

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

Vadney – In case you came to hear the issue of the proposed cell tower on Hatch Corner Road that has been pulled from this agenda due to some zoning issues that have to be resolved so that will not be heard tonight and if they go forward from here you'll be renoticed.

Bliss moved, Kahn seconded, I MOVE THAT WE APPROVE THE MINUTES OF NOVEMBER 14, 2006, AS WRITTEN. Voted unanimously.

APPLICATION SUBMISSIONS

1. **JOSEPH AND MICHAEL PELCZAR** - Architectural Design Review of a proposed commercial building and storage building, Tax Map S23, Lots 54 & 55, located on Foundry Avenue in the Business & Industry District.

Applicant proposes to construct a 5,000 sq. ft. building on Lot 55. The proposed building on Lot 55 will be broken into rental bays 4 25' x 50'. Lot 55 will be merged with the abutting Lot 54 which is already developed. Both lots are owned by Michael and Joseph Pelczar. Lot 55 is currently vacant, is substantially wet and has a very limited amount of buildable area notwithstanding zoning relief. Applicants also plan to construct a 50' x 32' storage building on Lot 54. The subject properties are located within the Waukegan Watershed. The application for Site Plan Review has been previously accepted and is also on tonight's agenda for public hearing. As it relates to the application for Architectural Design Review, the application, site photographs and abutters lists are on file, applicant has asked for a waiver to allow for the submission of photographs of a similar building in lieu of architectural plans. I recommend the waiver be granted and the application for Architectural Design Review be accepted as complete for purposes of proceeding to hearing. The hearing on this application should be coordinated with the continued hearing on the site plan application.

Finer moved, Bliss seconded, THAT WE ACCEPT THE APPLICATION OF JOSEPH AND MICHAEL PELCZAR FOR ARCHITECTURAL DESIGN REVIEW. Voted unanimously.

2. **SRB PROPERTIES "ENERGY SAVERS, INC."** – Proposed Site Plan to erect a 60' x 100' storage building with related site improvements, Tax Map S17, Lot 17J, located at 163 Daniel Webster Highway in the Commercial-Route 3 South District.
3. **SRB PROPERTIES "ENERGY SAVERS, INC."** – Architectural Design Review of a proposed commercial storage building, Tax Map S17, Lot 17J, located at 163 Daniel Webster Highway in the Commercial-Route 3 South District.

The applicant proposes to construct a 60' x 100' warehouse building on a lot directly behind and adjacent to the existing "Energysavers" building located on Route 3. The current site is vacant. Applications for Site Plan Review and Architectural Design Review are on file. Site Plan, building photographs and abutters list are on file. Filing fees have been paid. The technical engineering review fee has been paid. I would recommend that both applications be accepted as complete for purposes of proceeding to public hearing. Both hearings should be held jointly.

Finer moved, Touhey seconded, THAT WE ACCEPT THE SITE PLAN AND ARCHITECTURAL DESIGN REVIEW APPLICATIONS FOR SRB PROPERTIES.
Voted unanimously.

4. **RCC ATLANTIC, INC. D/B/A UNICEL** – Proposed Site Plan to construct a wireless communications facility with related site improvements on Tax Map R11, Lot 1, located at 18 Hatch Corner Road in the Forestry/Rural District.

PUBLIC HEARINGS

1. **TOWN OF MEREDITH:** (Rep. Vint Choiniere) Public Hearing pursuant to RSA 674:54 II, to review a proposal to construct a Restroom/Service Building at Waukewan Beach with related site improvements on Tax Map U03 – 28A, located at 72 Waukewan Street in the Residential District.

Vint Choiniere - Sonja Misiaszek, AIA, is here tonight with us who is the architect on this project. If I could provide just a brief review of the existings conditions first along with the existing services that are provided at the Waukewan Beach location. The Parks & Recreation Department has provided lifeguard services, swim team and swimming lessons for many years from the third week of June through the 3rd week of August each summer. I'll point out some of the existing buildings that are proposed to be removed. All three buildings are non-conforming at this point. We have a 4th structure here that is a porta-potty and myself and the Town Manager have recommended that we remove that structure and in the next few weeks it will be on for discussion with the Board of Selectmen for a final decision on what to do with that porta-potty structure once we move forward. Some of the primary problems that we encounter here on the site is we have primarily about a quarter to half of all the vehicles that park over in the existing parking lot hang out into the travel lane. On top of that we have some terrible safety issues for pedestrians once they leave their cars and try to make their way to the buildings or down to the beach site which you have to cross the street to go down to the lower beach area. Also there are no handicap accessible elements to the existing conditions. In yellow, we have marked the permanent structure which is the pump station for the Water and Sewer Department and the white structure here is the proposed new construction. The ground walking path here is the handicap accessibility path and it will carry the pedestrians down safely to the crosswalk to make their way to the

beach. As far as the couple of additional items that present terrible problems for us down there, there are no water and sewer services at all on-site so the non-handicap issue is a problem that we deal with as well. The proposed water source will be an installed well here on the location. There's a sewer line that already exists here that we will tie into. The permanent restroom facility will provide the baby changing stations, serving as private changing areas that will double as the restrooms themselves, drinking fountain, an outside rinse shower for cold water only, certainly the additional parking safety, pedestrian safety and handicap accessibility as I mentioned before. The project has been discussed since back in 2001 when John first started to work on the Community Plan. It's made its way through all the various discussions, Department Heads, Board of Selectmen, various Commissions in Town and another thing I'd like to point out too is this was first crafted in 2004, as far as the size of the building, the functions of the building, that has remained constant since the fall of 2004 as it made its way to the 2006 Town meeting for a vote. We do have a \$20,000 grant to help offset costs from the LWCF fund as well so I think that's most of the conditions and I'd be glad to answer any questions along with Sonja. I should point out here that Sonja could talk a little more specifically about the types of plantings that are being proposed to offer a buffer between the two properties here. The proposal will be a row of hedges that run along here. They will be Pyramidal Japanese Yews. This type of plant can take sun or shade and can be sheared so it can stay within a 10' wide diameter. It's height is approximately 20' and so in this area with the space approximately 8-10 feet on center. It has red fruit and dark green foliage with soft needles. That's pretty much what we're talking about in that zone. Edgar – I just wanted to point out to the Board and the public the provisions of RSA 674:54 which govern what we're doing this evening. The proposal is subject to these provisions that regulate governmental land uses. The statute that we're following is essentially the same statute that we followed with the Police Station project. The statute requires that the Board of Selectmen and Planning Board be notified of the proposed governmental land use which constitutes a substantial change in use or a substantial new use. Although this point could be argued as to whether this is a substantial change for the sake of our process, we have decided to still follow the same process. This notification was accomplished via a correspondence dated November 6th which is in your packet. The statute further provides that either the Selectmen or the Planning Board may conduct a public hearing. The hearing is optional but here again our process has been that we would have the hearing which is essentially what's scheduled for tonight. Either entity may issue non-binding comments relative to the conformity or the non-conformity of the proposal with normally applicable land use regulations to the sponsor which in this case is back to the Town of Meredith within 30 days of the hearing. Whether the Planning Board wishes to offer any non-binding comments would be determined subsequent to tonight's public hearing. We do not invoke formal jurisdiction as we would normally do the site plan's that are commercial in nature. This is a governmental entity so we're actually following the statute as I've outlined it for you. In terms of what we would normally review in terms of the site plan side of things, the use that we're talking about is an existing public use as it relates to setbacks. Any

redevelopment of this property cannot comply with either front or rear setbacks due to the narrow nature of the lot that you can appreciate up on the Board. The applicant in this case, the Town of Meredith has applied for setback relief which was granted on November 14, 2006, as it relates to front and rear setbacks. The 10' required setback in the residential district is complied with. We're indicating a 20' setback on the proposal, the existing small lifeguard building is approximately 60' from the lot. With respect to the wetlands, non-designated wetlands have been delineated by Nicole Whitney, a certified wetland scientist #236. Essentially the wetlands that are on the site plan are the drainage ditches on either side of the railroad tracks to the rear of the property. There are no direct wetland impacts, wetland setback relief was also granted by the Zoning Board of Adjustment on the 14th of November. As Vint has indicated, there currently are no sewer services on the property, the site has been supported by a porta-toilet. The proposed building would be connected to the existing municipal sewer system in the roadway. Currently, there's no water service to the site. The proposal would involve an on-site well to serve the two proposed unisex bathrooms and the outside cold water shower. The proposed building would be served via existing overhead utilities located on Waukegan Street. With respect to site stabilization, I've just raised the flag that significant care needs to be taken during construction to insure that site disturbance is contained and that erosion does not enter the nearby drainage system. The building in the scheme of things of what we normally look at as a Planning Board, this is a very small building, it's only 780 sq. ft., however, it's a very sensitive site given its proximity to the drainage to the rear of the site as well as the lake on the other side of the road so very significant care needs to be taken during construction. With respect to parking, the existing spaces would be shifted slightly to the south to improve safety as was indicated. There is no change in parking capacity; the site however will become handicap accessible via a designated handicap parking space and a code compliant walkway from the parking area to the proposed building. Our Site Plan Regulations typically would require a landscape buffer where a use other than a residential use would abut a residential property. This is the case before us. Although the use is already existing, the proposed structure is significantly closer to the easterly abutting residential property, that being U03-28, than the current lifeguard building. The site plan indicates a form of landscaping along the shared lot line with Lot 28 and typically our final plans would indicate the size and type of the plant material which would be consistent with the intent of the landscaping provisions. With respect to site lighting, no site lighting is indicated on the plans. In instances where lighting is proposed, the Site Plan Regulations would typically encourage use of cutoff fixtures to direct lighting downward, the purpose being to eliminate glare to reduce spillover lighting onto abutting properties. If lighting were proposed, these fixture details would be included on the final plans. As it relates to snow storage other than for access to the pump station, the site is a beach and would not be in use during winter months. It is my understanding that the building would not be heated during the cold season therefore there are no fuel supplies proposed. We would typically review the architecture of non-residential buildings relative to our Architectural Design Review Ordinance, I have just indicated a couple of the features that are depicted on the

right-hand drawing up on the wall, it's a fairly simple ranch style single-story building, the architectural features include a 6/12 roof pitch with architectural shingles, 4" cement cedarmill lap siding and basically it would have the look of clapboard. There's a small front porch running the length of the building facing Waukewan Street and the fiberglass windows would have grills between the glass giving the effect of paned windows. I've also noted that the shingles, siding, doors and trim colors have not been specified in anticipation of a question from at least one of our Board members who routinely asks when so motivated what the color of the project would be and we do not have colors specified at this point. So, Mr. Chairman, in brief that's the kind of things that we would typically look for under site plan review albeit a small project. Vadney – Where does the water supply currently run in relation to this, how close is it to the building? Edgar – It's basically at the treatment plant. You could hit a golf ball with a pitching wedge into the Town's water supply, but the actual water service would be back the plant and I believe in the earlier planning stages of the project, there was an analysis done to see what would be involved to extend a municipal water line to the property and I believe primarily because of wetland impacts and also because of costs, that option was set aside. Vadney – The nearby abutter is not on Town water? Edgar – That's my understanding. I'm personally not a nearby abutter, but I'm on a well that's about 600 feet deep and I don't believe water's extended in that area so we'd have to go back to the treatment plant I believe to access water. Bliss – I really do want to know the color. What color are you proposing? Sonja – At this time the proposal for the bathhouse/restroom facility would be very similar to the Community Center here where it's residential in its color scheme and blends in with the environment. Vadney – The color to be determined is apparently the answer. Richard Juve – I travel that road on a daily basis and I heard somebody here say that there is a problem perhaps with safety in that people have to cross the road. Has that question been addressed since you are creating a facility? I think there is a danger just waiting to happen with young people looking back across that road and the high speed travel that some drivers do on occasion. Edgar – Mr. Chairman, I can take a quick stab at that. The uses are essentially existing, we do have a designated crosswalk that connects the beach/guard building facility to the waterfront. The safety features principally are to try, as it relates to vehicles, to get the vehicles a little further away from the travel lane. Right now there's a very shallow depth of parking and once the 3 structures are removed from that left-hand end that will give us a couple feet of latitude to move the parking inward a little bit so the back end of the vehicles aren't as close to the edge of the traveled way as they currently are so that's one feature and the second feature is to provide a little more coordination in terms of the pedestrian path from that parking up to the bathroom buildings. Currently, there is no real designated area for people to walk. We have to do it from a handicapped access point of view but it would provide a little more definition for pedestrian movements in that area so I think that is essentially the two features as it relates to the site plan. There may be other issues in terms of enforcement of speed limits and some other issues that aren't within the immediate purview of the Rec. Department which, being a resident in that immediate area, I can appreciate there are some pretty excessive travel speeds but

those are principally the two safety-related features that have been incorporated into the site plan. Vadney – Excepting that it's always been a somewhat unsafe situation; you don't think this makes it any worse. Edgar – No, we are not adding capacity, this is not a capacity project, we're not making the beach bigger, we're not making the parking bigger and we're basically taking existing uses on the site, consolidating them and upgrading the facility so I don't see it as compounding the situation. Not having been to the beach recently, there is an existing crosswalk, the crosswalk is positioned where it was desirable with the buildings that are currently there, is that crosswalk going to remain in that exact location, is it in the most appropriate location for the new construction? Vint – It is proposed to remain in the same location, we feel it still would be the safest spot. We did talk about if there would be a better place for it, but if you were to move it up closer toward the proposed buildings, the problem is that Waukegan Street at that point starts to get into a curved area and I think your sight line distance becomes very short and that could actually make it worse. Edgar – The other aspect too is that the current location is the most direct in terms of connecting the beach to the parking area and at that point based upon this proposal, there would be a handicapped accessible sidewalk in essence that would take you up to the bathroom location so it is the shortest, most direct location connecting the waterfront to the other side of the street. Vint – It also moves the pedestrians directly to the stairwell that goes right down to the beach.

Kahn moved, Bayard seconded, I MOVE THAT WE MAKE NO NON-BINDING COMMENTS OTHER THAN THAT IT IS ACCEPTABLE AND NOT IN CONFLICT FROM OUR STANDPOINT. Voted unanimously.

2. **JOSEPH AND MICHAEL PELCZAR:** (Rep. Carl Johnson) Continuation of a public hearing held on October 10, 2006, for a proposed Site Plan to construct a 50' x 100' commercial building on Tax Map S23 – 55 and a new 50' x 32' storage building on S23 – 54 with related site improvements, located on Foundry Avenue in the Business & Industry District. Application accepted October 10, 2006.
3. **JOSEPH AND MICHAEL PELCZAR** - Architectural Design Review of a proposed commercial building and storage building, Tax Map S23, Lots 54 & 55, located on Foundry Avenue in the Business & Industry District.

I presented this project a few weeks ago and the existing buildings on the property owned by the Pelczar's are to the east and they purchased this vacant lot to the west and as we discussed previously, we had a certified wetland scientist go out and delineate the extent of the wetlands and as John mentioned it is a very wet site. There was actually a previously approved site plan by the Town of Meredith Planning Board for some storage buildings which essentially obliterated the entire middle of this property and what we're proposing is to construct a new building of similar size to the existing main structure that's on the property with similar architectural characteristics which I'll mention in the Architectural Design Review portion and also just mirror the existing storage building to provide a little bit extra

inside storage for equipment. This is essentially to try to minimize the extent of any outside storage on the site. We went to the Zoning Board of Adjustment because we are constructing this building within 50' of a non-designated wetland and we were granted the special exception by the Zoning Board so now we're able to proceed with site plan approval. As John mentioned, we don't have any specific tenants at this point. Essentially, there are 4 bays to the building and what we're proposing is that the uses will be similar to the uses that are out there. They are essentially self controlling to a great extent and the size of the individual units dictate that they be a 1 or 2 man operation probably a plumber, electrician and that type of thing. We do have here the office building for Inter-lakes Builders. There is a pump contractor, a tree service and alarm contractor. Those are the types of business that we'll essentially anticipate to have here. The actual Certificate of Occupancy for those tenants would be analyzed by Bill Edney, the Code Enforcement Officer. He would determine if the uses are substantially what we represented to the Planning Board in terms of low intensity, don't have a lot of people coming back and forth from the site and issue the occupancy. If there were a tenant that was proposed that was somewhat different than what we're representing, it would have to come back to the Board under their right to review and amend for that particular tenant. We don't anticipate that being the case. We did talk a little bit about the drainage aspects. We're not creating any additional pavement on this site. The building that's being proposed here is already disturbed area, it's flat so there's no increase to the lot coverage, there's no increase to the runoff in that area. There is the actual building itself, but as you can see in proportion to the total site and the fact we're not creating any additional pavement or parking to access that building, there would be little additional runoff. The roof line, of course, would be running along the long center part of the building similar to the existing structure and what would come off the back essentially would just be absorbed by the surrounding area. In the front, you would channel down the existing swale which goes out into the public ROW. In the public ROW, there is an existing swale inside the ROW that's maintained to provide the drainage and drains into an existing culvert that goes across the road. We don't anticipate there would be any significant changes to the drainage. One of the benefits of what we're doing and one of the benefits of having the ownership of both parcels is when we merge this, although the lot coverage is significant on the main parcel when you consider it in terms of the whole, lot coverage actually goes way down and there is no direct impact to the wetlands. This entire wetland complex is essentially to remain unchanged. One of the other issues that came up was the existing septic system. We anticipate to tying into that existing system. That system was designed by David Ames and I've been in contact with Mr. Ames and he will be providing the Town with a guarantee that the system as it is constructed will handle the additional employees or that there will be a change to the system that will accommodate the additional employees. He has been retained and there is no problem in terms of the loading and no problem in terms of the location. Essentially what happens is because it is transient use, there's no residential use here, the actual gallons per day is very, very low so the system as designed, although it says for a certain amount of employees, it actually is probably much under the capacity. David is

going to be providing that type of information to staff and hopefully that can be made a condition of the approval and it will be reviewed by staff in terms of its capacity to handle the additional employees. There will be no residential use, just a simple washing sink in each one of the bays for the benefit of each one of the employees. With regard to the architectural nature of the building, but you should have the photographs in your packet. The photographs that are here are the existing building that houses the businesses on this lot. The proposed building across from it is going to be of similar architectural characteristics. Mr. Pelczar is here if you have any specific questions about the style and colors. It blends in quite nicely with the area. I've taken some photographs of the other buildings in the area, to the lower right is the storage building which is a very simple Morton earth-tone building with an overhead door and an entrance door and the second page of the photographical analysis are buildings that are adjacent to it. The building in the upper right is the storage building which was formally owned by Ippolito's Furniture and they were using it to store furniture. It's an industrial building in the B & I zone. That building would be directly across the cul-de-sac from where this proposed building is. On the second sheet, the building that's to the lower right which is big rectangle and its got doors on the end and on the other side there's doors of access. That's the building that's immediately to the east. Village Canvas and a couple other buildings are in that building. Slightly up the road on the other side are the public storage buildings, that's the photograph to the left, those are basically just rectangles and the next building up is the building that was actually erected by Mr. Leighton and as you can see, it's a rectangular industrial building with not many architectural features to it so I think you can see that the style of the building is in character to what's in the neighborhood. They are in a very low visibility area. This building is several hundred feet from the highway and there is a 50' vegetated buffer required and there's no intention of cutting any trees or doing anything to that buffer. Essentially, the entire lot, several hundred feet of buffer is going to remain there as a result of there not being anything on that portion of the property so all of those trees will remain on this part of the property. There was some question on the setback shown on the plan, whether it was a 30' or 25', I actually called it two fronts because it fronted on Foundry Avenue and Route 104 so I showed the 30' which is actually a more restrictive buffer so I think if we're going to show that, that's actually slightly more restrictive. I did add a couple of details based on John's staff review. We added the proposed overhead utility line coming into the building from the pole that's right out front. There are a couple of propane tanks. The type of heat for the building has to be approved by the Fire Chief prior to issuance of a Certificate of Occupancy but it's proposed at this time to be a propane heat building. We've added the landscape buffer, the ZBA decision and the note about Dave Ames. The existing well will be used as the water source. There is an existing driveway accessing Foundry Avenue. There's no changes proposed to the driveway, but because it's a slightly more intense use, we will go to DPW and get a revised driveway permit if there is a driveway permit on file. If there is not, we will get a driveway permit for the existing use and the proposed use. Because of the nature of what we're doing and the fact that we're leaving the bulk of the property undisturbed other than the landscaping that's

associated with the project, I've added a couple lights that are similar to the ones on the existing building. They are downward shining simply just security lights. There were problems with break-ins in the past so some additional lighting was added, but essentially it's shining down, no upward shining lighting on the site. It would require a lot merger as part of the conditional approval. Edgar – I think Carl covered it. We do need written verification from David Ames as it relates to septic capacity. That's something we could handle as an administrative matter. Similarly, would be the final issuance of the driveway permit as well as verification of the lot merger. Those are the 3 conditions as well as the review and amend, all of which can be handled as administrative matters. Worsman – Is the lot merger an attempt to circumvent the new proposal for a 2-acre minimum in the Waukegan watershed area? Johnson – There's no requirement for that if it's not a residential application. It applies only to the creation of lots. These lots already exist so it's essentially an unsubdivision. We've tried to plot this building in the area that's the most buildable on the site and because we did that, the lot line that separates the two lots run right down the side of the building so the lot merger is necessary to do away with the setback from that lot line so it essentially creates one big lot where two smaller lots previously existed. There's no applicability of this project to the Waukegan Watershed Overlay. Kahn – I went by there the other day and I was struck that the area, I didn't go further in but the area just behind this proposed building is really a stream, it's sort of a small ravine with a stream in it and I guess what I'm concerned about is when you have the building that close to the stream, I know where that stream's going, it's going right to Lake Waukegan. How it gets there I don't know, but that's where it's headed. If you have employees hanging out behind the building for lunch or something like that, is there some way with landscaping or fencing that we can keep them from dumping junk into the stream because on the other side of that stream on the next lot over to the west is I think Comstock and if you look at their side, they've got a silt fence that's kind of buried up to the top 6 inches and there's various junk that they've pushed over from their parking lot down into the wetland and it's just kind of disgusting so I would like to see something done here to prevent that from happening over the years with respect to this building. The Zoning Board of Adjustment has given its blessing to building the building nearly on top of the stream, what can we do to prevent people from dumping cigarette butts, beer cans, paint cans and what have you into the stream? Vadney – We have before put no outside storage on facilities and I guess that could mean debris. Kahn – How about no outside storage, but how about in terms of landscaping or fencing along the line of the top of the ravine. We've got a silt fence indicated here, if it's going to be like the silt fence on the west, it will be a permanent establishment but it doesn't do much. Vadney – Have we done that on any other cases that you know of? Edgar – I'm not aware that we've done that, it doesn't necessarily mean that it's not a good idea. Kahn – What about a berm? Edgar – Are there any plans to have any access off the rear of the building, Carl? If the answer to that is, no, then it might be as simple as putting a couple extensions of fence off the sides of the building. Johnson – I don't see where the nature of this building is going to attract people to be hanging out behind it, but if there's a question in terms of being able to restrict easy access to the back of the building

that might be accommodated by some type of a barrier on either end of the building simply to prevent people from easily going around to the back. I don't think you want to permanently want to restrict access to the back of the building for a lot of different reasons. I'm not sure anybody hangs out at the back of this building that's there now so I don't see that being a real issue. The silt fence primarily is the silt fence that was proposed to prevent any sediment from entering the wetland area or the brook during the construction process but because of the nature of this site and the nature of the grading, there's not a lot of earth disturbing activity that's going to go on in that area, it's pretty flat. It's not like you're going to be having an 8 or 10' cut in the adjacency to the brook. One of the best barriers to set an erosion control is a foundation wall and there's going to be a big one right in this area. Vadney - I would hesitate to put a berm there if it tended to concentrate water and may cause more erosion than it stops. That could be a problem with this building being so close to the wetland. Kahn - Mr. Chairman, I think the water would flow down to the swale on Foundry Avenue if you had a berm protecting the stream. Vadney - And it might, it may be something that could be looked at. John, did you look at the drainage out there specifically? Edgar - No, I've indicated in the staff review that I want Mike to sign off on final drainage, it's not a lot, it's basically one-half of the ridge line that's coming back so it's not a huge amount of water, but I've recommended in the staff report that Mike sign off on the drainage aspect of it. Johnson - When I have discussions with Mike about the driveway permit and the revision to that and the direction of any water into the swale, if he has no objection to a plan note here which would just say swale to drain, you could take the water that's running off this side of the building and just swale it towards the road and swale it away from the brook. That will solve the drainage issue. That wouldn't necessarily address the issue of people hanging out there, but I wouldn't see the nature of this site where people are going to be hanging out behind the building, I don't see that as a problem. Kahn - It's not just a lunch hangout, I don't want the brook turned into a dumping ground and I think if you build a fence or you build a swale, it discourages people from pushing or dumping junk over into the brook. Vadney - We do have other codes, not enforced by the Planning Board, that prevent or should limit the amount of junk thrown into a brook. Kahn - Take a look at the west side of that brook. Vadney - If there's something like that happening, I guess maybe other people need to be notified other than the Planning Board. Bliss - Mr. Chairman, if I could while Lou's comment is really good, it's horrible that people do that but a fence isn't going to stop the bad people from doing it. They are going to throw it over the fence and I think that's an unnecessary amount of money to ask this applicant for that. Vadney - It's more of a good neighbor issue than it is a planning decision. Edgar - Mr. Chairman, the ZBA decision did stipulate I believe that there would be no use of this particular lot other than the building and I think that was one of the stipulations in the ZBA decision so maybe that could be reiterated in plan note fashion with some specific reference to the rear of the building that it's not to be used for storage of any kind, etc., and at least that way it's not foolproof but if there became an issue, it would be something that's enforceable by the Planning Board. Vadney - We don't have any "no outside storage" comments on this. Carl's added that as a plan note just above the

schematic on the left-hand side, which indicates “no outside storage of hazardous materials” and that’s kind of a standard note that we go with for anything in this particular watershed, but something similar to that maybe could be expanded upon as it relates to the rear of the building to be a little more all encompassing. Johnson – We could put a note at the back of this building that would somewhat restrict its use. I think my envision of the back of that building is to be in its natural state with the exception of the immediate area surrounding the building so pedestrian traffic proposed back there, there’s no type of employee gathering areas so we could probably come up with a note that would say “no outside storage of any kind in that area” and possibly talk a little bit to Mike about swaling the drainage away from the existing brook and into the swale which then goes into the existing brook. It would at least give some moderate treatment to it prior to getting into the brook. Edgar – I think the idea of that swale would serve a couple purposes, it would certainly discourage this use for storage and it would have the effect of holding back, we’re talking about a small amount of water so effectively, the treatment swale would also, as long as it’s approximately 100 feet long, would also provide a level of treatment, slow the water down, allow for some infiltration before it even gets underneath the road so that would probably be a positive feature for everybody’s benefit. Vadney – It won’t be long before Mother Nature plants some burdocks there anyway and keep everybody out. Bayard – What’s the setback for the wetlands? Edgar – Normally for a non-designated wetland, it’s 50’ for construction, 75’ for septic. Bayard – And what about for a brook? Edgar – For a non-designated brook I believe it’s 75’. I think we need at least a site inspection before we can, we’re talking about the brook here.. Bliss – They’ve already got their ZBA approval. Kahn – They represented it was a non-designated wetland rather than a brook. Bayard – And I also think we may have some obligation under the Master Plan to look at what’s appropriate to put next to a brook that feeds into Waukewan and we just had a vote on this issue last year. Vadney – I agree, but that vote doesn’t affect this particular piece of property. It might as well not be in the same area. Johnson – The Waukewan Watershed Overlay District would allow the construction of a 50,000 sq. ft. complex within 100’ of Lake Waukewan if it did not have any residential aspect to it. It has nothing to do with site plan and has nothing to do directly with the disturbing of land and alteration of terrain. It has only to do with creating a minimum lot size for subdivision purposes. Edgar – That is correct, Mr. Chairman, at this point that is the sole provision of the overlay district and it is a residential density or a minimum lot size requirement depending on the application. It is not specific to non-residential development at this time. The other aspect of that, Mr. Chairman, is that the Planning Board had previously approved a site plan for this lot when this property was developed for Business & Industrial use which I showed to the Zoning Board of Adjustment as a matter of comparison of what was once approved for this lot and essentially obliterates the entire central portion of the lot. You wouldn’t have had the brook or the wetland, you’d have no protection. You’d have a multitude of different impacts. This project has “0” direct wetland impacts. It’s a buffer impact only and you can see the amount of land that’s actually being used for the purpose of creating this building. Vadney – I would like to point out though that although this is a far better development than

was previously proposed, the previous proposal should have no impact on your decision making, it doesn't matter if that was approved or not. We're basing our stuff tonight on what's in the current ordinance and then what the situation is. Kahn – Mr. Chairman, I was over there 2 days ago, I saw a brook. If what you're telling me is that a brook has a 75' setback and one got a variance on a 50' setback, that variance isn't worth the paper it's written on. They needed a variance from the 75' setback from a brook and I'd say, they've got to go back to the ZBA and do it right and what this Planning Board did in 1970, 1980 or 1990 is irrelevant because we can correct our past mistakes and we will. Johnson – it is the jurisdiction of the Zoning Board of Adjustment to enforce the portion of the Zoning Ordinance dealing with the wetlands and the brooks. The Meredith Conservation Commission viewed the site, they weren't particularly happy with the project, but the Zoning Board of Adjustment understood and recognized that whether or not this drainage is a brook, whether or not it has a scarified channel, it was not designated by the soils scientist as a scarified channel, it was designated as a wetland. If that's something that has to be revisited, we might be able to revisit that, whether or not that's a brook and whether or not the setback is 100', 75' or 50', this building represents a reasonable minimal amount of use for this property and if we're going to get into the semantics of whether or not the Zoning Board's decision is void, perhaps the Planning Board should draft a letter to the Zoning Board asking them whether or not they know what they are doing. Vadney – I agree this is an encroachment but it is a minor development and indeed Mr. Pelczar I guess is in the happy situation that this lot is basically only of any use to him because he's the only one that owns the one beside it that can allow access in the way that Carl has put forth to us. At the same time, Lou makes good points on the water so I look to you folks, do you want to press on with conditional approval or do a site walk or take the approach that as Mr. Johnson has said, you would have to go back to the ZBA and say, should this be revisited? We can't order them to do it, we can ask them if they think it should be revisited. Bayard – In keeping with the input, I would also like to get input from the Conservation Commission on this project before we go forward as well as from the site walk. Bliss – I was just going to say that I do think we have to be careful on how we make comments about our fellow volunteer Board members of the Zoning Board and I do think they went through this. We also have a representative from the Town being Bill Edney that sits on that Board like John does and I think we're going down a slippery slope if we start second guessing what's already gone to them which I'm not really sure why it already went to them, but I would like to see us press on with this. Finer – I would agree with Pam, I want to see us press on. The Zoning Board to my knowledge, they individually all do site walks and they all look at what they are voting on before they go to their meetings and I would trust their judgment and press on. Bayard – One further comment on the snow storage areas, was that included in the decision by the Zoning Board? I have a concern about this being in the wetland buffer and we have snow storage listed here which appears to go fairly close to this brook/wetland whatever it's being called now and I don't know if that was part of the Zoning Board approval to have this snow storage there or not. Johnson – It's where the snow is plowed now. Vadney – The ZBA would have just looked at the offset from the

building. They wouldn't look at snow storage at all, would they John? Johnson – One of the things the Zoning Board also looked at is what would be the situation if this was not the Pelczar family that owned this lot. They happen to be benefited by the fact that they are the only abutting parcel. If they were to sell this parcel and another applicant walked in, they would be faced with the fact that they cannot do away with this property line and they would not be able to put any type of a building there. Now they may have to downsize their building, but I can guarantee it's going to be a lot closer to the brook as a result of setback issues so they looked at that because the only reason we're able to do this and put the building as far away and not increase the parking and not increase the amount of pavement on the site because they do own both parcels. Touhey – The information here indicates that there are 57 parking spaces and its anticipated there will be 25 employees. If I'm doing this correctly now, we have 5 businesses there and we have an existing storage building that I suppose could be another business, we are proposing what could be an additional 5 businesses in the red area and another storage building that potentially could be another business. The parking spaces that are delineated here at the side of the existing building are actually access ways into the bays as would be the parking spaces on the side of the proposed building so one might say are they access ways to the bays or are they parking spaces? Also, is there outside storage at all and I define outside storage as being construction vehicles? Johnson – We have some photographs here that were taken fairly recently and I think you can see there is virtually no outside storage around these buildings, there's some vehicles parked there, if you look at the photograph on the lower right, there's a service vehicle parked outside the existing storage building. I just want to back up a second, there's no 5 businesses being proposed. This is a storage building, nobody can turn that into a business without benefit of coming back to the Planning Board for approval and from a practical sense that generates "0" parking spaces, that's simply a place to put stuff under cover. In terms of parking in front of the bays, you're right, but you can either show a parking space outside the building or you can show it inside the building, the fact that it's a bay and the fact that you can park a truck and the fact that it's an employee truck or a business truck, it's a space so whether you show it inside the building or outside, it doesn't really matter in my mind. The other thing we talked about at the last meeting was there will probably be a learned parking behavior. Are you going to pull in in the morning and park in front of the bay when the truck is going to be going out 20 minutes later? If you went there during a normal business day, what you'll see is the amount of parking required for the existing businesses on this lot is twice as much as you need. The businesses that are there are largely driven by the number of employees. They don't have people coming in, they don't have a lot of clients coming back and forth. Every time I went out there to park, there were virtually no cars parked on this position. One of the advantages of this property is that the existing parking pavement meets the specifications of having 2 bays of parking and adequate space between so if you want to move one of these spaces inside the bay and there's an employee vehicle parked inside the bay, we can do that but I didn't think it was necessary to do that. Worsman – I guess I do have some serious concerns with this proposal. Looking at the lot, it appears to be significantly

substandard. I do understand that it would be difficult to build anything else on this piece of property, but there's no provision, the provision of building on this lot and in addition piggybacking on the current septic system that's already installed, my instinct is telling me that septic system was designed for the current businesses that are there assuming the nature of mankind, yes, we might assume that each of those bays is going to have 2 or 3 employees, but every one of our businesses hopefully grows and there could end up being 2-5 employees. I'm concerned that we're using a substandard lot in the Waukegan Watershed piggybacking on a septic that's already being used. There are a number of things that are making me very uncomfortable with this building. Johnson – Mr. Chairman, let me point out one thing, if this project is not by the Pelczar's utilizing a State approved septic system on the other lot, guess where the new septic system for a proposal on this lot regardless of what size building it is. It's going to be with waivers up the kazoo but its going to be right on this lot because they only have the favor of the Pelczar family to tie into the existing septic system. I would think that anybody would be absolutely thrilled that they are going to use this septic system which is on this lot farther away from the wetland than potentially consider a septic system on this upland area with waivers for a smaller building and maybe the smaller building will have more employees. Vadney – I agree with that and the rules for the septic systems are pretty conservative and this type of system as you can see is nothing but minor toilet use, there are no disposals and stuff putting high yield stuff down the drain so I personally am not too worried about that septic system. Carl does make a good point if this does not go forward under one owner with a Boundary Line Adjustment and it stays 2 lots and the new owner comes into there, you could see something worse that you would have no control over. One benefit of having this by one owner, that one owner can manage the parking back and forth between the two major buildings. As a matter of fact, it would be his duty so to speak to manage the parking and since it is recombined, the chances we would ever subdivide that land again is somewhere near "0" and the only other thing would be to condominiumize it and that comes back before you as well so you'd have a chance, if he ever wanted to sell one of these buildings and you thought that would get you into an operational problem, you get another look at it so I think we've got some relatively good safeguards on it and to delay it anymore is probably not in our interest. No public comment. Vadney - We can continue it, we can do a site walk, we can do a conditional approval, we can request the ZBA to re-look at it and the options are yours. Hearing closed at 8:15 p.m.

Bliss moved, Finer seconded, MR. CHAIRMAN, I MOVE THAT WE GRANT CONDITIONAL APPROVAL TO JOSEPH AND MICHAEL PELCZAR FOR A PROPOSED SITE PLAN TO CONSTRUCT A 50' X 100' COMMERCIAL BUILDING ON TAX MAP S23, LOT 55, AND A NEW 50' X 32' STORAGE BUILDING ON TAX MAP S23, LOT 54, WITH RELATED SITE IMPROVEMENTS, LOCATED ON FOUNDRY AVENUE IN THE BUSINESS & INDUSTRY DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) VERIFICATION FROM DAVID AMES THAT THE EXISTING SEPTIC SYSTEM CAN HANDLE THE LAVATORIES THAT ARE PROPOSED WITH THE NEW 4-UNIT COMMERCIAL BUILDING;
- (2) THE DPW DRIVEWAY PERMIT IS REQUIRED FOR EXPANDED USE AND SHALL BE CROSS-REFERENCED ON FINAL PLANS;
- (3) THE DPW SHALL SIGN OFF ON ANY PLANS AS RUNOFF WILL PASS THROUGH THE TOWN ROW;
- (4) ANY APPROVAL SHALL BE SUBJECT TO THE LOTS BEING MERGED IN ACCORDANCE WITH RSA 674:39-a PRIOR TO FINAL APPROVAL;
- (5) THERE SHALL BE NO OUTSIDE STORAGE;
- (6) THE SNOW STORAGE SHALL NOT BE ALLOWED IN THE BUFFER ZONE AND EITHER BE HAULED AWAY OR PUT IN OTHER AREAS;
- (7) THERE SHALL BE A BERM PROVIDED IN HEIGHT AND WIDTH SATISFACTORY TO THE TOWN PLANNER ALONG THE EDGE OF THE STREAM AND IF NO BERM, THERE BE A SWALE.
- (8) ANY EXITING TO THE BACK OF THE BUILDING SHALL BE "EMERGENCY ONLY" EXITS SO IT'S AN EXIT AS OPPOSED TO BEING ABLE TO GO BACK AND FORTH; AND
- (9) THE PLANNING BOARD RESERVES THE RIGHT TO REVIEW AND AMEND.

Voted 4 in favor of the motion as amended, 3 opposed (Worsman, Bayard & Kahn)

Bayard moved to amend, Touhey seconded, THE SNOW STORAGE NOT BE ALLOWED IN THE BUFFER ZONE AND EITHER BE HAULED AWAY OR PUT IN OTHER AREAS. Amendment 7-0 in favor of the amendment.

Johnson - We would agree to that, Mr. Chairman.

Kahn – Another amendment. I think we've got to get that swale in there. I think we've got no outside storage and I think it was agreed that there would be no rear exits on that building to the west, was it not? Johnson – That's my understanding, however, I would leave one caveat in that if it's a code issue, there has to be an exit on the back for emergency purposes only. Kahn – How many exits are we talking about? Johnson – I'm not a code person, but I think you need 2 for each bay. The emergency for each bay on the end could be on the end, but you may have additional code. Kahn – 3 exits to the rear. Edgar – Two. Vadney – Why don't we just leave it up to whatever the code requires? Johnson – There are 4 bays. Kahn – I don't want to put in a provision that's essentially meaningless, Herb, No exits except as required by the code and the code requires 4 exits, what have I accomplished? Nothing, then I'm back to my fence or my berm so if we're talking about, how many exits, two? Johnson – There would be a minimum of 2 that would need it if there's a code issue for having an exit in the back. Kahn – Mr. Chairman, I have two amendments, one is that there be a swale or in the alternative that there be a swale and that there be a berm along the edge of the stream, those two amendments separate. Bayard – One amendment is the berm

and the swale, is that one amendment? Kahn – No, one amendment is the berm, I don't really care about the swale, but if there is no berm, there should be a swale so let's do it as one amendment. There should be a berm and if not a swale. Vadney – I don't want to get into a lot of design details. Kahn – Mr. Chairman, we have had conditions that there be berms, we had one up on Waukegan Street with Leighton's building, I see no reason why there's any difference here. Vadney – What you're really looking for is some way to shunt that water toward the street instead of toward the brook. Kahn – Actually what I'm doing is two things, I'm shunting water toward the street, but I'm also shunting garbage back into the back yard where there are at least 2 exits off the rear of the building. Vadney – To be honest it's rather meaningless to say berm if you don't have any dimensions as to whether it's 1" high or 11'. It bothers me a bit to get into that type of design. Finer – I'd rather see it handled administratively through the proper channels. Kahn – If we don't put a condition on there, it won't be handled administratively. Finer – Yes it will, John is on top of this stuff. Edgar – Lou's correct, it has to be a condition to be administered. Kahn – That there be a berm in height and width satisfactory to the Town Planner. Bayard – Because we are very close to what appears to be at least in that area something close to a brook and if the building is 10' away or something, I do think a berm would make some sense back there.

Kahn moved to amend, Bayard seconded, MR. CHAIRMAN, I MOVE THERE BE A BERM IN HEIGHT AND WIDTH SATISFACTORY TO THE TOWN PLANNER ALONG THE EDGE OF THE STREAM AND IF NO BERM, THERE BE A SWALE.

Voted 4 in favor of the motion, 2 against (Bliss & Finer).

Bayard moved to amend, Kahn seconded, ANY EXITING TO THE BACK OF THE BUILDING BE "EMERGENCY ONLY" EXITS SO IT'S AN EXIT AS OPPOSED TO BEING ABLE TO GO BACK AND FORTH. Voted 7-0 in favor of the amendment.

Bliss moved, Bayard seconded, I MOVE THAT WE APPROVE THE ARCHITECTURAL DESIGN REVIEW FOR JOSEPH AND MICHAEL PELCZAR. Voted unanimously.

3. **ANNALEE MOBILITEE DOLLS, INC.:** (Rep. Carl Johnson) Continuation of a public hearing held on October 10, 2006, for a proposed Site Plan Amendment to change commercial office building to a Gift Shop, Tax Map S23, Lot 28, located at 50 Reservoir Road in the Business & Industry District. Application accepted October 10, 2006.

You're familiar with this project so I won't go into an elaborate explanation of the site details. You did do a site walk recently but essentially the project is to relocate the existing Annalee Dolls Gift Shop from the abutting property to the main building which is at the end of Annalee Place. We had several discussions at the last Planning Board hearing, a lot of it centered around the existing parking and whether or not the parking was sufficient to handle the relocation of the gift shop

from one portion of the property to the other and John has identified a couple of additional items in terms of handicap access and parking which we'll talk about a little bit but the bulk of the discussion on the parking and access was relating to the easement that was granted by the owner of the front parcel to the owner of the back parcel keeping in mind that many times the people involved are the same, but the ownerships are different by virtue of a trust or LLC or slight differences in name. At the time the easement was granted from one parcel to the other, the ownerships were different. Subsequent to the granting of that easement, the ownership of the front parcel changed so now the ownership of the two parcels is the same. The legal implication of that is the easement has no effect because you cannot have or grant an easement to yourself. If the access easement for the parking was not a condition of an approval by the Planning Board, it's not something that has to be reviewed by the Planning Board. Essentially the same property owner owns both parcels now so the easement has no effect. There can be an additional easement granted, there can be a right guaranteed by one parcel to the other for access and more parking if the Planning Board should see that would be necessary either for the development of this parcel or for any further development of the back parcel, since the back parcel has no frontage of its own on this road. It is benefited right now by the access coming from Reservoir Road. The parcel itself does have frontage on Reservoir Road but it's not accessible, it's separated by not only a wetland complex but it's separated by Reservoir Brook. Although there's frontage, it isn't usable frontage and that's not an access so at some point in time as the properties get conveyed, there should be some type of a right granted but that existing easement that was granted from one to the other essentially has no effect so I've removed it from the plan. It was granted to benefit occasional overflow parking and for the right of access and egress to the piece. I've included also here an aerial photograph which gives you a pretty good indication of not only what the site looks like, pretty much all the buildings that are shown in this aerial photograph are there and this was taken at a time when you can see some of the existing parking utilized by the different aspects that existed at that point in time but this shows Annalee Place which was Hemlock Drive. It also shows Reservoir Road and the access in the parking lot showing a roadway that leads to the back so this is essentially a snapshot of this piece that you're interested in. There were some issues raised during the site walk and I'll let John address those in the staff review. I've made a couple minor modifications to the plan based on some of the notes in the past and the future and I can make some additional modifications as we go along. Bayard – I don't understand the easement issue, I think what you're saying is the same people own both properties, but they may be in separate corporate names. Johnson – They were the same people before so they have the right to grant an easement. Bayard – If they were to sell the properties separately, they would have to grant something for access. Johnson – They wouldn't have to unless the buyer demanded it or unless the Planning Board required it as part of their site plan approval. Kahn – The purchaser's site plan approval? Johnson – Or this one. It's reasonable to assume that because this is the only logical access to get to the back piece that there should be some provision that does not restrict that. We're not planning on anything that we're doing restricting it, we're expecting it to

be situation normal. When it was all Annalee Dolls or it might have even then been separate ownerships, but when it was functioning as Annalee Dolls and this was the office building and design, there were the long stretch of buildings, the maintenance, the gift shop and the museum, this was the access to the gift shop and the museum. It always had been the way to get there. There is a way to get there coming past the maintenance shed down this road which is in the back but I think that was generally discouraged to be a public access and that was used primarily for the employees. Since it is exact ownership, an easement has no effect, you can't have an easement to yourself. John – It does raise a question since the back lot has no other access could we put a plan note there that says, assuming we go ahead and approve this, it's not going to be a Boundary Line Adjustment, it's going to remain two lots, could we put a note there that says that either lot cannot be transferred without proper encumbrance with an easement. If we don't do it now, we could leave it so anytime it came back to the Planning Board for any other reason or for sale; it would have to have one added to it. I don't want to get painted into the corner of a landlocked piece of property. Edgar – I think it might be appropriate to reserve that area and to make it clear, I guess in my mind I'm still trying to understand Carl's answer. Is it fair to say that at this point the lot that we're looking at is not encumbered by any shared parking as it relates to the rear property, is that fair to say? Johnson – The easement that was crafted did mention "occasional additional" was the terminology used in the easement. Edgar – So essentially for whatever reasons that's no longer valid. Johnson – Because they are the same ownership, it is not something that was instituted by the Planning Board. Edgar – Is there any intent to re-establish that if and when the ownership changes and the reason I say that is because we need to get our arms around what we're evaluating? Are all of these parking spaces available to the gift shop and the rest of this operation or is there a plan at some point in time for that not to be the case? Johnson – Let me give you two scenarios because I can't predict the future but I can tell you what two things could happen, one of which would be the Thorndike Partnership would sell both parcels, the gift shop parcel and the office parcel to the same owner, then you'd be in the same situation where you wouldn't need the easement because it would be the same owner. If they were to convey either one of these properties separately, it would create a situation where I believe the owner of this piece would want to make sure that there was a provision at the very least for access. Whether or not they would need to have a provision for parking would be in discussion between the two parties. When they came to the Planning Board for say this piece, the Planning Board may say do you have the ability to provide for any additional off-site parking in which case they would have to either procure an easement from this piece or if they were the same owner, they could just say we're going to use parking there too and then that could be incorporated in the site plan approvals such that when the use changed, it would be a site plan dictated condition not a deed condition. Does that muddy the waters? Edgar – A little bit. Kahn – I think we can craft a condition such that if the back lot is sold, there shall be an amendment to the site plan providing access to the back lot satisfactory to us with sufficient parking remaining on the front lot. Vadney – It should be a note that we put on there now. Kahn – That we put on the front lot site

plan and I think we can craft a condition such that we don't have to sit around here trying to figure out what the easement looks like. Edgar – I would keep the issues of access and parking as separate issues. Maybe there are multiple provisions in a conditional approval of sorts but clearly the access issue is somewhat separate. They are looking for a very substantial parking waiver and I think you have to understand at some comfort level for yourselves what number of parking spaces are you really looking at that would be available to this front property and if the back property has the potential for utilizing the parking, then that certainly has to be part of your consideration. If it's not on the table now, you can craft it in such a way that that's a stipulation at least as it relates to this and then at some point in time if things change, then fine but I see those are and obviously related, but I think they are separate issues in terms of function. Bayard – You've got a current easement here that someone might look toward if they were to purchase that property separately. If they sell them both, it doesn't matter because we don't create the potential for some land lock concern. Johnson – There is an application that's been filed for a change of use for the back parcel. That application has been filed with the Zoning Board because it requires a use variance because the use is not a permitted use in the zone and it requires a special exception because there's an encroachment in the setback to Reservoir Brook but the parking won't come up in the zoning issues necessarily. It does not answer the question of whether or not the ownership would be the same or different, it's merely right now Thorndike Partnership, which is the current owner who has applied for the change of use for the back parcel. Edgar – I'd just like to add, I think it's probably of a mutual benefit to provide the access. I don't think the applicant or any subsequent owner would want to find themselves in a box as it relates to access and access has always been provided through that parking area to that rear property so I think that's a little more straightforward. I think where the bigger issue at the end of the day is there isn't an obvious mutual similar situation that has to do with the parking because if the parking needs to be dedicated to this use and then at some point in time they sell the rear property and they want to take advantage of that front parking, that may or may not be available, then it becomes problematic and then becomes your issue where it may not be otherwise as it relates to the access. That's why I keep saying I think the issues are a little bit distinct from one another. Johnson – The question before was whether or not the total existing spaces of 70 included any spaces that were dedicated to something else as a result of the easement. The answer to that question right now is "no". Edgar – Basically, that was the thrust of the last meeting, there were several concerns that were raised by Mr. Thorndike who is here this evening. I'm sure he'll speak to his issues. The drainage issue really isn't a big issue in the sense that we're dealing with existing conditions and there's no real proposed footprint changes of any significance. The real question was the adequacy of the parking and we had 2 or 3 members of the Board that participated in the site inspection. We pretty much eyeballed each of the parking areas. One field observation that I noted was that some of the areas were not striped, it was basically just black topped without the striping and I think that if we were to need to rely upon each of these spaces for purposes of efficiency, the property should be striped in accordance with whatever the layout plan is that's

approved by the Board. We also observed on the site inspection where their handicapped access would be and it would be important that we provide handicap parking in reasonably close proximity to the handicap access and that be compliant as well in terms of surface and size of parking and so forth. There is our routine driveway permit because the change of the use relative to the access to the property off Reservoir Road is one of our standard considerations, but as I've indicated before, I think the central issue is really addressing the parking waiver that's before you and whether the Board views that the parking is adequate. I think we do have an employee number of 24 spaces that would be dedicated for parking assuming everybody to be employed and on-site at the same time. The balance essentially would be available to the patrons and customers associated with the retail shop. The employee parking can readily be squirreled away in nooks and crannies as has been somewhat the case over the years. That's more the management issue and it really comes down to the larger parking base on the site and whether or not that would be adequate to support the size of the retail shop that's being proposed. The main reason for the waiver request is that much of the office space and the type of spaces that are calculated in the parking requirements are really employee driven not space driven. In other words, if you have an office that have people coming in to visit, you may need 5 or 6 spaces for the people coming in plus employees, that's one type of office space. If you have office space and the people aren't coming in and it's simply the office space the employees are working in, it's really one space per employee so much of the waiver is the result of the nature of the business being dictated by numbers of employees, whereas a more traditional interpretation of it would be the gift shop square footage generated by the general public coming in and parking and what we're saying is the amount of parking that's available in this section of the property is adequate to cover the normal functioning of the gift shop and the parking that's located in other places on the property is sufficient to cover the number of employees that are there. Edgar – Just to add to that, Mr. Chairman, if you look at the use breakdown on the left-hand side of the site plan, you'd see that the gift shop square footage is indicated as 3,264 sq. ft. and you use the 200 sq. ft. parking generation rate so according to the Site Plan Regulations, the retail shop notwithstanding the employees associated with it, would result in 16 parking spaces and change. Is that correct Carl as to how you have that? Johnson – We broke it down as the gift shop by 200 sq. ft. is 16.3 or 17 and the storage square footage divided by 600 would be 13.67 and the employees would be 24, you add that up and you get 58 spaces, that's not the parking ordinance calculations that would be my calculation summary using the _____ calculation. Kahn – I've drafted the provision. Townie Thorndike – We tried to calculate the square footage within the gift shop designated area and it's about 70' x 80', it's fairly large and that's 5,600 sq. ft. Johnson – That would be the outside dimensions and there's portions of the gift shop which are dedicated to storage so the breakdown is not simply taking the outside box. I just literally took what you showed on here, 5,600, and you're presenting only half of that. Johnson – That's correct. Thorndike – The second point I'm making is this is the registered survey regarding the easement; this is the portion which I'm debating in this circle the building complex that they're proposing. This is the easement, this is the current,

future, present abandoned gift shop and this is the museum. My understanding is that there's a current Purchase & Sales on the gift shop now and it's a theater group that would like to put theater performances in and I know the needs of the Annalee Gift Shop because I ran the company when we needed this space. It was not operable unless we assigned this space to the gift shop as just a gift shop, let alone a theater company. If the argument is that they are the same owners, I technically don't agree with that myself because it's my family, the Thorndike Family, and for estate reasons we don't include partnerships in our estate decisions. That was in an estate settlement at the main office from my mom and dad to the two sons and it was equal distribution so I think we have 3 owners here, unless the owner is present and can state their case, I know there are 3 separate owners, one in the Purchase & Sales, their company, my brother in the main office and the third partnership in the gift shop and that sort of clarifies the mud. Vadney – You didn't get it very clear for me. Are you saying that the buyer proposing to buy the gift shop is one of the owners? Thorndike – No. They are a removed entity. I don't know if it's a non-profit, corporation or a single person, but it's a theater company. Vadney – You use the term 3 owners; you're saying brother 1, brother 2 and a buyer. Thorndike – Proposed new buyer, currently 2 owners and a proposed 3rd new one. So I don't think the argument that you can get rid of this in any of the options, whether the property sells to the new owner or not and if it were necessary for this property to have this to function, then as I'm understanding the presentation, they are willing to offer the entire property for sale to a single owner as an option. Being an owner of Annalee Dolls, my jaws dropped so I have to stand my ground on the argument although there are many other reasons why I'm concerned about this, it's just the mathematics in this form will not fit these options and I missed the walk thru, but the company is under a corporate veil that doesn't allow me certain privileges that you gentlemen have. Vadney – Some of this is beyond the scope of the Planning Board, but I have to think this way in order to try and understand the problem. It would seem to me commercially the back property isn't worth too much if it doesn't have some designated parking. If that parking has to be designated on Lot 1 that means Lot 1 isn't worth very much if Lot 2 has rights to the parking if we end up in that situation so I'm a little bit baffled by this. How much of that do we want to get into? I guess the real question is what are we being asked, I don't care if somebody buys that for a theater company and gets a ZBA approval or whatever, that's not my business but my question is what part do we have to approve in this and where do we draw the line as far as designating easements and parking. Edgar – I think for purposes, Mr. Chairman, of the rear lot, even though there is an application before the ZBA, there is no application in front of you and so as it relates to your jurisdiction, I don't think you can speculate on what that is, we haven't had an application and we haven't had a hearing on the uses. There certainly are fair questions that have been raised by Mr. Thorndike and probably by others as to whether the fit at the end of the day will work as it relates to that rear property and what its impacts are, but we don't have that in front of us so if you were to entertain anything relative to the front property, it needs to be very clear that it in no way, shape or fashion implies anything relative to the viability of any other uses of that rear property and it certainly does not imply that

the forward property could necessarily be subject to shared parking. Now what the Board has done in the past and we haven't had a fact pattern like this that's for sure, but you have looked at properties when waivers have been granted and then said well it's in the applicant's worst interest if this thing fails so let's take a look at it and under the right to review and amend if the 70 spaces is insufficient to support the employees plus the public, if the applicant's arguments don't pan out, the Board has the right to recall the application and to start reducing uses whether it's numbers of employees, etc. Nobody wants to find themselves in that spot, but you have relied on that safety net in the past. Vadney – John, let me go back, from a legal standpoint of where we the Planning Board has to stand on this issue, what's before us is a proposed site plan amendment to change a commercial office building to a gift shop. If that's what the owner, 1, 2, 3 or 5 wants to do is make the commercial office building into a gift shop and the entire site will support that gift shop, I don't have a problem with that. If somebody then wants to come in and put in, you name it a theater group or whatever, that's another issue that has to come before us and I couldn't even begin to encumber either property at this point, all I can say is that we've been asked to approve a gift shop. Edgar – I don't disagree. Johnson – Mr. Chairman, I might be able to clarify a little bit of what Mr. Thorndike was talking about. At the time he was talking about, on this piece of property was the gift shop and the museum, both were operating and both were functioning. There was a separate site plan that was approved for that. As I recall, there were only about 37 available parking spaces on this parcel for the gift shop and the museum so I think what he's mentioning is they wanted to make sure there was some type of additional parking possibly out here because for the museum and the gift shop, 37 probably wasn't enough and maybe I'm putting words in his mouth but I think there's fewer spaces down here than what are available up here. What we're saying is we are doing away with the original museum, that's completely coming out of the mix and then the gift shop moving up to here of a slightly smaller square footage has more direct parking available than was available down here. Remembering what was functioning with the other Annalee when they were up and functioning, they had their production facilities there, they required quite a bit more parking on the other piece so there are only 30 something spots down here for the gift shop and the museum, we're doing away with the museum and there's more parking up here dedicated to the gift shop than was dedicated down by the other site plan approval. Vadney – I have to ask some awfully stupid questions to make sure I'm clear on it. The gift shop as you've sized it and as you calculated it, the front lot will support that. Johnson – That's our claim, yes. Vadney – My point is I don't need to know anything after that; I don't even care if that lot's back there. Johnson – The Purchase & Sales Agreement should mean nothing to the Board. The Planning Board and the Zoning Board grants approvals to the owner of the property. Many times it's the Purchase & Sales person that's preparing the site plan and their Purchase & Sales Agreement says if you don't get permission for the site plan, I'm not buying the property but that's inconsequential to the Board. It's not a third owner and the ownership of this parcel and the back parcel is identical. The ownership of this vacant parcel in the corner is different, that's still in the name of Annalee Mobilitee Dolls. This is the Charles & Karen Thorndike Partnership and

so is this. Vadney – As of right now, I don't care what is on the back site, I don't even care if there's an easement or an access point to it because the same owner owns them, we're just approving a gift shop with enough parking to make it legal. Thorndike – How do you know the same person owns it? Kahn – Perhaps the only thing we have to do is say that our approval is on the condition that this easement has become annulled. Vadney – And then it's just off the table completely and if they want to do something else, they have to come back to us and if it should be a theater company or whatever you want to call it, then we could demand or any smart owner wouldn't buy it without an easement and that's a decision to be made at some other time. Finer – Right, and that's up to any potential future user to come up with a parking agreement. And it's really one that we couldn't make tonight if we wanted to because we don't know the details. Bayard – Mr. Chairman, I am still a little concerned about the easements. I think there should be something however general it may be that there be some easement that will be granted, some wording that can be very vague, fairly simple, but I hate to create potential for a landlocked parcel. Admittedly, that would be done a buyer but I don't want to have that with buildings on it and stuff like that. The other concern I have is that this is being presented as something where the easement can go away. There is some question as to whether it's one or two owners and even if it is two owners, technically perhaps they have the right to be able to dissolve the easement anyway if they are both in agreement, I think maybe we can handle the issue that if that easement does somehow come into play someday, I think we could handle that through right to review and amend, but I wanted to put it out on the table that if that does come up all of a sudden, that may place this property under the right to review and amend if there are changes to the parking up here based on... Vadney – you will recall with the lay of the land and what we talked about at the last meeting, the way to get to the museum and gift shop in the past has been to wind up through those parking lots. The map showed it a little problematic, I think when you look at it on the ground, you realize it's pretty functional and has worked, but to me that all goes away. All we look at tonight is, does the front lot support a gift shop and we can put a note on there to kind of a buyer beware, the back property may not have access or something like that but I don't think we want to get any deeper than that. Bayard – I just wanted to note on the record if for some reason that easement reappears and starts affecting parking that may trigger the right to review and amend. Edgar – The Board could stipulate if it were to grant the waiver that any waiver was premised upon this forward lot having sole access to these properties. And then as Herb has suggested, if and when you have a site plan application for something in the rear of the property under the premise that we would be introducing another owner at some point in time, then as a practical matter they're going to need an easement to do it so it all will as a natural matter have to reappear. If as a practical matter the easement does not exist today because the ownership as it's been represented of the two properties are one in the same, then any parking waiver in terms of looking at the forward property is premised upon those spaces in their entirety being solely available to that property. And then if and when something comes up in the rear, their parking's going to have to be looked at as well as their access. Bliss – I think we're spending way too much time

on this, we give a lot of parking waivers to downtown Meredith and don't even blink and eye and I think we need to move on to what is before us and it doesn't matter who owns it. Thorndike – So now to prevent land locking, a rewriting of this easement into just a road and access and elimination of the parking to the back lot? Vadney – Not even that much. I think all we can do is say we grant X waiver for parking, the gift shop can now go to this new location and we give that approval and then we put a note on the plan. Vadney – We can't designate where the easement should go on there, we don't know what other uses are going to be.. Thorndike – But you can't land lock it, but you're about to. Vadney – We're not land locking it. The same owner owns them; he can do whatever he wants with them. Thorndike – Referring to requirements that are ignored on parking and what is the basis of the formula of 130 cars required for the square footage of these buildings and I think I ran some numbers at the last meeting too for the 3 different sub-groups. I still have to officially state my position in objecting to any waiver of those requirements by the Board and I'm asking myself, what weight does that carry if any at all? Vadney – We don't ignore input from citizens. As Pam said we frequently authorize waivers to parking because to be honest, we look at the type of facility that's going there and the type of use and we know from experience, most of the numbers that are generated using national standards for retail space, there are a number of reasons that we can look at and say there are other ways to do it and the employees can park down the road or something so we frequently do waivers, not always so would we ignore your comment, you'd probably think yes if we voted the waiver, we would probably think we took it into account (inaudible). Kahn – I don't think we're ignoring it, we're taking it into account and concluding that strict adherence to the standards is not necessary in this case. Edgar – Mr. Chairman, if I could help maybe shed some additional light on it, the parking summary that's provided, the numerical summary, Carl can perhaps explain the details of it, but the concept is that those are parking generation rates that are generally speaking national averages and they are included in the site plan regulations. The site plan regulations basically say run the numbers and see where you're at and we have lots of square pegs and lots of round holes where we have circumstances on a regular basis where we either have uses that don't fit or we have more local knowledge or all kinds of different scenarios over the years where sometimes the numbers don't make sense. Sometimes more parking is appropriate; in many cases, less parking might be appropriate in the final analysis. The regulations basically say when you run the numbers, if the numbers don't match, in other words if the parking generation rates say you need 50 and you're showing something less than that, you have to justify the difference and at the end of the day the Board needs to be comfortable that there is adequate on-site parking regardless of the numbers and that the site can adequately accommodate patrons, customers and employees for the proposed use taking into account whatever information is offered up. Sometimes we have uses where a property is being expanded by somebody and they know factually and historically what their own parking has been and that parking may differ from some of these statistical rates so the Board takes all that into consideration and at the end of the day if they were to grant a waiver, they need to be comfortable that the site can adequately accommodate patron's

customers and employees. The kinds of things we'd be concerned about would be if we don't have enough parking, does it spill over onto the road. For example, are we going to be parking up and down Reservoir Road or on your property and if the answer to that is yes and if that in fact happens, these guys would have a serious problem. They would be called back in, they are not allowed to just spill over and park out on highways and side streets and on abutting properties. That's why we look at it, but we want to make sure we don't overbuild parking or under build the parking so there's flexibility built into the program. Johnson – I can't guarantee many things, but I'll try to guarantee this because I think my company prepared all or most of the site plans for Annalee Dolls and I know we were involved with the expansion when they were up and running and I can tell you that when the company was fully functioning and the production facilities were on-site, if you were to take the strict parking calculations for the size of those buildings and the number of employees they had working at that time, there's no way that the dedicated amount of parking spaces on that site would come anywhere close to that number, not even close. Whether or not we formally waived parking back in those days, I can remember partial site plans and we would show a 10,000 sq. ft. area of a 3-acre piece, we did a lot of things and the Planning Board granted a lot of flexibility because of the nature of the business. Thorndike – You have one Peter Pan bus here. There'll be 6 of those and as things stand now with the gift shop still down there, you have a cul-de-sac where you could turn the buses around. There is no cul-de-sac here and there is no turnaround. I would recommend that you put this back to study. Kahn – If we are going to deal with this on the assumption that (a) the easement dies by reason of merger of ownership, I think we have to at least note that we are going on the assumption that the easement is dead by reason of merger of ownership and then do we go on and note any issue with respect to access to or parking for the rear lot. It was my understanding your position is that we do not. Vadney – My initial point and what Bill talked about last, I would be happy to put a note on there just as a reminder that there is a possibility that the second lot could be landlocked, but if we don't put it on, I could go with that too. Edgar – I would like to say and maybe this is splitting hairs but if we're assuming and I don't profess to know all the intricacies of this corporate ownership question, but if we're working under the assumption of what's been represented by the applicant that the rear and forward parcels are owned by the same entity, if we assume for the sake of argument putting aside any P & S's, the site plan approval doesn't preclude access, the site plan approval doesn't say you can't go through the parking lot. If the Planning Board stipulated that there shall be no access through this parking lot to the rear property, you would be creating a landlocked situation or at least a problematic situation because they would have to go through wetlands on the other side of the property so I just want to clarify that by approving the retail use of that building doesn't necessarily create a landlocked situation. If you were to say there's got to be a fence or stipulate that there shall never be any thru traffic to the rear property, that would be a different situation and that would be problematic and you'd have different people jumping up and down in terms of concerns, but that's not what you've been talking about to this point so I don't think the establishment of the retail use in and of itself creates land lock. If the common

ownership of the two lots voids the easement, like I said as a self-fulfilling matter, someone's going to have to come back to you for that change of use of the rear property. They are going to have to demonstrate how they access the property; they are going to demonstrate it over an adjoining lot that does not have an easement. It would presumably be under separate ownership, they would have to then establish the easement and we'd go through the mortgage releases and the whole routine like we normally do on easements. Vadney – As far as we approve the gift shop and we give a waiver for the parking and if whoever owns it wants to drive trailer trucks thru to the back lot and that person owns both sections, he can do what he wants with it. We are not making any statement or any inference that it's been mentioned that it's a theater company, I couldn't care less at this point because it has not come before us. If it comes before us and it requires 117 parking spaces, there's probably a problem, we probably won't approve that site plan. If it comes before us and it needs 53 and some of them slop over onto the front lot, we would look at things like hours of operation, if it's a theater there's operating at night and the gift shop's closed, we might go along with that, but it would be clear that we would put some stipulations on that approval so if somebody else decided to turn it into another gift shop, those parking spaces couldn't be shared but all that stuff will be worked out in the future. Tonight we just have to approve what was in the actual application, a site plan amendment to a commercial office building to a gift shop and as John said, that easement is a mute point. I don't mind if you want to put a note there as a reminder. Thorndike – The easement has a date of record in the Court, recorded 1983, Book 99, Pages 57 & 58, as a permanent record of this easement. I don't know if that's an important factor that you have to undue that recording with another recording or what. Vadney – I don't know either.

Kahn moved, Bliss seconded, MR. CHAIRMAN, I MOVE WITH RESPECT TO ANNALIEE MOBILITEE DOLLS FOR A SITE PLAN AMENDMENT, TAX MAP S23, LOT 28, 50 RESERVOIR ROAD, THAT WE CONDITIONALLY APPROVE THE SITE PLAN AMENDMENT SUBJECT TO THE FOLLOWING:

- (1) THE ACCESSORY NATURE OF THE RETAIL USE SHALL BE NOTED ON THE FINAL PLAN;
- (2) THE PROPOSED CHANGE IN USE WILL REQUIRE A DPW DRIVEWAY PERMIT WHICH SHALL BE REFERENCED ON THE FINAL PLANS;
- (3) WE WAIVE PARKING REQUIREMENTS, BUT THE WAIVER IS PREDICATED ON CURRENT AND PROPOSED USES AND THAT THEY ARE NOT NECESSARILY APPLICABLE TO ANY FUTURE USE OR TENANCY;
- (4) FINAL PLANS SHALL LOCATE ANY PROPOSED ON-SITE SIGNAGE ASSOCIATED WITH THE RETAIL USE;
- (5) OUR APPROVAL IS BASED ON THE ASSUMPTION THAT THE ACCESS EASEMENT REFERRED TO ON THE PLAN HAS EXPIRED BY MERGER OF OWNERSHIP OF LOTS 28 AND 26 AND THAT IS A CONDITION OF OUR APPROVAL THAT THE ACCESS EASEMENT HAS EXPIRED; AND

(6) WE RESERVE THE RIGHT TO REVIEW AND AMEND ANY APPROVAL AS PROVIDED IN SITE PLAN REVIEW REGULATIONS AND, IN PARTICULAR, IN THE EVENT OF ANY GRANT OF ACCESS TO LOT 26 OR ANY CHANGE IN PARKING ARRANGEMENTS INVOLVED IN SUCH PROVISION OF ACCESS OR ANY GRANT OF PARKING TO LOT 26, THERE SHALL BE AN AMENDMENT TO THE SITE PLAN APPROVAL SUBMITTED TO THIS BOARD.

Voted 7-0 in favor of the motion.

4. **1ST T DEVELOPMENT, LLC** – Proposed Major Subdivision of Tax Map R04, Lot 5, into forty-three (43) single-family, clustered condominium units located on Pease Road in the Forestry/Rural District. Application accepted on October 24, 2006.

My name is Mark Gross. I'm with MHF Design Consultants, we have offices out of Salem, NH. We are here representing 1st T. Development, LLC, for a proposed condominium cluster subdivision plan and application that's before you this evening. Blake Cullimore is our lead Planner and he's going to speak to you this evening regarding the regulatory and zoning issues associated with this project. We also have Jim Gove of Gove Environmental Services and he's going to talk to you about the wetlands and soils and some density issues associated with the property. I'll follow up at the end with a description of the land planning and some of the aspects of the project. Cullimore, Municipal Resources – I'll take you through a quick overview of the site. For those of you who have not been up there, Oak Hill Golf Course is right here and we abut it just to the north of the site. This whole area of the site will be protected open space; this is limited common space and will be the developed area of the site so approximately 86% of the site is protected. From a regulatory standpoint, this is a cluster subdivision in the Forestry/Rural zoning district. The cluster regulations require a minimum of 6 acres. This site totals 169 acres approximately. In addition the cluster will require a special exception. We have not gone to the Zoning Board of Adjustment at this point but we do plan on doing that obviously. In addition, the open space criteria requires that 50% of the site stay in open space. As I just said a moment ago, we have 86% of the site in open space at this point. In addition, it requires a 50' perimeter. As noted on the plans, you have a 50' perimeter around the entire site so from that standpoint I believe we meet the regulatory requirements. There are also density requirements and I'll speak to that for a moment. Roughly, this zone requires at the first cut 3-acres per unit, this is 169 acres and that comes out to approximately 56 units. Within that under the subdivision requirements, we have soil-based lot size zoning. Jim Gove will get into more of the details of that in a moment but just roughly based on the soil lot sizing requirement that gives us approximately 43.28 units or 43 units. That is how we calculated the number based on your zoning regulations as you have them presently before you. In addition, as you'll see and Jim will talk more specifically on some of these detailed plans but here's one sketch of it as well. We have setback requirements from the road; the road at this point is intending to be a private road. We had the Conservation

Commission out there as well as the Planning Board that came out on the 4th and the Conservation commission came out on the 14th and looked at the site. They are interested in supporting it and we like the notion of potentially looking at a narrower road which lowers some of the impact on the site, but this would be a private road. We meet all the required setbacks for the road to the parcels, as well as 50' setbacks off these non-designated wetlands. We have a non-designated stream which is this blue line to the north of the site; we have a 75' setback up here. We have received the DOT Driveway Permit at this point which answers any questions about access to the site we believe. A couple of questions that are going to be outstanding that we haven't resolved yet are a couple of shared driveways. We are going to need special exceptions relative to impacts on the buffer area and we understand that and the other special exception which is looking at the cluster subdivision in the Forestry/Rural zoning district. We believe we meet the purpose of the zone in the context that we've retained a large portion of the site. We've retained it in a non-intensive use and Jim will get into the open space elements of this and the locating of the site on here is the lowest impact area of the site we believe and from that I will pass it on to Jim real quickly and he will go over some of the environmental pieces. Gove – As Blake mentioned, we are looking at 169 acres in total. It's southwest of Pease Road and it has a southwest aspect. We've got some B, C, D slopes coming down across a flat area and then it starts to come back up on that side. If we take a look at the drainage, there's actually a drainage divide that comes right through here so what we have is these areas are drained down to this wetland and drains off this way, this area actually drains out to the north, curls around off site and goes into a much larger wetland in here and eventually drains to the south and that drainage to the south heads towards Mill Brook, Hatch Brook and eventually Lake Winnisquam. This is glacial till up through here and that essentially means that we've got this kind of logy mantel of soil overland like a hardpan, a dense sandy till which lends it self to a number of things including what happened to this site about 15-20 years ago when it got so heavily logged. A lot of the wetlands either got sanded or we got new wetlands in there because of the logging activities. They went in there, sort of not the best time of year, they went in the spring and so some of these narrow wetlands that come down across the site are actually areas where the skidders went up and down on this area of dense till and actually created some of the drainages in addition to what was already there. We have some ledge outcrops that occur primarily along this side of the site and we actually saw one in that area. A lot of them are over more on the golf course side and they would actually go deeper soils as we move across the site in a westerly direction. The actual wetland delineation took place in 2003, but we went back in 2004 because we have a new hydric soil manual that came out in April of 2004. We wanted to make sure everything was consistent so we went back after April of 2004 to make sure everything was still correct. The soil mapping field work took place in 2004 and 2005 and then we did a functional assessment of the wetlands in 2006 the soil map report and wetland delineation report were folded into that same functional assessment of the wetlands. When we took a look at the various functions and values of these wetland areas out through here, we actually broke them up into 4 different specific areas. The first area encompasses wetland

A comes right across through here and again that's right on that divide and in talking with people that was done because of the drainage divide but also because of what occurred in the field area that provides a different habitat from the rest of the site. The rest of the site is forested subject to cutting, clear-cutting but we have a field area up in here which can actually be readily seen from Pease Road as you drive along, you can actually look down and see the field area. Edgar – Just for the Board's benefit, if you were to go to page 116, you'll see a small map that corresponds from the report Jim's alluding to and that corresponds with the 4 or 5 wetland complex areas that Jim's speaking to. When looking at this Wetland Complex A that comes across this portion of the site, that area's primary functions are wildlife habitat and floodflow alteration. The floodflow alteration actually takes place in the lower areas here where we have broader wetland areas in this portion of the site and we also have secondary functions of sediment/toxic retention and nutrient removal. Basically because you get into more once you get down to the lower portion of the site, you get more of the organic soils in through here and they certainly take up more of the nutrients. We have a snowmobile trail that cuts across this lower portion of the site and we have as far as a wildlife habitat, in the field of course we've got a lot of deer browsing and bedding that takes place up there, plus it's a great place for birds and rodents and in the mixed forest hardwoods, we've actually seen a lot of evidence of deer, moose and black bear and in the logged areas we have a lot of thickets. We've actually seen evidence of the eastern cottontail down in that area. Wetland Complex B comes through the central portion of the site and that particular area is pretty much all mixed forest, it has the snowmobile trail, similar functions, both primary and secondary, and similar type of evidence of wildlife habitat including the eastern cottontail and I was actually in the area where we did an actual sighting down in the lower portion here. Wetland Complex C encompasses this portion of the site that is also the proposed area of the development and comes down to about the mid-point of this area right in here and that particular area has similar primary functions but is lacking of the secondary functions of sediment retention, toxic retention and nutrient removal and the reason for that is essentially these are relatively channelized areas so about the only real floodflow alteration we have in there are some pocketed areas as this comes down off the hillside so we have an area up there that provides some floodflow alteration, stormwater retention but essentially, a lot of this is really not very strong and the wildlife habitat in that area is primarily food sources in the cutover areas, in other words, a lot of the wildlife is moving up into this area and then moving back down again. The other thing, of course, is that we have the actual activity of the golf course over here which has a tendency to push the wildlife a little more away from that area so in essence, we have similar functions, but less is going in that particular area. Then Wetland Complex D is this lower portion and that area is probably the least impacted from the standpoint of cutting that's taken place out there. We still have mature stands out through this area and we still have a fair amount of undisturbed areas, we don't have the skidder roads and that sort of thing that are cutting through that area and so we actually provide the same functions but at a much higher level, floodflow alteration, sediment/toxicant retention, nutrient removal and wildlife habitat and still the snowmobile trail cuts right along this edge

and comes across. If we go back to the actual area of wetland, this C Complex, one of the reasons that obviously this is a better place than some of the others for this development is not just the fact that we have access, we also have access over in this area as well, but the fact is that from a functional standpoint, we have a lot less going on here than we do on the rest of the site as far as wildlife habitat. We've had a fair amount of alteration that's taken place out there. We've got the actual driveway that comes in and was essentially a drive that was put in for the purpose of accessing it for the cutting and they also created a log landing in the course of putting in that driveway as we saw it out in the field. We noted that a stream that was coming across here actually was put into a channel brought down and then cut across in two culverts putting it into areas that were not part of the original channel. We have a log landing area out here which appears that fill was brought in to create that log landing area. The numerous skidder trails cut down across this area, probably more so than the rest of the site simply because this became the central place where they basically brought in trees as they cut them. From a natural resources inventory standpoint for the Town, this is not located where there are multiple natural resource overlaps so this is one of the areas that didn't show up as being a significant area in your natural resources inventory. As we talked about from the soils perspective, a lot of these soils are in fact the hardpan soils so they actually have the highest requirement in terms of soil-based lot sizing that you have in your table and so utilizing those with soils and slopes, we come up with 43 four-bedroom units, but these aren't going to be 4 bedrooms. In terms of where we're located, we're located in the least environmentally sensitive area because it's next to the golf course. Vadney – Can you go back and make your statement about the bedrooms again; I want to make sure I understood that. Gove – The calculation is based upon the soils and slopes which as you know are essentially these moderately well-drained glacial tills which in your actual lot-size chart have the highest requirement in terms of soil-based lot sizing and if you take a look at the actual requirement, it comes out to 43 units, now that's 43 four-bedroom units but these aren't expected to be 4-bedroom units, but it would be 43 four-bedroom units. I'd like to now go to the close-up of this and this is a little more familiar because I think this is similar to what we had out in the field when we actually did the site walk and we have walked the center line with some members of the Planning Board and some members of the Conservation Commission. While we were out there walking it, you probably noticed that there was a lot of new flagging out there, we had a lot of evidence of more survey work going on out there and that's exactly what was going on, there was a lot of micro-topography detail being put in because we wanted to know exactly sizing of the culverts for the drainage plan and the road grades and what you'll see is that we actually have different impact numbers now because of that detailed micro-topography that was done. There are essentially 6 wetland impacts for the road now totaling some 15,697 sq. ft. and that is located, the largest impact is actually located and I'm just trying to get into the site, we have that drainage ditch that comes down along this side so that's one of the impacts and then we have two side impacts right where we actually saw the culvert crossing so the drainage comes in off this property, comes along the side, it used to actually come down this way into this wetland, but now

comes along the side and I guess at this point there's one culvert that cuts across here, but the drainage continues down here and then cuts across another culvert so 3 of the impact areas are located right there just on the access to get into the site and actually unfortunately that happens to be the largest impact we have. We have nearly 12,000 sq. ft. of wetland impact just to get into the site. Once we get to the point of where we actually can then do the loop road here, we have one impact here where there's a drainage that comes across and then we have the drainage that comes through the middle here and then we have one point where that drainage cuts across here and is very narrow and then this is our last impact over here so our impacts are 1, 2, 3, 4, 5, 6 right here and on the loop road itself, the actual impacts are about 3,000 sq. ft. so again, the majority of it is just trying to get into the site and then the road with a small amount of impact which is around the rest of the loop itself and this land totals up about 1/3 of an acre of wetland impact. Now one of the things that we were thinking about from your perspective and would like you to weigh is the possibility of narrowing this road down and I'm going to have Mark talk about that a little bit and that way at least we can try to cut back on some of the wetland impacts if the road gets narrower, everything gets narrower so we can remove some of those direct wetland impacts. At a third of an acre, we're still looking at some form of _____ or mitigation at the state level when we go to file a Dredge & Fill and we're planning to have that mitigation requirement met by preservation through conservation easement. Essentially, the mitigation ratio is 10:1 so that's like 3.6 acres of conservation easement and we have a lot more than that on the site. This area that we're talking about that will be in conservation would essentially be this green area that you're seeing out through here, so this open space area would also be proposed for conservation easement and obviously that's well beyond what we actually need from the standpoint of the conservation easement meeting our wetland impact ratios. One of the things I wanted to point out also is the buffer impacts and those buffer impacts are located on this plan in the brown so the situation is that we see here, now these aren't wetland impacts, but these are buffer impacts and obviously you're going to have buffer impacts that we have to cross, but we also have buffer impacts here where we actually have the drainage swales coming to the site from the road drainage so in other words these would be like treatment swales and then come down to a level spreader and then discharge into the wetlands and I'm going to have Mark talk a little bit about the actual drainage but those would be the other impact areas in the buffer so it would be the actual crossing that we have here, there's a large one here because we have to get out to the well field so that's actually a drive out to the well field and essentially they're road crossings and then drainage swales and grading and that comes up to about 2 acres of buffer impacts. The housing areas themselves are actually about 10 acres in size and the common areas around it that include things like the well area, the septic system areas and the drainage areas and stuff like that, that's about 13.2 acres so it comes out actually to about 23 acres out of the 169 acres, about 14% of the site that's actually going to be developed and so that leaves 146 acres or about 86% of the site left undeveloped in this green area we're talking about. Going back to this large plan here, you'll see there's like two separate areas shown, this first one 61 acres is a proposed standard conservation

easement here with no exceptions to the standard easement language and nothing to remark about other than that. This area here is another 85 acres. Also to be proposed for a conservation easement but it's going to need some reservations or exceptions and that's just in case, for instance, this well fails and doesn't work out, we might need to be able to go to this other upland area over here to get a well system or if in fact, a septic system doesn't work out or needs to be replaced, we might need to be able to move down into this area here for a new septic system so there would be some exceptions for that. But as far as any future housing, it's all obviously going to be preserved. In essence, that kind of lays out the whole environmental aspects, why we sited it where we did because it made sense from an ecological standpoint to put it there and I'll turn it over to Mark Gross to discuss engineering aspects. I like this plan because it strikes me when you first look at it that the area we are looking at, this is kind of how this is developed and this has been ongoing since 2003 so this has been a well thought out and planned piece of property in terms of how we are going to approach the development but what strikes me as Jim pointed out, the development portion of the common area represents 14% of the total lot area. If you look at the position of it, really the majority of it is adjacent to the existing golf course which is an ongoing operation and the closest unit that we have on here to any existing residential area is about 300-400 feet away so in terms of seeing this from any of the existing residential properties that are along Pease Road or even here is probably not going to happen in terms of visually. One of the things we looked at once we the get the topography, the wetlands, the soils and all the other site features is the developability of the property that we have and what we look at in terms of the topography, the wetlands, the road layout and the units. We take all those components and try to form them into something that makes sense in terms of layout. We always try to site these units so they work with the topography so we don't have to have a lot of excessive grading on the property and as Jim pointed out, this property generally slopes from east to west and one of the striking things about this piece of property are the views to the west and that's really one of the primary goals in siting a lot of these units is to provide views for as many of these units as possible either from the front or the rear of the unit and that was one of the major considerations given when we went through the process of siting these 43 units on this particular piece of property. And again, in terms of the open space, we are providing the 50% but in addition to that with the conservation easement which is the 61 acres is to the north of this property that really represents 86% of the property being preserved as permanent open space for conservation easement. I think that's what you hope to achieve under your cluster subdivision regulations is you want to develop the property that should be developed and leave the other property that may have more issues in terms of environmental concerns in its natural state. Vadney – That will remain two separate lots? Gross – That is a discussion we're having right now in terms of a legal point of view because the entire parcel has been used to determine density and John may be able to talk about this a little bit more but we're currently looking at if there's a possibility of having this portion in different ownership than this which would be under the condominium association and if that's possible, we would like to do that and that's

really kind of a legal thing that we need to investigate. If our legal counsel tells us that's possible, then obviously you'd have to have your legal counsel look at it and say that makes sense. It takes all the conservation easement in perpetuity, it really shouldn't matter the ownership between the pieces. That's from a practical matter, maybe from a legal sense it does matter and we're currently looking at that so we will have to do whatever needs to be done in order to comply with the ordinance and if there is some leeway there, then we'd like to take advantage of that. Bayard – I'm seeing here that 14% of it is developed, the rest of it looks to me like its open space and yet here it's saying 50% of it is open space. Gross – Fifty percent (50%) is deemed as open space because that is what is required so 50% of the total parcel area. The total parcel area is 170 just for rounding purposes and then you need 85 acres. We have 85 acres as open space. The balance of the property which is this 61 acres doesn't necessarily have to be open space because it's.. Bayard – So it's the 61 plus the 14 that's the unopen space so to speak. Gross – No, it's the 61 plus the 85 which represents the 86%. Bayard – The 50/50 split is the conservation area plus the developed area is one part of it and the so-called open space is the other part of the 50%. Gross – No. Bayard – It says it has open space of 85 acres. Gross – Right, the 85 acres is represented by the green striped area that's on here, that represents 50% of the total parcel area. Bayard – The other 50% consists of the conservation area and the developed area. Gross – Yes. Bliss – Mr. Chairman, now I'm confused because I thought you had said that the top part was also going to be under conservation. Gross – It is going to be under conservation. There's a difference between open space and conservation in terms of how its dealt with. We would agree to put the open space under conservation as well, two different entities or two different methods of protection. Conservation easement gives you actually probably more protection and John can correct me if I'm wrong, but the conservation easement could potentially give you more protection than the open space. Edgar – Could I take a stab at it? It's a total of 169 acres. They are using the entire property to calculate soils and slopes so the cluster encompasses for all practical purposes corner to corner 169 acres so at the end of the day to meet the minimum requirements of the cluster ordinance, they need to show 50% of that as dedicated open space whether it's an easement or green area. The 50% equals how many acres? Gross – 85. Edgar – Could you illustrate on the plan for where that land area is from a calculation point of view. Gross – The 85 represents everything around the development, a portion of this wetland and buffer area that's going through the development and then everything along this line which is about 50 feet off the existing stonewall. Edgar – What he just indicated there would meet the minimum requirements of the ordinance. What they're saying is above and beyond the minimum required, there's another 61 acres to the north that would also be for all practical purposes conserved one way or the other so when you add the zoning requirement of 50% plus the excess acreage of 61 acres in total, it equals 86% of the lot, one way or the other would be green space whereas the ordinance requires a minimum of 50. What's been identified is whether or not the 61 acres that is above and beyond meeting the 50% requirement could or should be under some other form of ownership as long as the land remains in an undeveloped state and there are questions obviously that need

to be addressed and we need to be thinking that through for purposes of the condominium density, the soils and slopes aspect of it encompasses the entire property whether or not a piece of that is above and beyond the 50% requirement and could or should be owned separately as long as that's restricted from development is essentially a question that we'll need to address as we move along, but the total 85 acres below that line that runs across the property would meet the zoning, the 61-acre piece above that is above and beyond the zoning representing in totality two areas would be protected. Vadney – Let me ask a more specific question and mostly for Jim. The 61-acre piece on top considering the soils and slopes, how many of the 43 units down below are justified because of that 61 acres? Gross – I'm not sure we have the answer to that question. Kahn – The first time this was brought out, there was sort of a flashcard that showed 43 units spread all over the entire property as a matter of saying we could have 43 four-bedroom houses here, where's that flashcard because then you can count? Gross – If you need a number, we can do it because we know what these soils are? Kahn – That one went by so fast the last time I wasn't able to really see it except that it existed and I have a question with respect to it, but I'll hold that until later. Gross – If you notice Sheet 4A in your set before you, you'll find in the upper left-hand corner the calculations by lot size and if you use this with the environmental map which is Map 2 and I believe we also gave one to John that has more detail on it, that gives you the exact location of the different soil types so that is how that number was arrived at and where the soils are located. I understand the question that was asked, we can do that calculation and tell you just by looking at this from where I see the uplands vs. the wetlands, this portion will contain more of the units that this portion would and visually I can tell you that. I can't tell you what the breakdown is. It might be two-thirds. Vadney – I just wanted to make sure I was clear that that land had been used to justify. Gross – The entire parcel as indicated in the staff review is relied upon for soils and slopes analysis. Vadney – That would probably without knowing all the legal details have some bearing on future ownership of those 61 acres. I'm just guessing. Gross - If the conservation easement that would blanket this is written in such a way it's in perpetuity, it could never be eliminated, never changed even if the property changed ownership, that's what the Board has to weigh, is the property protected in such a manner that it doesn't create a problem in the future and that's what I really have to look at. Vadney – It may not be a legal issue, it may be more of a moral issue, for example, if all that land is used to justify 43 units, do all the owners of those 43 units have the right to go up on that 61 acres or could some other owner post that "no hunting" or something or "no trespassing", that's where I'm going with it. If this did not come up in question in terms of a different ownership and all we were required to provide was 85 acres and it represented this line and everything down... Vadney – Except you need that land to justify 43 units. But this land potentially would not be part of the open space so it's kind of... Vadney – But it would question how many people could live down below if you didn't have that for justification. Kahn – It might not be part of the open space, but you couldn't build anything on it. Gross – That's correct. Kahn – So what would you call it? Gross – So let's work on that and work with John. Vadney – I just want to make sure that if it's made public land... Gross

– And that's why we suggested the conservation easement because it could be riddled with very strict language that's in perpetuity which means forever and ever that in effect would protect that property as if it were.. Edgar – It may be a question that we have to beat a dead horse to recognize that we also have more to this hearing as well as another hearing, but one question in response would be why? What is the applicant's intent to separate the ownership and then maybe that might provide insight as to whether or not it makes sense from a regulatory point of view and you don't need to respond to that now but I think that fundamentally the question is why do that, why fracture any of the ownership and create multiple levels of management or use and who can do what and who can't do what so it's just something to think about. Vadney – Keep in mind perpetuity means that all of us will be dead sometime and this could pass to other people and what if that 61 acres was sold as a game preserve or something, we have to be thinking ahead. Gross – Usually the conservation easement is still with the property and continues on. Kahn – It was represented that you needed to have a different set of scriptures on the southern part of the property in order to be able to deal with well and septic failures, but that doesn't mean you have to have separate ownership. This is one lot, the separate ownership to me is a different kind of subdivision, you're asking for a cluster subdivision, that's another kind of subdivision and I'm going to have to have a very good reason to vote for it. Gross – We'll keep the dialogue open here and try to alleviate any concerns there may be. I just kind of want to go back to the larger scale view of these units and how we envision them. Again, we looked at in terms of the road placement, grades, wetland crossings and if you've noticed, we've crossed some of these wetlands at their narrowest spot reducing impacts. Obviously, this entrance because of the nature of the length of that wetland ditch, there wasn't much that we could do to limit the impact here, but again on some of the crossings where these wetlands are going through, we crossed the narrow spot so given the topography and the wetlands, we start looking at the placement of the units and again, one of the things that was very appealing and dramatic and I spent two days walking this property probably a year and a half ago and one of the things that struck were the views that you see to the west and keeping that in mind, we placed these units strategically so that (1) they didn't end up looking like row houses, in some cases we had to do that because of some of the restrictions on the setbacks, but we tried to vary the locations front and back and side to side, angle some of these units so it gives a variation and there were two areas in particular we looked at where we wanted to kind of create running the stream along the road and create a common driveway and then kind of put those units strategically and when you look at this on a flat plane, it's kind of hard to see but they are placed so that each person has a view over the other one in terms of to the west. So these are all placed again strategically so that we ended up getting views either from the front or the back of the units to the west and I do have some other documents I just want to go through with you quickly in terms of what this potentially will look like from a 3D perspective. With that in mind, the road design itself, 24' wide roadway, 5' sidewalk, we thought sidewalks were important within the development and carried that sidewalk out to the road. The close range system and I'll talk a little bit more about that. The other thing we looked at in terms of the utilities, we talked about

the water supply. We looked at a location that was what we thought was appropriate for a well location, this will be considered a community water system for the development and again that's located on the westerly portion of the site. We've got a gravel access road to get to that. There will probably be a pump house located adjacent to that well and in terms of subsurface disposal, we looked at breaking this up into about six different pods for development of subsurface systems rather than having all 43 units on one system, we did testing early on to see where the viable areas were for the subsurface disposal and made the decision to break that up into several different areas so that if there were a problem with one of the areas that the whole subdivision wasn't down so we have about anywhere from 7 to 10 units on each system. Each unit will have its own septic tank so essentially the only thing going to the leaching field of the subsurface disposal systems would be effluent so each owner is responsible under the condominium documents of having their own septic tank pumped out. The utilities will come from Pease Road with the underground telephone, electric and if cable is available. Again, the water system will be looped around and the source of that will be from the community water system that's located to the west. These are some depictions of the type of units that we might look at putting there. These aren't necessarily actual types of units but essentially this is a 1½ story expanded Cape type with the typical New England architectural design that you see. The clapboard, potentially brick and some shake shingle, architectural style roofing and maybe some porches, covered entryways, porches, shutters, typical things you see on architectural buildings. These are nice little compact units 2000 to 2500 sq. ft., typically most of the living space is on the first floor. You might have a third bedroom and a bath on the second floor, but for all intents and purposes, most of the living space is on the first floor. We also have a lot of these units that will have basements that probably have walkouts. We've tried to place these with as many of them to have the walkout basements where the topography of the land allows. If you notice, those units don't have the typical attached garage with the breezeway. They are kind of integral to the unit themselves. It can also be modified so you don't have garage doors in the front, they could be on the side so that you don't have typically what most people have in their garage which is not their car. When you have those garage doors open, you see it from the street so we do have that ability in those designs to create side entry garages. Vadney – Would it be fair to say these would be similar to what is at the bottom of high school hill except they wouldn't be duplexes, Meredith Bay Village? Gross – I have given you basically what are small reduced copies of what I'm showing you here, this is kind of a basic concept of the layout plan in terms of how it would work with relationship to some of the existing vegetation and obviously we're going to have to add some additional landscaping. Every unit will have some type of landscaping, but one of the things we tried to do is to use some decorative retaining walls, I'm talking about small 2-3' high retaining walls and to retain as much of the existing vegetation, I'm not really talking about the tall stuff because within the development itself, you don't want to have a stand of 50' high trees in the front yard so I'm talking about some of the smaller stuff, some of the smaller hardwoods, maybe some of the smaller pine and other conifers that you might find on the property but again through the placement

of the units and through some careful looking at grading for each of these units, we would hope to provide as much of the existing vegetation. One of the things that will be interesting and I think is a good aspect of this is this wetland that runs down through here will provide probably close to 100-150' buffer through the middle of the property so that the units will in effect from this side of the road to that side of the road have their own buffer between the backs of those units and again you can see these common driveways and how they work with the units in terms of not creating that row house look, it separates them. Vadney – Is this a notional kind of picture or did you actual do it to fit to the lay of the land. Gross – This is actually based on that layout based on the topography. Touhey - Can you give me an idea of space; approximately how far are these units apart from each other, approximately how long are these driveways from the street? The units have to be 40' from the ROW so the minimum length of driveway is somewhere between 50' and 100' maximum, particularly some of these units over here on the corner based on the topography and just trying to set those back so that you don't want every house being exactly 40' from the ROW. Touhey – OK, so 50 – 100', what about this in feet? Gross – The closest I believe is 20' and then there are some that are further. Bliss – Mr. Chairman, I guess my question in general would be, how much longer is he going to make his presentation, we have a lot of people from the public tonight and I think you need to hear from the Board to ask their questions and also the public because we still have 3 more hearings after this. Gross – That's fine, I just kind of want to give you these depictions of what this looks like from different angles (pertinent parts of the proposed subdivision layout were pointed out to the public and the Board). This is just some ideas in terms of amenities, stonewalls, stone sidewalks. Bliss – I do actually have a couple questions and comments. First of all, I believe it was Blake Cullimore that said this was a non-intensive use and I was wondering if you could explain to me how 43 houses in a fairly residential area is non-intensive because to me that seems like a lot of houses and I know when you came for your preliminary hearing, we said that as well. My second question is Mr. Gove talked about how the golf course was driving all the wildlife back further, what do you think 43 houses is going to do? My other thing is, in my opinion if you wanted to have the 61 acres in separate ownership; I would not be in favor of two owners of the open space and the conservation easement areas. If you need all those acres for your soils and slopes to get your calculation of 43, it needs to be one owner. Out of the 169 acres, can you tell me how much of it would not be developable? In other words, I look at the wetland map that we have and there's a reason why you're doing the cluster and that usually is because a lot of that 169 acres can't be developed anyway. Gross – In terms of the intensity, the whole premise behind the cluster is to take a piece of property that has a certain density and rather than spreading it throughout that entire piece of property and actually probably disturbing a lot more area, a lot more trees, you concentrate it into the areas where you have your access, topography and all the other things that are associated with development so to look at this plan and take those 43 units and distribute them throughout the upland areas on here, you would probably have a lot more roadway. Bliss – Could you? Gross – We probably could from the regulatory point of view and again it goes back to which areas are developed, what

makes sense and again, I go to the fact that we have a golf course here that is already developed so you're adjacent to something that's already in operation and is already pretty much cleared so rather than if we were developing up in here in this area which is more adjacent to the existing neighborhood, this is probably a better area in terms of development. Bliss – I wish he would answer the question of those 169 acres, how much of it is not developable? Gove – It would be 169 minus 85, 85 acres is developable. Worsman – This is kind of a takeoff on Lou and Pam's piece; I thought I had also seen a map that showed a conventional development and what could actually be done on this property via conventional development. If this were a conventional development with a well and septic for each house, what could you get realistically on this property? Gross – I know I wasn't here for that hearing so I don't what plan was presented. Vadney – To a degree, I think that question is a fair unfair question. It's not the same answer. What Jim does as far as soils and slopes won't give you the exact same answer because you might have a whole bunch of little pieces out there that add up to enough acreage to help him justify 43 units, but if you're trying to find the areas big enough where you could put a house, it could be fewer. Worsman – We have required developers to do that and I think it's fair if we do that for this.. Vadney – I just want to make the point that it's not the same answer. Worsman – I understand that but I want to be fair to this neighborhood and if we're choosing a cluster because it's most convenient and they could legitimately could not get 43 houses on that property, now is the time to find out. Vadney – I agree with that but I do think you also have to make somewhat of a judgment call here. What if they can only get 17 doing it with a conventional development? That's not very many so it sounds a lot better than 43 but it might chop that piece of land to pieces. There is the broader picture. The other issue doing that is how far do you go with that scenario. We show areas with units and then you come back and say well now we want to make sure, so go out and do all the testing to make sure you can get septic on them. It gets to the point where why do the cluster because you're doing all the actual physical work for conventional subdivision so there has to be somewhat of and I understand what you're saying in terms of taking a bunch of little pieces (inaudible), but to keep going down that direction seems a little unfair in terms of proving out and how far do we go to prove it. Vadney – I just want to make the point that there is a difference between how many you can put on there and what soils and slopes will justify. Gross – That's right and there would be a presumption on our part in terms of wetland impacts being able to be done in terms of the Town regulations. Vadney – The night you weren't here, the map did show many of the units, you could certainly put 20 or 30 out there or something but there were a couple out in the northwest corner and some in the southwest corner that would have been pretty problematic to get a driveway to them. Kahn – I personally favor clusters because I like to see all that green area there and I would think from the standpoint of the abutting owners, they would much rather see that green area than a house next door to them and my guess is that most of them won't see a house, they'll see some more traffic but they won't see a house. But I do think it is fair that it's not appropriate to use a cluster to substantially increase the number of units over what you could get with a conventional subdivision, but I agree with Herb

that it doesn't mean you should have to go through all of the engineering to show exactly how many houses you can get in with a conventional subdivision because I basically don't want a conventional subdivision here, but I think you've got to make some sort of good faith effort to show us if the number isn't 43, that it at least approaches that. If all this large lot could support would be something like 17 houses, then Herb maybe the answer is 17 houses is better than 43 units so I think you've got to make some sort of an effort to show us that the cluster is not just a way of getting more on there than you could get conventionally. I see cluster as something we should favor and it does give protection to a good portion of the land but I think you've got to give us an indication of where you would be with a conventional subdivision. Now you did have that thing that went by so fast that people remember seeing it, but they don't remember what was on it. Vadney – We did agree at a previous meeting that the basic philosophy of how to calculate that is soils and slopes, extract wetlands and all that kind of thing and come up with a number and I'm not sure I believe the number 43, that's what they are proposing but this is certainly a good ballpark for tonight. Gross – I will tell you that the majority of the soils on the site require under your soils and slopes, a 90,000 sq. ft. lot area. Kahn – The more restrictive feature is going to be the 30 acre requirement under the F/R zone so the yield plan would have to show that it's a minimum of 3 acres but in terms of horseshoes and hand grenades it will also have to meet the soils and slopes test netting out the wetlands. Vadney – And that's probably where Jim got the 85 acres. Bayard – Especially where the 6 houses are and it's being called a driveway, I think that's going to have to be some type of a narrow road. We might be willing to waive 3 units, but I don't think we will allow 6. These are really more like a road than a typical 2 to a driveway. I did find it kind of interesting about having this big impact being on the road in and my guess is that's pretty common that you'd have those types of culverts along side the road, it's already somewhat of a road because it is the logging road so without going into a lot I don't know if you just provide something. Gove – The reason is that this largest impact here is actually a created area. In other words that stream doesn't usually go along that road, that stream actually cut across and came in from another property and that's actually a created wetland. Bayard – And I think there's ways you can mitigate it. This is curiosity, the history of the stonewall? Lucien Groleau and Kevin Collins – We are the abutters at the main entrance and we've got a few things we have some concerns about. Kevin has a lot of concerns with the road. My driveway is 22 feet away where your stake is where you want to put the road. The stake is 10' off the boundary line. There's nothing but a thin line of trees in between me and that roadway so I have a lot of concerns about your sidewalk going through my living room. As far as I know, the entranceway is 45' wide and the two stakes you have there now are 43 feet apart and I don't know if that's wide enough for vehicles turning in and out of there. I've owned the property for 6 years and at least 4 out of 5 times a week, I'm almost rear-ended trying to get into my yard from the road right there, there's a blind spot. There's a crown in the road. Also, my 2 kids stand there for the bus and now we're going to hype up the traffic to possibly 80 cars a day turning in and out of that same 20 feet that I have a hard time getting in and out of. It seems like a real bad spot, are we going to light

it up and put a traffic light there. I don't want a yellow light flashing in my bedroom. There are a lot of questions and I'd really love some answers. Vadney – The quickest answer is your number 80 is pretty low, it would be more like 350 to 400 cars. Groleau - One of the issues that we've got is the fact that not only is it narrow, but there's also a utility pole right there and if you go up to about 126 Pease Road, you'll see that you've got a blind spot right there as he's talking about as well. The other problem is as you go down the road toward the golf course and you take a look at the width of the road, you'll notice on this side of the road where the Buckley's are located, there is a drainage ditch there and in fact there are 2 drainage ditches that go into my property and there are 2 major drainage ditches that are coming down through there now that collect into one and if you look you see that little blue river, that's what I've got going through there now and the concerns I have with that is that it runs year-round and it runs pretty heavy, it's just like a stream and the problem is with the heavy salting, it's killing all my trees in there so I'm concerned about that and I'm concerned with this road, what are they going to do in the winter time as far as salting it? I've already got salting issues so that's one issue but my big concern not to back track was that the drainage ditches on the side of the Buckley's means there's no width to turn off. If somebody's trying to turn in there right now, you can't turn off because you've got embankments on my side of the road, ditches on the other side of the road, people are going across the top of our hill at about 55 MPH, I suffer road rage. We actually have these two pieces of property here and this is my father-in-law's and going from one house to the other, right now just pulling out of my driveway I get the bird going into my driveway so we're running into that kind of problem. The other concern Kevin had was is this going to impact the school buses that stop right there at his house for his children because they are having a problem right now with cars with even a school bus there and the other problem is, if you're going to have 80+ cars going in and out of this development, is this going to force us to have to widen the road so that the cars that are scrambling across especially at the 5:00 o'clock traffic are going to be backed up. Are you going to have a forced widening of the road so they can go by so that's another big issue? Of course, at night what about lighting, that's a blind spot because you've got a telephone pole which I'm sure you can move but it's right there and as I say this is a steep embankment here and you talked about putting in a sidewalk, I don't think you have enough room for a road and I think you're going to have to have lighting in there as well. It's a very tight spot for the amount of traffic that you've got going in there. Also, the concern that we have if we're going to have all these cars coming in at night, I really like the peacefulness that we have here that is why we moved back here. I don't want headlights shooting into my living room every night all night long that's another issue that we have. We have concerns about the drainage and wetlands. We learned a lot about what you are going to do as far as making sure that water isn't blocked so I don't have a lake in my yard and I appreciate that and my other concern is I guess you're going to have to salt that as well and I'm just wondering in the wetlands, if that's all going to be salted, where's all that going to be draining. Our well water is of concern. I looked at the maps that you enclosed in the letter to come to this meeting. My house and Kevin's house are located about 970' in

elevation and the condo's start at about 930' and go down to about 810', there's a difference of about 40-160' there. My well goes down about 250-300' and one of the concerns I have is will we be drawing water from the same veins and what kind of draw will that be, I'm just concerned about having a dry well so I want to know how much you're going to draw and will it affect us that are behind you. The last answer we got is you're downhill from us, but my well goes down 250-300' so I want to be sure that I still have water. We also have issues about the conservation area and that's been covered enough so we're not going to go into that anymore but we would like to see it like a wildlife refuge as well. We talked about the lighting and electricity and I guess you're going to have everything going underground but I don't know how you're going to light that whole roadway or how you're going to light the development. I'm concerned about the lighting because Kevin's house is right on the corner, my house is (pointed to on the map) and the foliage there is not as thick as I'd like it because my trees are dying from the salt and you've got a bottleneck right in that little area. If this is going to be like a conservation area and wildlife refuge all of us that live around here would really like that. I like the birds that come to my feeder and I like the whole eco-chain that we have, the deer, the turkeys, the bear and the moose that's why I live here. My family has been here for 60 years and it's what we like about it. My point is we want to keep that and you're talking about a conservation easement, I want to be sure too that there are no snowmobiles or recreation vehicles of any kind allowed to be operated in that area. We're worried about the golfers driving the animals away, certainly that would be I think another issue. Not everybody may agree with that, but that's my point and lastly, if there's going to be 43 lawns and gardens plus common grounds that have to be maintained, that requires insecticides and fertilizers. Also, people are going to wash their 80+ vehicles with soaps and cleaners and this is going to be a chemical runoff and I'd like to know how this is going to be handled by the surrounding wetlands? Kevin – I'm just really concerned about the beginning of the road. Like I said, there's like a line of trees, there's no thickness to the area at all, it's all open and once you guys cut down that roadway, it looks a highway there now standing in my yard. My kids play basketball out there, it's very quiet and I'd like to keep it that way so I'm really concerned about what you're going to do on the side of this roadway so I still have my privacy because anybody from this point on with a couple hundred feet of roadway there, they are going to be looking at me and my kids and whatever we're doing so I need to know what you are going to do about that spot there around my property. Vadney – Some of those things I'd already thought of and I'm certainly glad to have an abutter bring them to our attention, the one thing I hadn't thought of, you mention the 80 cars, 43 homes will be more like 350 to 450 cars a day out of 43 homes, that just seems like it might trigger a slip lane and/or turn lane at that point, that is a pretty narrow road. Edgar – We haven't yet seen any analysis, I believe Mr. Pernaw's part of the development team but with that said and I'm not saying this is the final answer on it, the DOT has issued a driveway permit that has not been conditioned upon any roadway improvements. Vadney - Was it conditioned on 43 units? Edgar – Yes, so I flagged that in the staff review and it might be something that either somebody like Mr. Pernaw or perhaps Mark Morrill from the District could be at a subsequent

meeting to explain what their view is as it relates to by-pass shoulders, turning movements and that type of thing. Vadney – Relating to something like Windsong Place, that's a dead-end street up there and there's only maybe 25 units on it all the way from there to the far end so 43 units is a pretty good slug of traffic to bring out onto a road that narrow. I'm not saying that it's right, but when we looked at Crestwood on Parade Road, I think it surprised the Board at that time there are over 50 units on Parade Road opposite the Brick Manor and the DOT did not require any off-site road improvement there either. Vadney – Parade Road is hilly but it's a little straighter shot where they ended up putting the driveway. Edgar – I'm just thinking of volume and turning movements. Gross - I think maybe the easy answer is that when DOT reviewed this, they obviously asked for some traffic trip generation and they also asked for what the existing volumes on Pease Road are and based on those two numbers, they probably made the determination that either the AM or PM peak which is really what you look at didn't warrant a by-pass. Steve could probably answer that question better. Bayard – I worry about the safety, we have a problem on Chase Road which is somewhat similar, it's probably a little worse because we have a blind turn coming into the road. The problem is the road isn't wide enough for cars to safely go by you for making a left-hand turn and cars have to squeeze by you at high speeds so I do have a little concern there isn't too much shoulder there. I really do like to have the ability for someone to get around you if you're making a left-hand turn even if they do have to go into the shoulder a little bit because they'll do it even if there isn't much room. Kahn – I see the mailboxes there and I'm just wondering whether or not the Post Office is going to go into this development to deliver or where are the mailboxes going to be and there's no place to put them out on the road. Gross – They are going to have individual mailboxes for each unit. Kahn – Where are they going to be if the Post Office won't come in and deliver? Edgar – One of the things that's included Mark in the staff review and this we've learned the hard way that the Meredith Post Office and I'm not sure if it's a regulation or practice but tends to not want to deliver mail to individual boxes on private roads and so on some other projects they have dug their heels in and then required some congregate box set up and that's why in the staff review I've suggested that, not that it's a make or break issue, but it's one that we should not lose sight of and touch base with Dick Fleming at the Post Office and find out what their requirements are and then as one of the response items would be to get back to us and advise us how you plan to address that. Gross – If I could there are a couple of things I wanted to address, the ROW width was discussed in terms of here. Actually the ROW width from where this property line ends is actually wider than 50'. On some of these plans you can see there's a jog here which shows it is actually a little bit wider than 50'. Collins - Not at the entrance though. The map says right now, the map that's on file on R04, it says 45' and right now when I look at my stonewall which is right at the end of it, your markers that you have there right now are right on the end of my stonewall inside my property line. Vadney – We don't want to take the time tonight to re-engineer it or study that, but certainly we've got the point and that will be worked out. I want to take the time to see how many other folks came to ask questions because we want to get the questions on the table. Groleau – They have 169 acres, they want to log,

I know they're going to log. Are they going to clear-cut 169 acres? Vadney – That hasn't been discussed. The other concern is the aquifer. If they get into the same aquifer that we're in, we're all going to have dry wells. Kevin Sullivan – I live on Skyview and I'm the water expert for the Skyview Association by default. I have a professional engineer's license and for the last 15 years I have been running the well system for Skyview. We started out with approval for some 60 at this stage of the game, when they finally got the thing laid out, it ended up being 30. In 1987 there were 14 on the system which was supposed to support 30. They did build the 30, it went dry and we brought in water constantly from an outside source for the last year. Finally, the system collapsed. We're now down to 11 people on it now because the rest of us have moved off. There is just not enough water capacity there. The USGS has survey of the hill water flowing down and told us that we could do nothing except to expect something like that to continue and I really think the Town has to consider the fact, I don't know how these things work out, but you're going to have to bring water in. We were told we could bring water in to our wells by the Town for \$245,000.00. There's been changes in numbers and people over the years but that was a number given to me in 1995 so very careful consideration of the water is needed. I just put a well in down 450' and I'm getting 4 gallons/minute out of the thing. I would be real upset if this drawdown killed us. Vadney – Let me ask you a question, sir. You mentioned there were at one time 30 units on the public system. Sullivan – It was approved by the State for the people who owned the system, in other words the owners who built Skyview owners association, they had that approval. How many were actually hooked up to it. The most that were hooked up to it was somewhere around up to 20 and dropped back. We were down to 17 at the start of this year and we are now down to 11. Vadney – The others are dropping and drilling their own wells. Sullivan – We had to. Vadney – How many wells do you have on the public system? Sullivan – We had 3 wells on the system, one of them is inactive and we can't get a thing out of it. Two of them are down 750' and they draw less than .8 gallons/minute. Vadney – That certainly is some good advice for you folks. It always amazes me to see the water situation in an area of big lakes around. We had one in the system that pushed out about 20 gallons/minute, but that's one drawing for one family. Bliss – If we could just limit to the public and try to get the questions in because we're not going to get the answers out tonight. Gross – The other thing I was going to say is when Skyview Circle was done, now the requirement is you actually have to have your well drilled, tested and approved before you even get approvals from DES for anything or any building permits. Vadney – What they are afraid of is it will test well for 20 minutes, but when people start living there and drawing thousands of gallons, that runs theirs dry so we have to be careful of that. David Street – I am a property abutter here. I have the same concerns as the other gentleman that spoke. The question I'd like to ask these gentleman here tonight and also this might help with the main questions the Board had about density and if you had to move this around, how many units would this property support. My big question is why if they are not entertaining this property up here which is a totally dry open field, I don't know anything about soil conditions and cottontails and all that but I do know that this is a dry deal up here and I would think it should be explored. I'm for

the project but I think something has to be done about this down here and the property does warrant moving the buildings around and making it a much better project. I've walked this property time and time again; it's dry as a bone. I'm sure we have a good Board sitting here and we have a good Code Enforcement Officer and a good Fire Department, but what about if there's a fire down here, where are you going to get the water to fight the fire. Vadney – There certainly will be some type of cistern requirement sized by the Fire Chief. We've put those on several developments around town. Dr. Hatch – When the Clover Ridge Development was under the approval process, there was a great deal of concern about a second access for emergency vehicles. I see no provision for this or any mention of it. I don't know the regulations but certainly that narrow several hundred feet of road there could be blocked by a tree or accident or whatever. Vadney – John, what is the rule on that now. Edgar – the Selectmen's road standards establish a dead-end for purposes of an analogy, a dead-end is a maximum limit of 1,000 feet, it's about 600 feet to the fork and then it becomes a loop road at which point in time you'd have two ways to get to either property on the loop so essentially I don't think the dead-end road issue comes into play. We do as a matter of course ask people to look and it's indicated in the staff report to identify whether or not there are practical connections that could be reserved to abutting properties and Dr. Hatch is correct on the Clover Ridge project, we extended the ROW beyond the cul-de-sac to the abutting property so to the extent that there were any practical considerations in terms of accessing abutting properties that should be identified early on and at this planning stage. Vadney – Clover Ridge is on Pease Road. Richard Juve – My questions pretty much resemble those that came earlier when on Waukegan Street we had a cluster condominium development and I'll follow the same thinking. Traffic – The traffic pattern once you build this condominium development, the traffic pattern on Parade Road will increase, there's an intersection there without a light. Forty-three (43) buildings would probably have approximately 80 automobiles. The 80 automobiles to get to Town have to go down Waukegan Street, that increases the traffic flow on Waukegan Street which passes this beach which is going to be improved and you've got more cars trying to get to town fast. I see those little children crossing the street all the time. The question that wasn't answered was the number of bedrooms, normally when you do a population projection on the number of children you have in the school district, you base it on the number of bedrooms so if there were 2 bedrooms in each house that would tell me there would be approximately two children for each house which would equal 80 children or 3 additional teachers and additional classroom spaces, but we know that the student population is declining in our school districts so that would be justification on the tax rate to keep the same number of teachers but it never really works out that way. School Enrollment – I didn't hear any projection on the number of students nor has the Superintendent of Schools to my knowledge been consulted on this particular issue. I would like to know the price range of these houses which would also tell us whether it's a low-income development or in the higher price range and one of the issues that was just raised was, will there be fire hydrants. Doug Jenkins – I own the golf course that abuts this property. I wanted to point out a couple of things. Mr. Kahn, you said that there wouldn't be anybody

seeing these things because the whole point of a cluster is that the open space is for the majority of the homeowners. As it lays out, the trees that they have right in here, they are actually across the property line so the buffer of trees that are here are not actually there. There is actually nothing there besides my 9th tee and fairway. They are customers, they are clients I realize that, if anybody's ever been to my golf course, I don't have a Pheasant Ridge, I don't have a wide open field. I keep a lot of trees; I keep pathways that you'd have to play so that it's very segregated from each hole so you don't feel like you're playing on top of each other. To open all this up, they will see it so it would be obvious to them as a cluster. I'm not against the project; it's the sheer scope of what is going on here. Some of the water things that got brought up I'll address. They won't build a golf course without 50 gallons/minute, I have 14. I had 4 gallons/minute, Thomas came in and I went down to 480' and I run on 14 gallons/minute so there's another example of what's here. I realize they will do the wells and they'll do all the right testing, but there are no dry hydrants on Pease Road that I know of. I know it's been an issue. I had spoken with the previous Fire Chief about putting one in from my irrigation pond which I don't use because its spring fed and it won't recover. There's enough for a one-shot deal and I've talked about a dry hydrant going across my first fairway, that's an option that could be explored. There's a source of water there, but a limited source. Probably not enough if this thing got going. My pond would be so far removed from this as far as tying it in, it wouldn't be an option. Animals – I've got 9 deer yards, red tail hawks, there's a lot of stuff on the golf course, there was a comment that I took personally because I pride myself, I'm actually going for the Audubon approval for my golf course. I established some natural areas for habitat instead of just mowing everything. I have the animals there and I think something of this scope, that is the access point for a lot of stuff, the bear are over here and the deer tend to come across that 9th fairway, I don't know whether that would stop it or not but it's a pretty big chunk to have in one little spot. Kahn – I stand corrected. Vadney – I wanted to point out to the developer, he mentioned the water and we mentioned cisterns briefly. We haven't gotten deep enough into the program yet to see, but you didn't mention any. You've got enough land there, I'm sure you can find something but that's something you need to work with Chief Palm on before you get too deep into things. He will want to set aside some areas for cisterns. Edgar – The Chief has provided an initial review, it's been forwarded to the applicant. At the end of the day there will be firefighting water supplies to the property. There's a number of options whether it's provided by the well, whether it's individual sprinklers in the buildings or whether it is a function of cisterns strategically located within the subdivision so one way or another, there will be firefighting capability water supplies as a function of the project. We are just not far enough into it to know which way that will be addressed. Bliss – I think at this point we need to close up the public portion, but I think it would be helpful Herb if you would explain to the abutters the process because this is the first of many hearings. Vadney – If somebody's already raised the issue, you might just raise your hand and say I agree or something, but we don't want to hear it again because I'm trying to get as many of the issues out on the table as we can so we know what to look for and they know what we're going to be looking for. If there's anything

new out there, please tell me now. ??-Can we expect answers on each of these questions at the next hearing? Vadney – I can't say at the next hearing, but they'll certainly be brought up. The ones that have answers we'll give them, but we will be tracking all of this stuff. If there's anything that we don't bring up again, feel free to let us know. Edgar – What I'd like to point out as far as it relates to the date specific, abutters will not be renoticed if the Board decides tonight to continue this hearing to a date specific, that would be your notice tonight so don't wait for something in the mail. Always feel free to contact the Planning Office; we can certainly clarify if something is scheduled. The other thing to the applicant, when we continue to a date specific we look at the statutory filing due date as a submittal date so to the extent that you respond to the issues raised in whatever fashion in terms of any revised plans, documents, clarifications, legal documents, memoranda or whatever, look at that due date as the filing date and that's for two reasons: (1) so we can staff it, but (2) so the audience can examine the file in advance of the public hearing. Vadney – We are not having a meeting the day after Christmas. There will be only one meeting in December. Hearing closed at 11:05 p.m.

Kahn moved, Bliss seconded, MR. CHAIRMAN, I MOVE THAT THIS MATTER BE CONTINUED TO JANUARY 23, 2006. Voted unanimously.

5. **RICHARD G. JUVE:** (Harry Wood) Proposed minor subdivision of Tax Map S25, Lot 27J, into three (3) lots (5.13 ac., 6.14 ac. and 6.68 ac.) located on Wall Street in the Residential District. Application accepted on December 28, 2004.

This project has been before you in past years and most of you are familiar with the project. We have appeared before this Board several times since 2003. Our first visit was for preliminary discussion of the project to iron out some difficulties. We came back in 2004 to the initial submittal. We've been to the Selectmen, the Conservation Commission, the Zoning Board, the State Wetlands Board and we've been about everywhere in between trying to clear up a lot of the different regulations that this property is subject to. We have received the necessary permits from all other agencies that I'm aware of and that's essentially what we've been waiting for before coming back to you. We also appeared before the Selectmen with a request for reduced road standards which we were granted. Those road standards were for an 18' wide gravel surface with 1' shoulders. There was a requirement for 4 extra inches of fill, crushed gravel on the surface because we would not be paving. We would have a hammerhead turnaround instead of a full cul-de-sac and the number of additional units we're talking about here on this 17.8 acres is two additional units, the parcel with the home being one unit before we started. The property is located off the end of Wall Street which comes off Waukegan Street formerly known as Cotton Hill. The first portion of Wall Street is a Town road in as far as the cul-de-sac which shows up on the bottom end of the property. There is an existing driveway there now that services 3 units. They are on the opposite side of the road, one is Mr. Juve's and the two others are abutters. All lots are more than five (5) acres in size, we've done test pitting on the lots and we have done topography to show the slope of the land, we've shown potential

house sites, well sites and septic systems. With regard to what you see on the map, the blue cross-hatched areas are wetlands. The deep blue along the roadway are essentially wetlands. Most of them were created when the road was built. The road was not well ditched, not well drained and historically the lot has backed up on the uphill side of the road and overflowed the road especially in the winter time when culverts tend to become a little bit smaller because of the weather and also the snow and ice buildup on the side of the road prevents lateral drainage so the prime thrust of what we are trying to do on the property with regard to the road is to correct all that drainage problem and to widen the road slightly to make it at least so that two cars can pass. At the present time, you have to be pretty careful where you meeting somebody on the road, but occasionally somebody has to give way to someone else. We did receive approval from the State Wetlands Board, the Conservation Commission said provided everything was built according to the plans as submitted, they thought it would be OK. They previously had about a 2-page letter a couple years ago and they had quite a few comments and concerns, all of which were addressed in the design. We are also providing for some water detention with a detention pond and treatment swale that's located in this general area where there's no wetlands shown so we're not impacting wetlands in order to provide this retention and treatment. We're obviously looking for a conditional approval at this time, the conditions are essentially that the pins would have to be set on the property; that a satisfactory bond amount would have to be agreed upon and we have a proposal for that this evening and a plan note on the plan so that no one can inadvertently install fossil fuels above ground or out of doors. Obviously, you're immediately adjacent to the Town water supply, you would not want 250 gallons of fuel oil or gasoline headed towards the lake so those types of heating arrangements would have to be accomplished with indoor tanks so the fuel doesn't spill. There are some comments about pursuing Town road acceptance which has nothing to do with this particular application. Obviously, if the lots are built out then it's a possibility that the Selectmen might consider accepting it as a Town road since it's a continuation of something that is a Town road. We realize there's no guarantee on that and we're not asking for any consideration of that at this time. John made a comment about a recent development with the possibility of rearranging this development slightly, however, what we've decided for the time being is to try to bring to a close the odyssey that we've been on for a few years trying to clear up all of the necessary permits and we felt it would be appropriate to come in at this time and present what we have, answer any questions that you have and hopefully obtain conditional approval. The only thing I haven't talked about is the road construction costs. There are a couple of unsettled issues with regard to that. Preliminary review by Mike Faller indicated that there were no provisions for an open bottom structure that's now required by the State when you put in a culvert or extend a culvert in an established brook. If it's a drainage way, they still use the standard culvert but where there's a brook and a brook bed and it's stable, they don't like you to dig it up and put in a pipe. They would prefer that you leave that bed there, I guess the theory is it's stable so why disturb it. The indication was that wasn't included. I tried to call the engineer and verify that today but he was not in his office. There were 1 or 2 other comments

with regard to the specific amount of gravel and so what we came down to was we have proposed a price in the vicinity of \$110,000.00 and we recognized we'd have to have the standard adjustments that the Town does. The Town has actually reviewed that proposal and with all other things in place, they came up with a total number closer to \$150,000.00, I think it was \$149,087.00 which we would propose as a not-to-exceed price for bonding purposes. If in working with staff and the highway department we're able to demonstrate that a particular cost was included in our estimate and that would reduce the requirement in any way shape or form and the parties all consent to that, we may be able to work at a lower figure but we're simply mentioning tonight for the purpose of this hearing not to exceed \$149,000. That's essentially it, 3 lots and one there now. I should have brought in the plan for this that was presented back in 1970 and it was for about 14 lots. Edgar – Basically I have nothing to add, there was an awful lot of work that's been done in the last couple years in working with Harry and Mr. Juve and Mr. Fluet to address the issues that were raised a year or two ago. A lot of the outstanding approvals are in place, the staff review covers the last couple items, primarily the bonding and the driveway permit is forthcoming. Other than that it's ready to go. Kahn – Is this a dedicated ROW. Wood – I'm not going to let John answer this because he's got a 2-page answer. The long and short of it is, the ROW for this extension appeared on the original subdivision plan and to that extent it exists. It was not built in its complete length, it only was built up to a point where it could access the last lot being serviced. There was a possibility at one time of pushing it through, the Town has considered all of that and chose not to put it through at this time. Edgar – The ROW is essentially dedicated and the original subdivision noted specifically that this piece of the ROW is reserved for future upgrade and/or thru connection. Hearing closed at 11:23 p.m.

Worsman – You said the road is 10' wide. Wood – You probably misheard me. The road now is probably 12-14' wide in most places. The reduced standards that were granted by the Selectmen after meeting with them and considering this and being reviewed by Mike Faller was for an 18' wide travel surface with 1' shoulders before the edge of the road breaks so you really have a 20' wide surface and then 2:1 slopes down to the ground. Normally you'd require 22' with a shoulder or so and so this is somewhat of a reduction in the total width. The only other thing that they chose not to require us to do is to pave the surface. Wall Street itself is not paved so they felt it was reasonable to go with gravel. They did request extra fill, we normally have 4" of crushed on the top and they requested 8". When did this happen? Wood – It's in your packet. We went to the Board of Selectmen for the first time in December of 2003 and we went back August 30th of 2004 and in my packet over there I have the actual letters that were forthcoming and they may have a slightly different date, but it was about two years ago. Worsman – I wondered if I missed something along the way. Bayard – There is a question about a potential two-lot layout, would this require you to come back in front of us? Wood – Yes.

Kahn moved, Bliss seconded, MR. CHAIRMAN, I MOVE WITH RESPECT TO THE JUVE 3-LOT SUBDIVISION, TAX MAP S25, LOT 27J, LOCATED ON WALL

STREET, THAT WE CONDITIONALLY APPROVE THE SUBDIVISION, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) THE DPW DRIVEWAY PERMIT AS REQUIRED FOR THE ROAD EXTENSION TO CONNECT TO THE EXISTING TOWN ROAD;
- (2) THE ROADWAY IMPROVEMENTS SHALL BE SUBJECT TO STANDARD CONSTRUCTION INSPECTION, TESTING AND AS-BUILT SURVEY REQUIREMENTS;
- (3) FINAL PLANS SHALL NOTE THAT UNDERGROUND OR OUTSIDE STORAGE OF FOSSIL FUELS IS PROHIBITED UNDER EXISTING ZONING EXCEPTING PROPANE GAS;
- (4) THE PERFORMANCE GUARANTEE SHALL BE A NOT-TO-EXCEED AMOUNT OF \$149,087.00. THE FORM OF THE GUARANTEE SHALL BE EITHER A LETTER OF CREDIT OR CASH. THE FINANCE DIRECTOR SHALL APPROVE THE FORMAT. IN THE ALTERNATIVE, PROVIDED THAT ALL CONDITIONS PRECEDENT TO FINAL APPROVAL EXCEPTING THE PERFORMANCE GUARANTEE FOR THE ROAD, THE APPLICANT COULD PROCEED WITH CONSTRUCTION OF THE ROAD IMPROVEMENTS. UNDER THIS SCENARIO, THE LETTER OF CREDIT SCOPE WOULD BE REDUCED TO INCLUDE STABILIZATION ONLY
- (5) WRITTEN CONFIRMATION THAT ALL PINS HAVE BEEN SET IS REQUIRED PRIOR TO RECORDING THE MYLAR.

Voted 5 in favor, Worsman abstained.

5. **SRB PROPERTIES “ENERGY SAVERS, INC.”** (Rep. Carl Johnson)

The owner of the property is SRB Properties. This property is located on Northview Drive which is a Town road. It's immediately in back of the existing Energysavers building. The proposal is a simple one to construct a warehouse 100' x 60' with an associated limited parking area in the front. The warehouse is to be dedicated to the function of the existing Energysavers commercial building which is on the abutting parcel. Because the actual use of inside storage is not a permitted use in the zone, there's a plan note that we have to do one of two things before receiving final Planning Board approval and that would be to either obtain a variance from the Zoning Board of Adjustment for the use or merge the lots. We can merge the lots because similar to the Pelczar property the ownership of each one of the parcels is identical so we could make the division line between the two parcels go away and therefore it would be an accessory use to the primary use and be permitted. We took this vacant site and the first thing we did was to have Nicole Whitney of Ames Associates determine that there were no wetlands on the site. There's a letter to that effect. We then had Paul Fluet from Fluet Engineering prepare a designed engineering plan and a drainage report for the site which is also available in your packet. I do have a copy here that I could put on the board if you like, but essentially what we're doing here is we are creating a topographic situation where you will come in at the same elevation grade as the road into the

building and this would be a very simple rectangular Morton style building with earth tones. I do have an example photograph of the building of similar type that's in your packet that you can use for reference. The proposal is fairly simple in that we're going to tie into the existing well which is on the abutting property, yet the properties are to remain separate by benefit of a variance and an easement for the well would be required. There is an alternative well location shown on the site for the purpose that we could have an alternative well if we decided to do that. The property is serviced by municipal sewer, there's a sewer line proposed to go out the front that's also designed by Mr. Fluet and is currently under review by Bob Hill from the Town of Meredith Sewer Department. There will be power to the building; the power probably will be an overhead line coming from the power pole that's directly in front of the property. The use is storage, there will be trucks entering the site. The idea is for the trucks to come off of Northview Drive to come into this area formerly shown as a couple of parking spaces. Based on some comments in John's staff review, I've actually taken those parking spaces out so the trucks could come in here and then back into the building. There will be some service bays at the front. The materials will be stored there and the trucks will leave. There will be no members of the public coming to this storage building; it's primarily just because they are running out of space. In John's staff review, he has additional comments, one of which is he says that there are two downward shining security lights that are being proposed. We are not proposing any landscaping on the site, basically the building sits back from the road and they would retain the natural vegetation that surrounds it, but essentially it's in an area where Northview Drive is a dead-end road and there's only a couple of properties up above this one. There's some traffic that comes to the building that's across the street which is Fitness Square but beyond that there's very little traffic so it would be in a relatively non-visible area. Initially there would be no signage on the site because it would be simply storage for the existing Energysavers. We don't at this point show any fuel supply, we're still deciding what if any of the area will be heated and it would probably be a propane heater and that would added to the plan when we come to that determination. We don't show any dumpsters on the site, there are existing dumpsters on the Energysavers' site and the current engineering plan is being reviewed by Lou Caron, the Town's consulting engineer. Nothing has come back on that. Edgar – The meeting is scheduled for the 30th of this month. Johnson – That's essentially what's being proposed. John recommends a site view and would like the building to be staked and the driveway staked and we can accommodate that this week by the end of the week. If you would like to continue this hearing to sometime soon and continue the hearing to be able to work on that schedule. Edgar – We have a very, very extensive grading and drainage plan for this project. This is a simplified kind of schematic view, but we're basically cutting into the hillside to create the platform to create the building so even though it's a relatively small proposal, a very significant grading and drainage plan has been prepared to address the runoff and the grading so that is very significant. I'm not saying it's a bad plan or anything of that sort, but that's why we need to do the view. That review is scheduled for later this week and we moved that along as quickly as we could so if you were to look at these plans, you would kind of get the

“wow” factor because of the degree of grading that’s involved and riprapping and under parking lot detention basins and the like to manage the storm water so I do recommend that you inspect the site just to get a visual feel for the property and to get a sense of how the engineering all comes together. If we were to schedule a continuance as was determined previously, we don’t have a meeting later in December, the next meeting would be the 9th of January. We have no new applications for that, but the deadline hasn’t hit yet because we have that off meeting. At this point the 9th is available and certainly would allow us to get the engineering review under our belts and get a site inspection under our belts and hopefully these other details could be addressed in anticipation of that meeting. Bayard – If you do merge the two lots, I’m curious as to what the percentage of lot coverage would be. Johnson – Plan A is to obtain the variance, that’s our aim to keep the lots separate. If we did merge the lots, then since this is complying and this is existing, it would not be compounding the situation as far as the total package.

Bliss moved, Kahn seconded, I MOVE THAT WE CONTINUE THIS HEARING AND THE ARCHITECTURAL DESIGN REVIEW TO BE ON THE SAME TRACK TO JANUARY 9TH, 2007, WITH A SITE INSPECTION TO BE HELD DECEMBER 9, 2006, AT 8:30 A.M. Voted unanimously.

TOWN PLANNER’S REPORT

Edgar – Mr. Chairman, there’s one item under the Town Planner’s Report I’d like to briefly speak to. Back on the 24th of October, the Board had a Pre-Application meeting with representatives of Shep Brown’s Marina to discuss various issues regarding use, site plan approvals and so forth. Subsequent to that meeting the Board has had a meeting with Town Counsel and as a result of that meeting, I was asked to create a draft letter for your consideration, if you go to your packet on Page 141 you’ll see a copy of that draft letter. The letter’s for your review, it is a draft, it has not been distributed, it has been reviewed by the Chairman and Town Counsel and is generally found to be acceptable, but essentially this is a communication for your consideration and if you take a second to read that, the process from here would be to authorize the Chairman to execute that letter or some version of that and then off we go. Has the applicant seen this? Edgar – I have not shown it to anybody, it’s basically for the Board’s review, it’s the Board’s correspondence. This is not a discussion item tonight, it’s not a hearing and I would advise against taking any testimony. (Letter read into the record.) Kahn – The only thing I want to clarify is where it says it’s not a change in use, if it’s not a change of use with respect to the lot as a whole Vadney – That’s why we added the word zoning. As a practical matter, there will be changes to parking, for example, so we’re making a distinction between changes that occur at a site plan level that are not necessarily zoning changes. Edgar – Mr. Chairman, just for the record, I would like a motion to authorize you to send the letter.

Kahn moved, Bliss seconded, I MOVE THAT WE AUTHORIZE THE CHAIRMAN TO SIGN AND SEND THIS LETTER. Voted unanimously.

Edgar – One last thing, I've been advised that we're likely to receive one if not several zoning petitions from our residents in the Forestry/Conservation District regarding changes to that district and as soon as they come in, they need to go to the Selectmen, the Selectmen determine correct warrant article form and then it's sent to you and you're obligated to conduct a hearing as the hearing officer and then forward them on to Town Meeting with a recommendation from the Board. As soon as they come in, I'll make you aware of the details and get them out to you right away. Kahn – Since this is a matter for the Town Meeting, is there any particular hurry on holding the hearing? We've got a few things going on in January. Edgar – There are statutory requirements, I can't cite them for you at this hour but basically I think once the Selectmen get them to us I think we are obligated to bring them up in a prompt fashion. It very well may be the next regular meeting following the forwarding of them to us by the Selectmen so they will need to move along in January.

Meeting adjourned at 11:55 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant

The above minutes were read and approved by the Meredith Planning Board at a regular meeting on _____.

William Bayard, Secretary
Meredith Planning Board