimates at this point; we typically look at that a little bit down the road when we are at the final design stage. One feature that typically affects

those cost estimates substantially is whether or not there is presence of ledge. I don't believe we have any ledge probes or profiles yet. Once we get to the point where the Town of Meredith incurs any responsibilities relative to the performance guarantee, we would want to have very reasonable estimates on the presence of ledge, especially recognizing that we're in a cut and fill condition to achieve the 10% grade. It was indicated before that we are dealing with two lots of record and strictly as a technical matter, those lots would need to be merged before any plan is recorded. There are a series of easements, here again when we get to the final design stage that would have to be carefully looked at dealing with slopes, drainage, utilities and driveways. I have listed in the staff review about a dozen or so general comments relative to my first pass at the declaration of covenants. I think they need to be prepared by the applicant's attorney in terms of fine tuning, but I did offer several observations and I'd like to hit on a couple of highlights. It recognizes and indicates in Section 4 that one of the conservation goals would be the, I believe there's some general reference to consistent with conservation goals of the community or words to that effect. One of the conservation goals that we spent a fair amount of time looking at during the development of the Master Plan was some view sheds. One view shed comes to mind and that is a view looking back at the subject property from Saddle Hill Road. There are permanently protected properties up in that area and this subdivision, although a fairly distant way from it, does form the background for some of those views that have been inventoried. There may be some management practices that could be incorporated in the covenants that might lessen some of the impacts of the associated view from the ridgeline development. I think there needs to be very specific homeowners documents set up in terms of By-Laws and mechanisms of how to govern the aspects of the homeowner's association would play out. There would be very substantial responsibilities for the homeowner's association not to incur, relative to the maintenance of the common properties, maintenance of all utilities and roads and the stewardship responsibilities associated with the dedicated open space so it needs to be very clear that these are the responsibilities of the Board of Directors on behalf of an association. If you do make a distinction between the types of common areas, those that have improvements and those that are used for purposes of dedicated open space, that should be spelled out in the Declaration. There is a reservation in the draft document to construct amenities on common land. Here again, that needs to be clarified so that we don't find ourselves inadvertently _____ the intent of the open space. There is an open space figure calculation referenced on the subdivision plan that's a couple acres different than the calculation that's referenced in the covenant documents. At the end of the day, once we resolve a couple of these adjustments, the numbers will match. I suggest that the document indicate that dedicated open space fulfills regulatory and permitting requirements and very specifically indicate that it be like other lots in the subdivision, be precluded from any future re-subdivision. Here again, to clarify everyone's intent at the outset, the Declarant in the draft has reserved

rights to construction amenities on common land in Section IV and ancillary structures and improvements may be constructed on the common land referenced in Section VB. These reservations should be discussed and perhaps clarified so that the intent is clear to all parties. Fourteen lots equates to 14 votes and I'm always curious with an even number and a situation tie vote, how we break the tie. Typically, the lawyer will invoke that mechanism into the documents that would address that potential. The document refers to the home site location being critical. We hear testimony tonight that they may be fixed based upon the subdivision owners, although that's not stated anywhere and that likewise could be clarified. Section IX refers to "view areas" that must be kept open. This needs definition and clarification. I raise the question as to if the intent is to establish view easements in favor of certain lots that may burden other lots. If that's the case, that should be clarified. A 200' buffer is proposed for the two lots served by the common driveway on the road and the do's and the don'ts in that particular area need to be stated. Finally, Section XI is entitled DURATION in the agreement and also includes provisions for subsequent amendments to the Declaration by the voting membership. It has been our practice that in cases where certain sections of the final declaration deals with issues that are germane to the subdivision approval, that we should see a clause that would preclude amendment to the declaration without prior Planning Board approval. Typically, we look at those issues; primarily they are the management of the open space and issues of that sort. Mr. Chairman, I acknowledge that the reviews have not been the most timely, this is a big project, there is a lot to consider and a lot of information has been generated at the last minute and I think in fairness to all the parties, we need to continue the meeting after we open it up to the public, for several reasons not the least of which is to allow more outstanding reviews to be completed. If the applicant were to submit any additional information, the date should allow for a date specific that would give everybody the opportunity that is appropriate to review the file in anticipation of testifying at a continued hearing. I think that would only be fair to all parties and I would recommend that we continue the meeting and not make any determinations as a result of tonight's public hearing. Vadney – A number of things come to mind for me. The only one I'll bring up right now is and I don't want the answer now, but I'm certainly going to have questions about the ancillary structures in the common area. Does this mean an Olympic swimming pool and bathhouse, campground? Johnson – Mr. Chairman, if I could briefly address that, that's been eliminated from the covenants in the revision that we've made subsequent to those comments. Kahn – John, this was brought to us as a cluster development, do we have any discretion in that, the ZBA having granted a Special Exception? Edgar – Probably. There are issues that are likely to be specifically the domain of the ZBA. There are probably issues that are likely to be specifically within the domain of the Planning Board and there's probably some areas that are not perfectly clear to me at the moment where there are some shared responsibilities and I would put that on a list of

things to share with our legal counsel. I've started my own list. First on my list is whether it relates that we have pending litigation relative to the cluster and what is before the ZBA. I know I have in my own mind some questions that I would like to share with the Board and with Counsel at some future point in time so I think that you have latitude in that this is a subdivision. Exactly as far as that latitude goes is not clear at this point. It's probably not as good of an answer you hoped to get. Kahn – Having dealt with major global issues, I've got a couple of small ones and that is on the ROW. The ROW being granted or deeded to the Town seems to start at the proposed road and continue to about the common driveway for Lots 13 and 14. Does that start closer to Higgins Road and why does it peter out before it gets to the end of the subdivision? Johnson – My answer to that is it's undefined at this point. It could go further in both directions and that is dependent upon the conversations we would have with the Town of Meredith. We are willing to grant whatever reasonable additional ROW the Town would want beginning at this point which is the furthest point of frontage that we have on New Road to this point which is the furthest point of frontage we have to the south. Kahn – I just wanted to point out, you had raised the question about 14 lots is 14 votes, that may work for the subdivision generally but I think you've got an addition problem down here with Lots 13 and 14 that have sort of a world of their own and there's going to have to be something in the documents that deal with the rights of those two against each other, excluding the rest of the subdivision. Edgar – I agree. Bayard – Maybe John can answer this, have we ever-requested additional rights-of-way along the Class VI roads? I'm thinking in terms of Roxbury Road where that would make sense to reserve something. Edgar – In the context of the first part of that question having done that before, I can't recall an instance where we've done that, primarily because you don't see Class VI roads getting upgraded in a substantial way very often. It can't hurt, you don't ever know when the day could come for some future generation and they may take a different view of some of the Class VI roads. I don't think there's any harm in doing it, but it's not something I would suggest. Carolyn Baldwin – I represent the Abears and several other residents of the immediate area. We have been having some difficulty getting public documents from the Planning Board to get minutes from October 25, 2005, and they have apparently been accepted. This application is complete. It puzzles me some considering what we've seen tonight, but I would ask the Board to instruct supporting people that we do have a right to these documents and we would like to have the opportunity to review all of them before you have another hearing so that we can comment perhaps a little more intelligently than we could tonight. Vadney – Every document we have, you have access to and John I'm sure can... Baldwin – We still don't have the minutes of October 25th. Vadney – We'll get you a copy if that's what you want. Harvey – They are on the internet, I've never been asked for those minutes that I'm aware of. Bliss – They are on the internet because I've read them. Flanders – I'll just jump in as a Selectman. To the best of my knowledge minutes have always been supplied when asked

for and they are available on the internet so I would take exception with the fact that they weren't able to obtain the minutes if they made a reasonable effort and we do stick to the 48 hour rule. Draft minutes are available within 48 hours????????? Vadney – Further comments from the public. Kim Chase – My husband and I have lived on Eastman Road now for 11 years. I have a little bit of an issue with the traffic situation where 14 houses, 14 round trips. My husband and I both work and we have school age children, which are both academically involved in sports and all kinds of things. On a given day, for example, Wednesday, we could make four round trips to and from Meredith just because of different schedules and stuff like that so I think that's extremely low given... Vadney – I can clarify that for you. What he said was that was the peak hour when everybody would make one trip during the trip peak hour. During the day you would see something more like 8 to 10 one-way trips per house per day. Edgar – The Saturday total estimate for buildout which would be 14 lots according to the material that we have would be 142 total trips. So the whole buildout of the subdivision, ins and outs, for everybody, would be 142. Vadney – That would be five round trips per house, per day in rough terms. Kim Chase – My other question because I have school age children is the size of the buses that come out to where we are. We have two small four-wheel drive vehicles that come out and apparently hold 14-16 kids something like that and they are pretty full. Are we going to get bigger school buses or you know or bigger roads? We need larger, wider roads to get a bigger bus out there. We have one small, it actually got upgraded this year, I think it's 20 passengers, but still it's nearly close to capacity so 14 houses are going to generate children so therefore we are going to need bigger buses and wider roads and that sort of thing. Steven Smart – I live on Carleton Road and have for 10 years. I haven't heard and I'm asking is New Road a scenic road? I might have another question depending on the answer. Edgar – It is my understanding that New Road is not, but Higgins Road is and I believe Carleton and parts of Chemung and just a lot of other roads in the neighborhood that are scenic. Smart – Does Sanbornton have it on their end of it? My question is, I was wondering if we're going to widen the road, how that would affect the Scenic Road? Edgar – To give a categorical answer, Steve, if the road is designated as scenic, any road, and if there is an improvement requirement that would either effect the stonewalls or effect trees of a certain size as described in the statute, it would necessitate a hearing before the Planning Board to take testimony on that particular aspect of the proposal and so we don't have enough information at this point relative to off-site improvements in other areas as to whether or not those statutes would get invoked. Anne Rogers – It is my understanding that some home occupations are allowed in the Forestry and Conservation zone and I'm wondering if you have any information about whether any of the 14 residences would be having home occupations and whether any of the home occupations would have a traffic impact because of the number of people that might be coming in and out. In general terms, the home occupations are looked at one-by-one as

applications come in, by the Planning Board. Traffic generation is one of the things we consider. I can't comment on this specific site in general. As far as I know, the applicant hasn't precluded the idea that there could be home occupations in any covenants, right? They could if they wanted, but as far as I know, John did you get any feedback on that? We do look at that as a, we look at the signage and the traffic, etc., for any one of them. Scott Higgins – You can tell from the fact that the name of the road, my family has had a long standing on presence in this area. Ansel Higgins, my grandfather, had the farm that's on the corner of Higgins Road and New Road. I am one of the property owners with my brother and my mother and portions of the property. All of the land along New Road that was being discussed from the corner of New Road down Higgins Road, down around the wide turn all the way down past one of the inlets to Randlett or Robinson Pond so I have a concern as far as when the road starts being proposed to widen the roads to support a development. In addition, I have concerns about this development for a few reasons and some of them stem back and this was brought up during the visitation, you know times change but I would like to make sure that the times change is a planned and rational process and my concern is we have green areas being presented but these green areas are being preserved as part of an association. The association, based on the covenants that we're seeing, have a lot of license to do things in the future or to do things with them that's not necessarily consistent with what my brother, my mother and I would consider appropriate for a green area. That concern could be partially alleviated if it went to a Conservation Commission or some sort of an easement were granted to that green area in perpetuity where we know that the Meredith Conservation Commission could make it part of that resource area that's down in the Hamlin area I believe it is, down below there. That would alleviate some of those concerns. It would also make sure that as you were up there and you saw the view that's up on that outcrop that runs along there, that would be preserved and it would be preserved not just for the residents of this subdivision, it would be preserved for all of the people in the Town that currently go up there. We own the big pasture piece that is next to it. There is a very well known trail that goes up to the top of it. The views up there are consistent with what the views are in the area where this subdivision is and we'd like to make sure that this subdivision doesn't close off the public access to that area. Secondly, the concern on the green area, it's very narrow on the areas that are abutting our property. Those concerns become extremely critical when we don't have control over what happens to those green areas. As I said, they could clear-cut them; they could put garages in them based on the original proposal. We have verbal that has been changed, but reading that submittal, we have real concerns about what happens, above and beyond what happens to our small lot that's on the New Road and Higgins Road and a portion that's on the big pasture. The Abear Farm which used to be my grandparents farm looks right across. If that green area is not very carefully protected and differentiated from open space perhaps someone's lawn, that's going to fundamentally change the whole nature of

that area up there. That area has been a special place in my family for many, many years and I would hate to see that change. Those are two concerns that I have. I think some of the lots that are presented are underneath the beaver pond right now. That type of thing the Board should be aware of when they walk the site and see that type of thing. What is harder to measure is what is the impact to the area. The cluster is talked about in the protective covenants. The two other lots sometimes are somewhat left out of that and I think there's a concern, at least on the part of my brother and I and my mother, that those might be treated in a different way or they might have different things going than the subdivision as a whole. That might get lost in it. Also, I would like to request, did the Board receive a letter from my mother, has that been submitted? Did the Board receive that letter? I would like to make sure that that is entered into the record. A letter from Mary Lou Higgins Lavelle was read into the record by her son. (The Board did receive the letter and was part of the Board's packet.) She is one of the property owners on the big pasture piece and my brother and I own the two small pieces. Vadney – Did I hear you say something about a business being relocated there? Scott Higgins – Yes, the concern is since it has been articulated to members in the area that the people that are bringing the proposal currently live in the area and they are planning on relocating to this property. They are currently operating at least based on the information we received a non-profit charitable organization type operation at their current residence and this involves quite a bit of traffic. Currently, they have and correct me if I'm wrong, but apparently they have applied for additional parking at their current residence to accommodate this and that is a concern to us as an abutter that when these people or whoever purchases this property, whoever gets into this property would then want to migrate from their property into the area and as the property owners down on Randlett/Robinson Pond that is at times a problem now with people coming across and would like to use the pond access. We often times have people climbing the top of the mountain. Adding 14 lots plus a group session type operation going on in the area would be of concern to the Town. Vadney – I hadn't heard of the business, that's why I was investigating. Jeannie Cooperman – I live at 24 Carleton Road. I received a letter from John Robinson who could not be at the meeting and he asked me to read this letter. Letter read into the record from John and Olga Robinson (in file). I would like to add as a dweller on a Scenic Road, I live at 124 Carleton Road, we have seen our trees clipped during the winter, our crowned roads flattened and widened on a regular basis and there's no need for it and I strongly oppose this whole new (can't make out). I also have another letter I would like to submit to you, it's from Elizabeth Clark. (Letter from Elizabeth Clark read into the record by Jeannie Cooperman and is in file.) Vadney – Both the second letter and the first one by Mr. & Mrs. Robinson raised a bunch of issues that pretty much tell me that I have been out of the loop because I was surprised by several things here. I appreciate your putting these into the record and we'll investigate them. The complexity of this shows why we participate on the Planning Board, it's so interesting for us. Bill

Lee – How many buildable 10-acre lots on there on the two hundred odd acres? Vadney – That's a pretty tough question to answer. Carl gave us one answer, Carl would you like to give him a quick approximate answer on that. Johnson – At least 14. I think I tried to cover in my presentation about the detailed information that there would be one way to approach this and that would be to do a 2' topographical analysis of the entire 200 acres and do a site-specific soils map of the entire 200 acres and arrive at a number. That's not the way this project had been approached. At the beginning, that would be a _____ approach on how many lots could be supported by the soils and slopes. As I mentioned, because you have one unit per 10 acres in this zone, that tends to be the most restrictive layout so the maximum I would say you could get would be 20. I believe that if you wanted to build a disproportionately long road, you could find 20 buildable home sites in some regard on the property. I showed a general configuration using this road of finding fourteen 10-acre lots. You would have to do a couple of things that probably would not be acceptable by the Town. You would probably have to have a second roadway cut instead of a driveway cut off from New Road. You would have to try to do a couple of different things. The comments about the density are a little bit confusing to me because the density says that you can have 20, we are proposing 14, and we're not trying to gain or maximize the density in that regard. The Forestry/Conservation zone has as shown on this plan here has several large tracts of land in excess of 10 acres, but it also has lots that are under 10 acres, there's 160 of those in the zone and it has 17 lots of 10 acres that are highlighted in the yellow. The red lots are lots that are under 10 acres and these total 177 lots that are under the 10 acres in the zone. Vadney – Do you have any idea how many of those are built on? Johnson – I don't. This was prepared by the owners in an attempt to show and in my presentation to the Zoning Board, I showed this plan and I showed the proximity of the proposed development to the general zone. The Forestry & Conservation zone is delineated by this red line that meanders up here and goes to the Town line. Vadney – Does that follow any roads that we know the name of or is that just... Johnson – Yes, it follows Roxbury Road, which is the Class VI road, and then it follows Batchelder Hill Road and this is probably Weed Road out to, this is the Waldron Bay development so this would be Waldron Road, I guess, to Weed Road. This is the tip of Lake Winnisquam off of Collins Brook Road and comes out to Wicwood Shores Road, it comes out Wicwood Shores Road and then strikes a line which I believe is 3,000 feet from Route 104 and that's what this long sweeping line is until it gets to Lake Pemi and then goes around the shoreline of Lake Pemi. In some instances, it goes from Forestry & Conservation to Forestry & Rural which is a 10-acre zoning to a 3-acre zoning. In some instances, it goes from Forestry & Conservation to Shoreline. Shoreline has 40,000 or soils and slopes, which is less than an acre, and in this instance down here, it actually goes from Forestry & Conservation to Residential. Vadney – Everything within the red line you documented there, that is Forestry/Conservation. Johnson – That's correct. It's about 7,000 acres or so. Vadney – Point to the lot in question, if

you would. Johnson – This is the cluster subdivision and it's also highlighted to show those lots that are under 10 acres and it shows that five of the lots are not under 10 acres. This is meant to show in the general nature of the zone, there are areas if you look in this area right here that are primarily lots 10 acres or greater, but there are certain portions of the Forestry & Conservation zone that there are clusters of, for lack of a better term, lots that are not 5 acres. Most of them are previously existing, non-conforming lots of record created by subdivisions when it was Forestry & Conservation. There were subdivisions that occurred prior to zoning. Vadney – The short answer is 20 maybe, 14 very likely could be put in there without a cluster. Do they know for a fact that there are fourteen 10+-sized acre building lots? Vadney – It is very likely is all I would be willing to say. Johnson – We didn't do that analysis. What we did was a colloquial demonstration that you could probably get fourteen 10-acre lots and have a buildable area on each one of them. Is that what your question is? Lee - John Edgar's comment that clustering should never lead to more buildings than a non-clustered configuration of a 10-acre minimum. Vadney – They are asking for fourteen units, he believes there's no question they could get fourteen buildable units without clustering. That would be a one-for-one. Am I missing something? Lee – He's saying that but I... Vadney – There may not be and we can investigate that, I'm just saying that's what he's saying. I think what Mr. Lee is trying to say is that we don't know whether as an economic matter if it were not a cluster, whether or not it could find fourteen lots that they could build on. One of the things I noted when we were on the site walk was that it looked like the green area down to Roxbury Road was nothing short of a cliff. We saw at the last meeting that people build on a cliff, but the lots are very large. Johnson – Just let me mention one thing in the cluster provision in all zones, there is a clause and John's comment about not ending with more, in other words what he's saying is the Planning Board shouldn't be allowing cluster subdivisions so that a developer can get more home sites on a particular unit than you might otherwise get with a conventional subdivision. John's overview was that you shouldn't be getting more by clustering, however, the ordinance in the cluster development standard, says that the Planning Board may allow a reduction of the density requirements of 10% to encourage proper design and development and what that means in the cluster concept and some people don't like it, I totally appreciate that there are differences of opinions in terms of cluster and non-cluster. The reason that they are allowing a 10% reduction is to do just that, is to get the buildable areas to have more units on the buildable areas and not on the areas that aren't as able to support that development. I mean that's what clustering is about. I think the basic point that we're trying to make is we are not prostituting the cluster development concept so that we can maximize the amount of units. If we were, we can find more cluster units in this area than we've got real easy. We've got tons of test pits, we've got lots of good soil, we've got topographic areas that we know can support the development so my little plan about these 20 cluster units would probably be able to be done. Vadney – We can investigate that further

but that's the informal answer so to speak. Rick Higginbotham – I have lived at 298 Chemung Road for about 17 years. First of all, I would like to agree with Jeannie Cooperman on the roads and how they got maintained up there and how they've done a lot of damage. When you go to the City and say I've had a problem with my property and the frontage that I try and keep looking nice, first it started with Barry Cotton, then it went to this guy over here (Mike Faller). I went away on vacation one time and there were natural berms that probably took 20 years to build up along side of the road. What the City did when I went on vacation down in New York, they just took a bulldozer and pushed them over onto my property while I was on vacation. When I went to the former Town Manager and said I've got a problem, Peter Russell, that doesn't mean that was always like that so what have we got to do, we've got to go back 100 years to find out what it was really like. Anyway, that's one thing. I can just imagine what that road's going to look like when they put in this development. I was there Saturday morning and walked up to the top. What responsible party if I could ask the Board this, what responsible party would clear-cut the top of a beautiful scenic field like what's happened up there? That's one point, the other point is to whose benefit, certainly not the City, the neighbors don't want a cluster development. I have to question John Edgar's vision on the word "cluster". When I saw it in the newspaper, I thought it was a misprint. It has no way of belonging up in our neighborhood. None of the neighbors want it, nobody wants it. The only people that want it are the developers. The guy that's proposing this is well spoken, he's throwing out a lot of facts to the Board, but it's in his personal interest, he's getting paid to do that by the people that own the property and that's about all I'll say, but if you ask the neighbors that live up in that area, we would have no problems if they built each unit and kept the provisions that we've all abided by which is 10 acres or more. We would have no problem, but when the word cluster comes in putting a bunch of places in smaller lot sizes, we are definitely against it. You won't find one or two people up there that's in favor of this. Paul Fortier – I am a homeowner in the Chemung area. It is my understanding that the concept of this project that the Ducharme's wanted to create for themselves, family and friends a place to live that was surrounded by natural beauty and wildlife. With this in mind, they approached the Town so that they could become educated and understand what the Town would be requiring of them. At the hearing everything that the Town had to say and being made aware of all the options, they chose a small cluster subdivision which would minimize density and enable a large portion of the land to be placed in open green space. The Ducharme's went beyond the cluster requirements and proceeded to commit to preserving over 50% of the land, 111 acres and deeded green space which is one of the largest tracts of protected land in Meredith. Standing at the height of the land, you can see several farms. I'm not sure how many but I think there's very few of those farms that are protected by land trusts or something similar. This project has over 50% of deeded green space, which in my opinion is a far better way to save and protect open land and honor landowner's rights. There are several

large parcels in the area that are privately owned and can be subdivided at any time because they are not protected. People's lives change through unforeseen circumstances at all times, sickness, death, divorce, etc., and leaves those lands vulnerable to development where the Ducharmes are protecting over 100 acres. This area is noted for large tracts of land in single ownership. I do not believe that the intent of Forestry & Conservation is to restrict the enjoyment of this area to only a few select few, which brings us to the point of the roads. I live here, I drive these roads, I jog on them, I walk on them, I bike on them, yes they get muddy in the springtime, but we all get around. We all get to work, the kids get to school, and we get to the grocery store. A few more houses in my opinion are not going to make a big difference. We all chose to live out there, let's be real, calling the roads impassable and all those things is just a way for the residents who are already out there to create a smoke screen to stunt further development and denying the cry of others from living in this area. The Ducharme's have clearly demonstrated that they care about conservation, they are dedicated to restoring this land, they are taking the large section that was logged by the previous owner and left it with nothing but slash and debris and planted a hayfield which is similar to all the hayfields. You guys were up there and you stand there and look out, you see all the other hayfields. It's higher than some, lower than others. They use organic fertilizer so as not to disturb the wetland, the runoff or whatever you want to call, the watershed. The other thing with roads is, I think Mike does a great job, they are scenic roads, they are narrow, but that are always passable. Sometimes in the spring, they get muddy; we had that heavy rain in October. Chemung Road where its paved and 22' wide flooded over, that was the paved section and then another paved section of Batchelder, the culvert blew out so I mean those are paved sections so the dirt roads, they're passable. Marc Abear – Mr. Fortier, do you or have you ever had an interest in the property? Vadney – Please, you should address the Board. Abear – If the Board would perhaps ask Mr. Fortier if he has had or does have an interest in the property either now or in the past? Vadney – I didn't ask for your name, I'm sorry. Abear – My name is Marc Abear, I live at 39 Higgins Road. I have several comments I would like to make. I believe that the Zoning Ordinance in Article V, Section D-9, G.5 of the Water Resources Overlay, requires that alternative proposals be considered and that they be submitted to represent the minimum amount of reasonable unavoidable, environmental impact to wetlands, streams and associated buffer areas. I don't think that's been done. I haven't seen any studies or proposals or costing on that anywhere in the records. I would like to ask the Board to research that. In accordance with the same section, D-9 Water Resources Overlay, one of the requirements is that the environmental impacts to abutting or downstream properties and natural resources be considered and minimized. I don't think anything's been done to enumerate what affects this subdivision, classed as major, has on the ecosystems, wildlife or flora and fauna. I would like to ask the Board to consider they do some research into those impacts. One of the requirements in the Water

Resources Overlay section of the Zoning Ordinance is that the proposal be consistent with Section C, Purpose and Intent. Nothing in the record demonstrates that. I would like to ask that the Board consider that. In addition, in the Water Resources Overlay District, Section G.1.a., the plan requires the construction of water storage or impound in accordance with the drainage plan as I understood it from the Engineer, that use would require a Special Exception. As far as I know, no such exception has been applied for or granted. I would request that the Board look into that. The community at the top of the hill in Chemung has worked pretty hard. They have been participants over the years to try and establish the wording that's in the zoning ordinance, the general description all the way back to the original intent of the ordinance itself. Several members of the audience are present or past members of the Conservation Commission, they've been an engaged group. I think it's important that the Board review the general intent of the general description of the Forestry and Conservation area when they make their decision on this application, the ordinance was written with consideration of the infrastructure in the Forestry/Conservation zone. The infrastructure did not exist at the time the ordinance was written, it does not exist today. Significant improvements have not been made. The responsibility in the ordinance was placed on the Town to develop the infrastructure before developing in this zone. The wording is clear and unambiguous; it predates the inclusion of the cluster concept in the ordinance. There is no place in the conservation district for the cluster concept (this is my observation), it's an add-on. Why would the Town allow cluster development in the same area where they are promoting Town forests? There are four or five Town forests in the area. Why is it reasonable to apply a high-density residential methodology to this site? There's been no additional infrastructure and the designation of all of the roads with the exception of New Road in the area are "scenic". Upgrading such roads in the future to accommodate development may well be subject to open debate and quite likely litigation. I would like to assert to the Board that it is significant that the Conservation Commission offered no objection to the crossing of the wetland, but they apparently were not asked for their input on "cluster development" in this matter. The Conservation Commission records produced under the public information act did not demonstrate any willingness on the part of the Conservation Commission to support this concept in the application before. I would urge the Board to extend an invitation to the Conservation Commission to join in this process. The area under development by the Town's own designation on the Town's map titled "Town of Meredith Telecommunications Facility Overlay District Map" contains locations of sensitivity zones which they have prioritized. They highlight viewpoints and prioritize them. The site in question is a highly significant viewpoint. The source document listed is the "Town of Meredith Visual Resource Inventory and Assessment" by Thomas Kokx and dates back to 1999. The Board is encouraged to review the document. I think it sheds a great deal of light on the nature of the area and the way the Town has viewed its value to the community. Ostensibly, the map was drawn

because the Town felt the need to inventory these major points. My assertion to you is that those supporting the making of the maps of these areas intended these areas not to be used as a designation for which ridgeline should next be developed. The Board is encouraged to use sensitivity in approaching their decision-making responsibility. We further ask that the Conservation Commission and the Board of Selectmen be asked to take a position on this matter and do so before the decision is rendered on this application. We think it's important that both Boards take a position moving forward so the voters can know how they feel their Town should be developed in the future. With the impacts of this project and budget in mind, we would like to ask the Board if it is true that the property owners have applied for a tax-exempt status? If they could do some research into that I think it might be significant in the decision-making process. There are a number of points of contention that have been subject to litigation through the process of the ZBA Board. There are a couple of points I would like to make to you in hopes that we might avoid similar missteps here. The ZBA took the position that after having lengthy discussion, "we created a process by not requiring developers to do complete engineering drawings and not get all the approvals before coming to get a Variance or Special Exception from a Board so there is half the information for a concerned citizen but I'm all for that. That was the position of the Zoning Board that we are appealing. We want to ask the Board to please give full consideration and ensure that we understand all of the ramifications of the decision that we're about to undertake on this subdivision before we make a decision. We can't turn the clock back once we've developed this property. It's an important piece of property and it's going to be a precedent setter. There are no cluster subdivisions yet that has been approved. There was one that was developed, but it does not have, it's an illegal subdivision. That subdivision did not get a special exception before it was built. It is in fact standing, but it's an illegal subdivision so this will be the first, it's a precedent setter and we would ask the Board to be mindful of that fact. You've already heard that we would like to be sure that we have proper notice and inclusion of all materials that are available from the Town. We have not received anything from the Highway Department although there has been considerable discussion of deeds transferring easements, deeding property over, widening roads, and straightening things. We have asked for that and we have not received anything. Vadney – Who did you ask may I ask? Abear – I filled out the request with Wynette in the Town Manager's office and I asked her for everything written and verbal that had bearing on this proposal from the time of the initial application, which actually goes back to 2004. I asked for all staff meeting notes, I asked for all of the applications and all of the working papers. Vadney – When did you ask? Abear – I asked Wynette about a week and a half ago, that's when I filled out the paperwork and before the ZBA meeting I asked in the Planning Office, but I was less educated in the process at that point and didn't realize that there was paperwork that had to go with an application process to do that. Vadney – I just wanted to know when and where so we can follow-up on it. Abear –But

there's a lot of information that's hanging on a wall or been put up or is sitting in folders someplace that's been discussed that I don't think everybody has had the opportunity to go through and I think that's important. There are a lot of caveats to this process. Vadney – As I commented earlier, there were several things said here tonight that I didn't know about. In fact, the Fire Chief sent us a note on the request and he said I have no records on this project whatsoever, none. I know that there were discussions at the ZBA meeting about the 30,000-gallon cistern, I know there are projects in place, but all the same, there are no records that have been created. I've got another 5 pages, but... Vadney – I'm not losing the audience, you are. I didn't mean to cut you off. Danielle Paquette and I would like to read a letter to you from me. I am a born and raised native of Meredith. I plan to build a home here in a rural setting that is not only beautiful, but is also close to the amenities that the downtowns of Meredith, Laconia and Gilford have to offer. I have spoken with the Ducharmes and I am very inspired by and I am in favor of the cluster development. I have seen and I am seeing other Meredith landowners that have been subdividing with the sole intention of making as much profit as they can by creating as many lots as allowed without any consideration to the impact of the land and each other. The Ducharme development, however, dedicates over 50% of the land that's 111 acres to conserving green space. This design is in harmony with the natural landscape taking into consideration the property, the soil and the vegetation. Even though this parcel could accommodate 20 to 21 lots, this plan only requests 14 lots. The Ducharmes have obviously taken great consideration not only to the environment, but also to those who are looking to live in a community that is in harmony with all creatures and I ask you all to please approve this project. Thank you for your time. Julie _____ and I'm a resident of Center Harbor. I also have a degree in environmental studies and I'm in favor of this project. The environmental benefit of clustering show both habitat conservation and natural resource management. The beauty of the rural landscape inevitably draws development, which in turn often destroys the natural features that attracted the residents in the first place. The cluster approach is an innovative solution to this problem. It is a way to manage growth and maintain the rural landscape. It is a model for sustainable development for it lends well for sharing of resources, thereby reducing each individual ecological footprint. This plan dedicates over 50% of the land that's 111 acres to conserving green space. The design cooperates with rather than overrides natural landscape taking into consideration as Ms. Paquette said, topography, soils and vegetation while this parcel in itself can support more intensive, high impact development easily accommodating at least 20 lots. This plan requests only fourteen. This ensures _____ such as steep slopes, wetlands, natural drainage ways and areas of prime vegetation fall where the open space is, thereby conserving the precious of many species. It is my understanding that this 111-acre parcel will be one of the largest pieces in Meredith dedicated to being open space. Privatized land divided arbitrarily creates open spaces much too small for meaningful habitat conservation. In

contrast, the goal of this conservation design is to conserve rather than consume open space. In this project, large areas of land will be left undisturbed and undeveloped and set aside for the use and enjoyment of all members of the community, human and non-human alike. This plan from an ecological and conservation perspective is underdeveloped by density requirements and preserves a huge amount of wild and green area forever. This huge dedication of land should not be overlooked or minimized. This plan has clearly demonstrated a very real and committed concern to the beauty of this area and to the environment. I have previously lived in Meredith and I would love to move back into Meredith to an area that is natural and beautiful like Forestry and Conservation. I would love to live in a well-planned environment like this one that is obviously giving great consideration to the natural surroundings and scenic environment. Finally, just to emphasize the value of evergreen space and the overall feeling I have of the project, I would like to quote a renowned environmentalist John _____. "Everybody needs beauty as well as grass, places to play and to pray, while nature may heal and give strength to body and soul alone." Thank you.

Carol Maguire – I live at 14 Hermit Woods Road which is downhill from the proposed development and I would just like to know how much blasting will be happening during this, is there a lot of ledge? Vadney – As Mr. Edgar pointed out earlier, there have been no test probings done so I guess no one really knows how much blasting will be, it will certainly have to be worked at and we'll have to get some information here at the Board as we proceed. I can't give you the answer now.

Bob Maguire – I too live at 14 Hermit Woods Road. We chose to move to Meredith because we came from a community that was 17 square miles and 50,000 people lived in that community. I happen to have been involved in City government there and I know that Planners in that type of community love the idea of cluster development. In urban areas and suburban areas, I think it makes a lot of sense. It makes no sense to me in this conservation, in this rural conservation area, it just doesn't add up to me. Although I can see the virtue of it in suburban and urban areas, but if I may through you Mr. Chairman, to the initial presenter, he said something about the 10-acre requirement not necessarily restricting to one development or one home, I would like some clarification on that. He said, by the means of what they are measuring and I'm really confused by it.

Vadney – I don't want to take too long on this tonight because it's getting so late, do you want to give a short answer.

Johnson – I would but I don't think I understand the question.

Bob Maguire – When you were going through the various methods with the soils and the acreage and all of that stuff, at one point you said something to the effect that the 10-acre requirement didn't necessarily mean you are only going to get one home in the 10 acres.

Johnson – If I said that, I didn't mean to say that. I think what I said was there are two standards by which a development is judged, density and soils-based lot sizing. The density in this zone is one dwelling unit for every 10 acres. In a conventional subdivision, you have to have 10 acres per lot. In a cluster subdivision, the density is still one dwelling unit per 10 acres, but you

can have a lot smaller than 10 acres. Maguire – Maybe I did misunderstand. I'm happy with the density requirement. Vadney – There are some things that we subtract out wetlands, we subtract out roadways, we subtract out particularly steep slopes and there's another method he eluded to of soils-based lot sizing where we actually look at the septic capability, but there's enough land out there, this would probably meet all of those. I won't say it will, but there's a lot of land out there. Maguire – He eluded to the fact that how we should be concerned about 25 years from now. I've seen 25 years from now, I come from 25 years from now to here and you're not going to like it. Vadney – Some of us are thinking of going further north. Edgar – Mr. Chairman, could I make a suggestion? We know that we're going to have to continue the hearing just given the information that we've had submitted and in fairness to some other folks on the agenda, we do have a few more applications to process, I'm not trying to stifle discussion because we know we have a lot more to be heard publicly, but we do have responsibilities to some other folks in the audience tonight. Johnson – That being the case I would just like to make 3 or 4 brief comments, responses to some things that I heard and then I'll be done for this evening. I especially appreciated Mr. Higgins comments about the concerns of the green area and what may happen after this is approved and that is the major concern that John Edgar has and the Conservation Commission has with cluster in that they don't have a mechanism in place to do that. That's why we are trying to develop a set of covenants and restrictions that deals specifically with how these areas are going to be treated and then tie those items that are pertinent to the development into something other than the homeowners association by having it come before the Planning Board before there's any amendments to that thing, that would be if we had any specific cutting areas, any specific buffers and I know that the owners would be very willing to discuss what particular things can and can't happen in this portion of the development which is four times bigger than it has to be, but still one of the narrowest parts of the green area about his property. The other comments about the watershed protection overlay district, that's primarily administered by the Zoning Board, it's part of what you when you make a special exception request to the Zoning Board for the crossing of the wetlands, those items about the alternative methods of access were discussed at the Zoning Board, that's what the Zoning Board decision is predicated on so most of those don't ever come before the Planning Board, that portion of the Zoning Ordinance is administered by the Zoning Board. In terms of the blasting, I think in terms of Lou Caron's comments, we may have to do a few probes in the area where there is the cut, we don't have to do it in the fill areas because we're filling above, but in the areas where the roadway is a cut, I know we did in Clover Ridge, we just went up through with a backhoe and did some investigation to see if there's ledge there. That would give an indication if there were going to be any blasting at all. A couple of important notes just so everybody knows, the Ducharmes were not the people who logged this area. That was done by a previous owner. As a matter of fact when they signed the Purchase & Sales

Agreement to purchase the property, one of the things they put in the P & S Agreement was that the guy stop cutting so it's important to note that they were not the ones that were responsible. In terms of the restoration of the field area, I think if you look historically at this area, you'll find that great portions of it were field and not forest. Whether this was or wasn't, I'm not sure, but I know that traditionally farms didn't build stonewalls in the middle of the woods. In terms of the view scapes, we can definitely put a caveat in the covenants _____ that's one of the primary concerns of the view issue. Scenic roads, this is a map of Meredith's scenic roads and the statement that most of the roads in this proximity are, but New Road isn't, is correct. Higgins Road is, Eastman Road is, Carleton Road is and Chemung Road, they all are scenic roads. And Hermit Woods. This is the list of the 13 roads in town, the majority of which are here, there's a couple on the other end of Town. Vadney – In the interest of time, I would like to say if this gentleman, you had five more pages of comments you would like to make, if you would get those to John, for the next meeting, this is going to be continued tonight, some of those he can probably investigate, but he does a detailed staff report and maybe some of those could be worked into that and be put to rest even before we meet again, but feel free at the next meeting to bring that list back and make sure they are all covered and for now I would ask if you have something totally new that we haven't discussed in any way, I would be willing to hear it tonight, but for reinforcement we're going to have at least one more meeting on this. Feel free to come back and reinforce your positions any way you like, but I think we have worked this over pretty well. Chris Weaver (resident of Meredith) I've got one simple question, I was wondering if the Board can ever remember a time where the developer has come in and asked for less development than they possibly can do. Vadney – Actually, yes, possibly due to the economic conditions involved. Hearing no more comments that would be new for tonight, I would like to. Edgar – Mr. Chairman, if I could just raise one procedural matter, if the Board were to continue the hearing to a date specific, that would be identified tonight as part of the motion and abutters would not be re-noticed, effectively the motion to a date specific would constitute your notice, so pay attention to what the Board says and we'll find out what the hearing night may be and that's when we would reconvene and the hearing process would continue. Although you won't be noticed in the mail, it will be posted in the newspapers and at Town Hall, etc. Edgar – You wouldn't get that certified mail again if they identify a date specific. It would be published in the Meredith News. So the significance of the continuance is that you would not receive, the direct abutters would not receive a certified mail notice, but it would appear in that respective newspaper. Vadney – It will be on the Town's web site. In your case, you're already here so you are going to know that date in just a couple of minutes. Edgar – One thing I will just bring to the Board's attention, the next cycle would be too close and the time that is needed for any additional submittals and adequate review by all parties, the one after that is basically Christmas. Edgar – The one after that

is right around Christmas, I don't think that would be fair to anybody in the room if we did that. We might be looking at the first meeting in January, the 10th of January 2006. Johnson – That's acceptable to us. Vadney – OK, I will close the public portion of the hearing and turn back to the Board for a motion. Bayard – Just a comment first, I do want to comment and I think it's obvious if you look at the topo on the little two-lot spot, one of those driveways looks like it's rather steep and I'm sure the Fire Chief would have some concerns, I would assume he would have some concerns over that.

Bliss moved, Finer seconded, MR. CHAIRMAN, I MOVE THAT WE CONTINUE DONNA AND ALBERT DURCHARME'S PUBLIC HEARING FOR A PROPOSED 14-LOT SUBDIVISION TO TUESDAY, JANUARY 10, 2006. Voted unanimously.

2. **WAUKEWAN VILLAGE CONDOMINIUM:** (Rep. Peter Howard) Compliance Hearing to determine amount of the performance guarantee for Waukewan Village Condominium, Tax Map S25, 11B, located on Waukewan Street in the Residential and Business & Industry Districts.

Last fall as we went through the approval process with you, we completed cost estimates for the project and there was an agreement arrived at at that time that a construction stabilization bond would be put in place in the amount of around \$109,000 and the agreement was that before any of the units were given occupancy permits, we would come into you and provide an updated financial guarantee on the remaining infrastructure of the project. We have gone through the procedure and process of reviewing things on site through the construction, that's been submitted to John, he's passed it around to the town officials and arrived at a new number for you in the amount of, actually it was revised to \$254,432. I put a plan up on the Board here just to kind of explain to you where we with the project. This that's in gray is base course pavement, it's been placed. These two buildings are nearly complete, if not 100% complete. These buildings are under construction, they are framing them. The foundations are in these other units and these two are not yet begun. The rest of the infrastructure is basically in place and we have reflected the main items on the updated bond. The sewer pump station has been tested and is working and Bob Hill had mentioned a couple of items that need to be taken care of, some inspection really on the brick inverts on the manholes, those are completed on the run down to the pump station for these units. They just need to be inspected; we'll take care of that. A dialer is being installed inside the pump station that notifies us of _____. They were working on that today and that is installed now and we have maintained that extra \$7,000 for those items, but the dialer on the alarm system and the pump chamber is taken care of. The water line is in and chlorinated services to all of the buildings are in at this time. The drainage system is in, the pond went in early and is complete at this time. The fence is in. What is remaining is reflected upon in the new bond and what we are asking for is acceptance of

that so we can go ahead and work with the Town on the occupancy permits for the units. Edgar – Peter had indicated this is a step in the process that was spelled out back when we were in the conditional approval process. The purpose of the hearing is to establish the amount of the performance guarantee. The estimates have been prepared by Peter who had prepared the original million dollar estimate back a year or so ago. The updated estimates have been reviewed by Mike Faller, Bill Edney and Bob Hill. Mike and Bill have signed off on their respective aspects of the numbers. Bob had requested that his be increased by a total of \$7,000 to cover two things, one dealing with the pump alarm and another dealing with the brickwork on the manholes. Peter then has factored those adjustments back in the estimate that you have dated, you have a summary sheet of the detail and the last revision date is November 22, 2005. The total after adjustment is \$254,432. Typically, we look at a Letter of Credit as a form of guarantee and the Finance Director approves the format. As part of the final guarantee amount, Bill Edney worked with Mike Faller, Bob Hill and Chuck Palm on all the occupancy requirements. There are requirements relative to the building itself for final occupancy as well as suitability of the site from a safety point of view to introduce the public into a project like this. This is very much the path that we would follow when we built out the cottage units at Meredith Bay Village so those folks are handling the occupancy side of the fence. I indicated the recommended total amount is \$254,432, the next steps then would be to record the plan and documents and then they would be seeking occupancy permits from the folks that regulate that level of detail in order to convey a few of the front-end condominium units. There is one other item I want to bring to your attention, actually two items. As you are aware, we had some serious siltation issues with this construction site during the very unusual rain events that we've had in our area. In fact, a while back the rain events were not limited to Meredith nor were the siltation issues limited to Meredith. It was a very dramatic time for just about any project, but nonetheless, we have had some issues and there was a very thorough airing of all of that last night with the Board of Selectmen with concerns that were raised on this project, as well as others and from a compliance and enforcement point of view, we had a fairly exhaustive hearing on those issues and there's a lot of information and updated information that was presented to the Selectmen's satisfaction for the most part relative to the response to the rain events. One issue that wasn't acknowledged was that there was some sedimentation silted into a pond downstream and I think there was recognition of agreement between the developer and the downstream abutters to work towards correcting that siltation downstream. That became a guarantee issue. That's the recommendation relative to the erosion control, as well as all the other stabilization elements in the outstanding infrastructure. There is one other item I want to bring to your attention. You may recall at the Planning Board's insistence there was a bus shelter to be required on the project, which has been constructed. I bring this to your attention because it was brought to my attention that the bus shelter because it is located within a 50' strip running

into the development site as you can see here on the site plan, technically it falls within the side setback and that's something that did not get picked up by myself or Bill. Speaking for myself, I kind of associated the bus shelter with sidewalks and light poles and other things that go along the roads and wasn't thinking of it in the context of side setbacks going up a 50' ROW into the property. So as a technical matter and a procedural matter and a legitimate matter, it did not to appear before the ZBA. What I suggested in the staff review on Page 65 that as a condition subsequent, the applicant shall apply for the necessary ZBA relief and I suggested within 60 days just so we don't lose sight of it and that the subsequent as-built drawings that will be generated for the project be filed with the Town to reflect that decision. If the ZBA finds reason to grant the relief, the bus shelter would appear on the as-built and if for some reason they felt it couldn't stay there, the shelter would be removed and wouldn't be picked up on the as-built so from our point of view, we sort of caused at the Board level to require the shelter. It was an omission on my part and Bill's part relative to the application of the side setback for a structure like that and I think it would be prudent to just acknowledge as part of tonight's record that that does need to be addressed and we move on to the ZBA. Flanders – John's comments as to where we ended up at the Board of Selectmen's meeting is correct, but just for the record, the siltation leaving that site and the first time that pond got silted was within a couple weeks of the beginning of construction last winter and the problems, they have been working on them, but silt has gotten off that site a number of times and then when we had the heavy rain events, it got even worse. The Board was satisfied with the testimony from what's going on with Gove Environmental and so forth, but the problem started from day one. Kahn – Is there any way that we can inform the ZBA that the shelter was our doing? Edgar – I would plan to do that as a matter of course. Doug McKinnon – I live at 117 Main Street - I'm just curious, is that the upper end of Waukewan where all of the trees and foliage have been cut down is that where we're talking about? Vadney – This is behind AJ's Welding Shop. How many units is it? Vadney – 57, I think. McKinnon – And obviously someone was OK about the traffic? Vadney – Yes. Finer – No. I live on Waukewan Street and I was against it.

Bayard moved, Finer seconded, MR. CHAIRMAN, I WOULD LIKE TO MAKE A MOTION THAT WE APPROVE THE TOTAL AMOUNT OF \$245,432.75 AS THE PERFORMANCE GUARANTEE (THE FORM OF THE GUARANTEE SHALL BE A LETTER OF CREDIT OR CASH) FOR WAUKEWAN VILLAGE CONDOMINIUM, TAX MAP S25, LOT 11B, LOCATED ON WAUKEWAN STREET IN THE RESIDENTIAL AND BUSINESS AND INDUSTRY DISTRICTS AND AS A CONDITION SUBSEQUENT, THAT THE APPLICANT SHALL APPLY FOR THE NECESSARY ZBA RELIEF WITHIN 60 DAYS FOR THE BUS SHELTER AND SUBSEQUENT AS-BUILT SITE PLAN DRAWINGS TO BE FILED WITH THE TOWN SHALL REFLECT THE DECISION OF THE ZBA. Voted unanimously.

3. THOMAS AND PATRICIA SAURIOL: (Rep. Carl Johnson)

Johnson is representing the owners and proposed buyers, Boutin Associates. This property is located at 118 Main Street just up from the intersection with Waukegan Street. It was formerly a residence with a home occupation. The home occupation was a custom lighting shop. The residence portion of the house was located here and the lighting shop was located in the barn area in the back. The proposal by Boutin Associates is to purchase the property and to do away with the residential use of the property and to have professional office space for a law firm. This law firm is a little bit different than some of the other law firms operating in the area. They don't have people from the general public coming and going to the site. They process largely insurance cases. They do a lot of trial work and so what's anticipated to take place here is normally two attorneys and a staff person, occasionally three attorneys and two staff people would be operating regular office hours Monday thru Friday, 9 to 5 hours of operation. There is a limited amount of parking on the side, there's municipal parking on Main Street and we don't anticipate any more than one car per employee. Two of the attorneys actually live in the same area and generally car pool to reduce the number of cars, but they don't anticipate any traffic beyond that. As I mentioned, this is the type of law firm that does not require members of the general public to be coming in and out, unlike Nungesser and Hill and some of the other law offices in town that deal with members of the general public so it would be a very low impact piece of property. As I mentioned, the residential aspect of it would not be a combined use. It would not be a residence and law office; it would be simply the law office. In terms of weekend use, occasionally they get into a trial situation where they may have an attorney here on a Saturday or a Sunday going over legal work but it's a case where a guy goes in the building and he's in the building going over legal documents and not causing noise or traffic. This requires a special exception to be granted by the Zoning Board of Adjustment. One of the requirements for a special exception is that an approved site plan be on record with the Planning Board. This is that site plan, it was previously just a concept sketch I believe for the home occupation. Basically, that's what's being proposed. I know that Boutin Associates sent out a letter to not only the immediate abutters, but sent out letters in the general area just explaining what they do and what they intend to do. They don't intend to make any physical changes to the building with the exception of maybe some improvements. There are a couple of minor cosmetic type issues going on with the building that they intend to repair, but no outside changes to the building. They weren't even going to have a sign because a sign is not really necessary for the type of business that they do, but there is an existing lighted signpost at the front of the building, so they are proposing a small inconspicuous sign that has the company name on it. Flanders – It sounds like from the presentation, you're going to have anywhere from 3-5 employees there. We've got two parking spaces on-site, that seems a little problematic to

me. It looks like there's potential to create a couple more parking spaces there. Aesthetics are a concern, they could always use grass pavers so they would be able to park vehicles there without rutting, but to potentially throw another 3 cars. Johnson – The theory of the parking is that generally speaking these spaces that are on Main Street are in an area, municipal parking that's provided on Main Street is an area that's not normally inundated with parking spaces. They are generally open spaces so we wouldn't be cramming cars on the site. Some of the employees would be parking in the available municipal parking that's off-site on Main Street. There was an existing business here that if you take the amount of cars required by the residents and the business, you would have to be utilizing some of the municipal parking spaces as a result of the businesses there. This is probably going to be less than, have parking that's much less than the business that was there. Bliss – It sounds like there's going to be a lot of paper generated. As far as throw away stuff like that, are they just going to take care of it themselves. Johnson – There's not going to be any dumpster outside. Most of the paperwork that's generated goes offsite with them. What happens is they review documents, primarily what they do is review, this law firm reviews jury trial documents so they go to their office and pour over thousands of pages of documents, they put them in a big box and they take them to trial so it's not like they are producing paper like I produce paper. Bliss – One other, I don't have a problem with the parking. I feel that it's far enough down and there are always open spaces there and we have businesses right on Main Street now that they park right in front of their business. Johnson – The building that Tony Candage is in essentially has no on-site parking and they utilize municipal parking to a certain extent and this end of Main Street is generally... Vadney – In rough terms, hours of operation 8 – 5, Johnson 9 – 5 is what I heard. There are occasional instances where there may be someone showing up a little earlier, generally that's their normal business hours. Edgar - Two observations, one is that the site plan notes 3,700 sq. ft. of gross floor area and if you kind of look at it on its face, it could be construed as being a site plan improvement for that amount of square footage. I think in looking at the parking waiver, as a practical matter, any approval should be very clearly predicated upon 5 employees max and a low-impact scenario. If you had legal mart coming in to fill up 3,700 sq. ft. of office space and you have a waiver, you could have an impact that maybe the neighbors would take issue with so I think a little bit of caution in terms of clarity in the motion would be helpful so that we're not just waiving the parking carte blanche for 3,700 sq. ft. of professional office and that it has some practical limitations and in the past you've done things such as waive it provided that in the sense that it's predicated by low impact, 5 employees max and any other changes or intensification of use would require site plan amendment. Things like that build into a little bit of extra safeguard that would allow a reasonable proposal to go forward, but doesn't send the wrong signal five years from now, it could be a different owner, a different surveyor, a different Board and we want to make sure that the clarification is there. Vadney – This isn't a home

occupation. It was a home occupation in that building and now it's going to a professional office building. Edgar – I'm not speaking to that, I'm just basically saying this is indicated as 3,700 sq. ft. of professional office space. Vadney – My only point is since we are approving a professional office, a legal office basically, a team of lawyers could sell it and 18 lawyers move in and that's your whole point, this is not a home occupation which is very closely tied to the person living there. Johnson – We would have no problem with the condition restricting this to 5 employees maximum. Doug McKinnon – I live right across the street at 117 Main Street. First off, we did not receive a letter from Boutin Associates, I don't know why that is, but we just didn't. Vadney – Did you receive one from the Town? McKinnon – Yes, that's why I'm here. It seems like that's a major change from a home occupation to a professional business, a professional association. My first question is, who is asking for this waiver, is it Boutin Associates or is it the current owners? Johnson – The application actually has to be made by the owners and the application was signed by and submitted by the owners. McKinnon – I have no ax to grind with the owners. I met Tom briefly, he seemed like a great chap. He's currently living in another home on the lake and they have purchased property in Florida for a second home so clearly, they don't really care what happens in this property and indeed he expressed to me some concern that they weren't getting any offers, in fact, they weren't even getting people to come by and look at it as a residence so this becomes rather convenient for their needs. It doesn't necessarily become convenient for ours. This is a residential area so on the slippery slope theory, once this is waived, what's the next building that has a special consideration, particularly if the owners can't sell it. The short answer is, this being a professional building which is commented on in John's staff report as professional office is allowed in residential with a Special Exception so it depends how it goes through the ZBA. McKinnon – OK so this is the special exception requirement. Vadney – If we give him a conditional approval... Edgar – There are two separate Boards, there's a two-step process to nail in some safeguards that this Board looks at site plans that is the functional side and does a fairly straightforward scope of this, the parking is the question. It's a developed site so we're not looking at altogether new stuff as if it were a shopping center or something. So this Board looks at the site function, site plan and the Zoning Board says that there are some uses that are permitted as a matter of right and there are some things that I call that are in the "maybe" category. Maybe they make sense, maybe they don't. Every neighborhood is a little bit different so you can't cookie cutter every land use so there's a column in the zoning called special exception and what that requires is that this Board acts first and defers to the other Board to look at the special exception and that's primarily where the neighborhood at issue come in. If this Board were to grant an approval, it would be conditional and subject to the other Board doing its thing. If both those things come together, they would then get a final approval and I presume as a practical matter that would trigger the conveyance. McKinnon – So this is about form, the other Board is about function? Vadney – No, the

other way around. Edgar – This Board's about the site functions and the other Board's going to look more about the neighborhood fit. McKinnon – The neighborhood fit is what I'm calling how it functions and the architectural, the drawing is what I'm calling the form. Flanders – Just further explanation, if this gets a conditional approval, on all our site plans we reserve the right to review and amend so if they go to the ZBA, get a special exception, they start using the property and all of a sudden it's a huge problem, we can call them back in under the right to review and amend and if there's a problem, we can either make them correct it or we can revoke the site plan. Tonight isn't the end of it even if they get a special exception if the things turn out to be substantially different than they were represented to us. Johnson – One of the things Mr. Chairman that the Zoning Board looks at is not only what we ask for but how that relates to some of the permitted uses that they wouldn't have to go to the Zoning Board to get relief for. Some of the permitted uses in residential zone are a Bed & Breakfast, Rental Cottages, Public and Private Schools, so there are uses that don't require going to the Zoning Board, would still require coming to the Planning Board and be talking about the issues of parking and things like that. That's one of the issues that the Zoning Board will be looking at is how does this fit with some of the other uses that are allowed by a matter of right. The application for the Zoning Board should we receive a conditional approval will be made for the next cycle of the Zoning Board which is the first meeting in January of the Zoning Board. Edgar – You will get re-noticed as an abutter. Edgar – The neighborhood in the context of the application here tonight is altogether different than your neighborhood. Johnson – I think, Mr. Chairman, his question is that you might not have families living in those structures next door to you. It is your right and indeed duty if you see a problem with this, we may not see it, we drive by and we don't realize what the parking issues are, whatever noise issues that may come about, bring it back to us directly or to John or go to the Selectmen and then we review and amend. Edgar – One of the things that from my point of view was that if this was converted to a duplex or things like that, you might have a bigger impact in the neighborhood than you might have with a low-end professional office so to my point of view, there's a likelihood that this might be a very nice fit in a neighborhood where not to have parties at night and everybody coming over for motorcycle week and whatever. Johnson - I could give you an example, Mr. Chairman, I live on 7 Highland Street in Meredith and it's one house up from the Town Hall Annex which used to be a residence with a family living in it and it now is a municipal building that has several employees, maybe a little bit bigger building but significantly more employees. I live next to that building and I do not see that as being an intrusive amount of traffic or people coming and going to that building even though there are multiple members of the public coming and going to that building. Kahn – I would like to see if it's possible to put one or two more spaces for parking on that lot. I would like to see that. I would also like to see a stipulation that there's no outside storage of garbage. Vadney – The percentage of coverage would change if we start taking the grass. Finer – I don't think its

necessary. Bliss – That would change the whole character, I would rather leave it the way it is, have them park on the street. Finer – I go past there on a semi-regular basis and there are always open spots there. Kahn – Can I have the garbage? Sorell – It's inside, it's inside the building. Edgar – That's a practical matter and I think it's a good point, if for some reason some process played out and all of a sudden a dumpster shows up under a neighbor's window... Johnson - That's a restriction we would be entirely in favor of. Vadney – No external garbage or rubbish.

Bliss moved, Finer seconded, MR. CHAIRMAN, I MOVE THAT WE CONDITIONALLY APPROVE THOMAS AND PATRICIA SAURIOL FOR A PROPOSED SITE PLAN FOR A CHANGE OF USE TO CONVERT A RESIDENCE AND HOME OCCUPATION INTO PROFESSIONAL OFFICE SPACE, TAX MAP U06, LOT 89, LOCATED AT 118 MAIN STREET IN THE RESIDENTIAL DISTRICT, WITH THE FOLLOWING CONDITIONS: (1) ANY APPROVAL IS CONDITIONED UPON THE GRANTING OF A SPECIAL EXCEPTION BY THE ZBA AND SHALL BE CROSS-REFERENCED ON THE FINAL PLANS; (2) FINAL PLANS SHALL BE AMENDED TO INDICATE SETBACKS PER THE DISTRICT; (3) FINAL PLANS SHALL BE AMENDED TO INDICATE APPROXIMATE LOCATIONS OF EXISTING MAINS, SERVICE LINES, SHUTOFFS, ETC.; (4) ANY WAIVER SHALL ACKNOWLEDGE THAT THE APPROVAL IS PREDICATED ON FIVE (5) EMPLOYEES MAXIMUM AND THAT ANY INCREASE IN THE UTILIZATION OF THE SITE WILL NECESSITATE AN AMENDMENT TO THE SITE PLAN APPROVAL AND THIS STIPULATION SHALL BE NOTED ON FINAL PLANS; (5) ANY TRASH/GARBAGE SHALL BE KEPT INSIDE THE BUILDING; AND (6) THE PLANNING BOARD RESERVES THE RIGHT TO REVIEW AND AMEND ANY APPROVAL AS PROVIDED FOR IN SITE PLAN REVIEW REGULATION NOS. 7 AND 17. Voted 7-0 in favor of the motion.

Meeting adjourned at 10:58 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 _____.

William Bayard, Secretary