

PRESENT: Herb Vadney, Chairman; Bill Bayard, Secretary; Bob Flanders, Selectmen's Rep.; Liz Lapham, Alternate; Lou Kahn; Ed Touhey

Kahn moved, Bayard seconded, MR. CHAIRMAN, I MOVE WE APPROVE THE MINUTES OF NOVEMBER 24, 2009, AS PRESENTED. Voted unanimously.

1. **VANASSE HANGEN BRUSTLIN, INC. FOR LAND ACQUISITION, LLC –** Continuation of A public hearing held on October 27, 2009, for a proposed major Subdivision of Tax Map S17, Lot 2, into 8 lots, located on Upper Ladd Hill Road in the Central Business District. Application accepted on 9/22/09.

Mike Dibitto for Land Acquisition, LLC – We are working toward getting this plan finalized and there are still a number of issues we still need to work out. I thought we might take this opportunity to get some possible solutions from the Board, and then I would request a continuance of this public hearing to the February meeting to give us adequate time to get the plans revised and feedback from all the departments as well as the reviewing engineer. One issue Angela brought up was an issue we hadn't really considered was the common driveway that's shown over the proposed ROW for the future development actually serves 3 lots. We didn't consider the back parcel to be a lot for purposes of that driveway definition, but if it does then we wish to address it. We think the better way to address it would be not to go before the Selectmen to request a waiver but to possibly dedicate a portion of that as a ROW now and to the extent the Board sees fit to complete that as a short section of roadway and as such we would be able to solve a couple of issues. We would have driveways to Lot 3 coming off that new roadway. The driveway to Lot 4 could come off that new roadway although as an alternative we do have another thought we would like to pass by you and we would eliminate the driveway to Lot 1 that you see as a common drive which has proven to be a little problematic in terms of its grading relative to the wetland area so in order to avoid building that proximate to the wetland, we could create a driveway easement to Lot 1 off of this new road as well so we would eliminate the direct access off of Upper Ladd Hill Road and bring it in off the new proposed roadway. Vadney – In effect, this wouldn't be a driveway, it would be a roadway with driveways coming off of it. Dibitto – Yes, it would be a short piece of dead-end roadway to be extended in the second phase of the development. Vadney asked how many acres are downstream from this. Dibitto – Overall, the site is approximately 19 ½ acres. I think we're setting aside 5 or 6 acres for the frontage lots, so probably about 12-13 acres remaining. Flanders – Mr. Chairman, this ROW appears to be about 20'. Dibitto – That's a different one. Vadney – That's the existing easement to the water tank. The water easement is the one you're looking at. The other one I'm proposing is between Lot 3 and 4, that's where the new roadway would be constructed. Flanders – And that would be a 50' width? Dibitto – The alternative to this if the Board doesn't want to get into doing that right now, we could always create a common drive between Lots 4 and 5 so we would then have two lots served by a common drive where its currently shown over that roadway, but candidly, I think we would probably want to do all the grading and so forth for that

roadway now so it would make sense to construct it in a form that would be permanent. Flanders – I can't see the Town ever taking over that little piece. We could dedicate it as a private way at this point and if at some time the Town said when you extend it, we would like to dedicate it as a public way, we would be receptive to that. Vadney – It seems to me as I recall, its one thing to leave Upper Ladd Hill Road and head pretty much due East into that site but if you do that and then turn North, it seems you're going to start encountering some slopes that might be problematic to you. We've got a profile on that road that was laid out completely for the Alteration of Terrain Permit so all the drainage and I'll make sure there's a copy provided to the Board in the next plan set for reference purposes. This way you'll see how the State has addressed it but we've got all the drainage worked out and permitted so the roadway is pretty much locked in place. Flanders – It looks like your topography lines are really stacked close together if you come in here between 3 and 4. Dibitto – That's under the current methodology, once we show you the final grading plan for that roadway, you'll see it's improved somewhat and is a lot better. That's why I'm suggesting we would like to do that grading at the same time so its all done and behind us. Bayard – The Lot 2 driveway then would stay the same? Dibitto – Yes. LaBrecque – The amount of curb cuts would stay the same which is a concern of DPW not to have more than 4 curb cuts. Dibitto – Working within that has been a little bit of a jigsaw puzzle but I think what we're proposing now really facilitates the objectives of the Town Highway Department. Vadney – Is Lot 8 the one you're talking about that would require a future driveway? Dibitto – Correct. Do you own any land beyond that which requires access through this property? Dibitto – Lot 8 is the entire balance of the site and as you may recall, we had gone to the Selectmen for a waiver on the dead-end standard cul-de-sac length at one point already and the Selectmen did grant that. Vadney - Can you tell us how many houses Lot 8 would support, 2 houses, 27 houses? With the AOT plan, it will actually show the lot layout as well. I believe overall including the frontage lots we're looking at about 33 lots so basically that would be 25 more lots. Vadney – Any driveway or road you put in there has to be a pretty high quality road. Dibitto – Absolutely and that's why we're suggesting to build that to Town standards. Vadney - So that would most likely come off Lot 5 and continue right into Lot 8? Dibitto – It's between Lots 3 and 4. The two radii define the merge point of the two roadways so that's actually where the roadway alignment's proposed to go. Vadney – How much of the rest of Lot 8 is to the North of the easement to the water tower or is it all to the South? Dibitto – I would say more than half of the remainder is to the North, probably two-thirds. Vadney – So any driveway that comes in at that radii driveway between Lots 3 and 4 continues out into Lot 8 and would then have to turn and go into that other land because it's downhill. We have that whole profile and grading plan worked out and you should have that for reference purposes. The plan will include the rough layout of the proposed lots even though you won't be acting on those for now so you'll have an understanding of what we're thinking. Touhey - Is the adjustment of the water line easement as to where the water line actually is going to be made so there is 12 ½ feet on either side of the line for the easement? Will the adjustment effect any of the building envelopes, setbacks and that type of thing. 12 ½ feet on either side

of the centerline I'm not sure I recall that specifically. I thought we were going to create the easement. LaBrecque – That was a comment provided by the Water & Sewer Department and was in the staff report in October and in November but the Water Department would like to see 12½ feet on each side of the line and should be shown on the plan. With respect to the waterline easement, I'm not sure if this was something that has to do with the engineering and the elevation of the waterline. Right now the water transmission line comes right through the middle of the property and goes to upper Ladd Hill and instead of expanding the water main diagonally across Lot 2 and creating the need for another easement, why wouldn't you just make a "T" at Upper Ladd Hill and keep it completely within the ROW rather than creating a need to have a public water line on a private piece of land instead of creating more easements. Dibitto – That's an excellent question. Obviously, we don't want to create any that aren't necessary. One of the issues related to the busyness of that area, under the plan there essentially is going to be a sidewalk apron constructed as well as a curb there and trying to fit everything there and also be able to avoid the sewer line crossings kind of dictated why we might go that way but we'll look at it again and see if its feasible. LaBrecque – The water typically is deeper than the sewer line so you have sewer service stubs coming across perpendicular to the water main the whole length of the road. Dibitto - We're hoping the sewer is deeper than the water line because it's always preferable to cross over that. LaBrecque - I stand corrected, the sewer is typically deeper and it goes perpendicular to the water line which is not as deep. Dibitto – We also have drainage we're adding that wasn't there previously. LaBrecque – It would cross almost all of the same components, drainage and sewer, so it could be because of the elevation and you need the gravity there. Dibitto – If we can possibly arrange to get the waterline not to conflict with the other utilities... LaBrecque– Then you would be encumbering Lot 3 with an easement as well because if you go within 12 ½ feet of that main, then you're also going onto Lot 3. Dibitto - That's already there too. LaBrecque - The water main currently runs between Lots 1 and 2 but on the diagonal you're kind of pushing that over a bit. Dibitto - You're correct, I keep thinking its further uphill, so we'll look at that and see if it's possible to get it out into the roadway. LaBrecque – There is a need for the profile just to ensure the depth of the water line, the drainage and the finish grade and all of that works out nicely. Dibitto – VHB has really done a lot of work on the profile so if they haven't included it in this set, they subsequently worked out all of those crossings and its been a little busy with the sewer, water and other utilities but we'll have that for you. LaBrecque - If you did create a road per Town standards and put the driveway to Lot 1 off that and that would alleviate that issue that's noted in the staff report as well as the issue of having a third driveway and the need to go to the Selectboard which if that can be avoided, that would be good. Dibitto – It does solve a couple issues; I just want to be assured the Board would be receptive to that as a solution. Vadney – A road? Dibitto – Yes, to construct a short road 200' in length. Vadney – At this time, but it could be extended. I certainly wouldn't oppose that initial part, but I think we would want to make sure we understand where its going beyond that and what we have left open for it to go beyond that. At one time work on this property that went up to the traffic

circle, out Upper Mile Point and down where it makes the bend and connected across this property at the lower end. Is that correct, Bob? Yes. When you go down the road and go past the new rest home, it curves around a little bit, swings a little bit to the North and then makes a hard right and at that point if you went straight, it went onto this property as I remember. Dibitto – There is a stub almost to the property line. Vadney – Is that anything that is still being considered in any way to support the lower end of this? Dibitto - It is, when we went to the Board of Selectmen, we showed an emergency connection there, whether it be gravel or whatever we'll discuss with this Board at the time but we did show a gate with a temporary connection. We're still hoping at some point we might be able to make it a full connection as a secondary access to the homes. Vadney – That's what I was getting at because this plan, rough as it is, appears as if you come in off of Upper Ladd Hill and down across the Town's ROW or to that water tank and cuts down through this property, you're crossing a couple of pretty good sized wetlands and that was one reason we had looked at going in from the lower end and I just wanted to see if that's still a possibility. Dibitto – It is but the plan at this point Mr. Chairman would be to have a looped road so it would have two means of egress. Vadney – That might be an emergency way to get fire equipment in but the entire access for these homes would be out onto Upper Ladd Hill. Dibitto – That would be the primary egress way and we're still working on it as you probably know. Vadney – If you're looking at something more than 10-15 houses out in here and up as high as 30 or 25, then I think we want to be careful, Angela, that we now have a driveway permit area for one or two houses, if its going to be an access point for as many as 25 houses, we want to have Mike take a special look at that driveway and route because it would have to meet our road standards and have the appropriate road box with the lanes, shoulders, etc. It needs to be looked at carefully because it would be a jumping point for the rest of all the other traffic in the future. Dibitto – We wanted to disclose that so there's no question about that road. LaBrecque – I wanted to mention, when you came in with a conceptual design, there were two cul-de-sacs once and the other time it showed it going all the way up and the emergency point of access to Upper Mile Point was noted and also noted was Upper Terrace to reserve an easement for a possible connection. Dibitto – At one point the Morse property was in consideration for a master type of plan and we had to rule that out. LaBrecque – When you go to the Selectboard for any type of road waiver they typically look at (1) safety, (2) the underground utilities, (3) does it provide possible future connection to other pieces of property that could be subdivided, so even if a road wasn't going there, then an easement for a possible connection would be required, those are the typical things the Selectboard will consider. That's not in front of us at the moment but I'm just letting you know. Flanders – If my recollection is correct, there is some kind of a problem as far as Upper Mile Point land allowing that connection. Vadney – Upper Mile Point is a private road and they would need to have an agreement with them, the road was built to standards and stuff. Flanders – I just think its going to be problematic to get at this point. Vadney – One minor point was when we approved that as a private road, we allowed golf carts to run on it so if we start adding another 15-20 houses to it, that could be an issue with those people and they would deny it. Dibitto –

That is why we proposed the gate because at that point our discussions with them and the fact there were so many parties involved, apparently having a wrestling match of their own over there so it slowed down our progress to some degree but nonetheless, the gated and completion of our road to the property line was what we showed. We are making some overtures in seeing whether we might facilitate a solution to all the litigation that's taking place there but so far our discussions are just preliminary. Dibitto – I think I'm finished with my presentation for tonight and am ready to request a continuation to the February 23, 2010 meeting. LaBrecque – We received the plans Monday and I distributed them for comment and received comments back from DPW but Water & Sewer is still reviewing because it's the first time they get to see the waterline and some of the details. We are also waiting for some additional information that is forthcoming as well. I also want to note again, the Board of Selectmen will have to approve the water usage, the main via development agreement and also as part of the approval we'll also expect to see HOA documents, covenants that just address the maintenance of the road, drainage and those types of things. Obviously, the road won't be public. Lou Caron still needs to review the updated drainage and look over the plans and see what comments have been addressed and there were some updates to the drainage calcs so he's looking that over. Flanders – I'm going to be very interested to see the potential future layout here. We've got two major wetland complexes right in the middle of this thing and by the time we take the wetlands into consideration and the buffers, I don't know how you're going to get that many lots out of it. This whole big chunk in the middle is all encumbered by wetlands and there's another chunk over here and if you take the buffer setback you've lost 50% of the land areas that exists there. If there's a creative way to do it, fine but I'm not seeing it at the moment. Bayard – Is it going to be somewhat similar to one of the proposals you've put before us or something different? Dibitto - We are trying to incorporate some of those design elements and candidly to address the issue of the lot sizes which Angela had brought up. The homes we are planning are going to be very modest cottage style homes, a very traditional look but will not be McMansions so we'll be happy to share with you some of the concepts we're working with. They are very similar to what you've seen in the past. Vadney – Are you talking about Lot 8? Dibitto- Even on these lots, we're looking at this to be the launch for the next phase. Vadney – I was intrigued when we did the sidewalk, Lot 2 particularly where the Town's ROW for access to the water tank, looks like a pretty small building envelope on it and standing there realizing what was marked the front of the building lot right against the easement and the back of the building lot seemed like it was awfully close to it. It's a very narrow area. Dibitto – If you like, we could show the house siting on that lot if that would be helpful to the Board. Vadney – As long as it meets the rules, it just seemed to me to be one that was very tight. Dibitto – Understood, but we've taken that into consideration with the houses we're designing and from our standpoint it's very workable. Vadney – Angela, remember I talked to you about the location of that retention basin in behind or part of Lot 1, you were going to have Lou Caron look at it. LaBrecque – It's not hydrologically connected to the immediate swale underneath. Its deepest point has a 9' putt so it's actually a filtration basin and this is something new that's in the DES

BMP Handbook. Basically, there's this 4-bay and it acts as an initial filter but this whole thing imagine a bowl lined with plastic or some type of material like that because it would interfere with the groundwater so its lined with plastic, its rip-rapped or vegetated on the slopes but in the middle there's a sand medium with organic matter that acts as a filter and has an under drain underneath so it only holds immediate overflow water most of the time. It cleans immediate overflow water but I don't know what the actual capacity is but at the deepest point, its 9' deep and you can look at it on the plan and its 40' wide and in length its probably 16' and its 9' deep at its deepest point so it can hold a substantial amount of water. It's meant to clean water and then it gets discharged through an under drain. Vadney – But its intended to operate empty most of the time. LaBrecque – It's not a pond. Vadney – When Lou, John and I walked in there, that detention basin is very close to the little red house and we were worried about the hydrology so as long as engineering shows that's OK, that was my interest. Lou Kahn – I have been worrying about an issue and I know Angela has been on top of it and has talked with Mike Faller, but the thing that concerns me is we're dealing an 8-lot subdivision here but only 7 houses but that's the tip of an iceberg and there is a doctrine around that a developer can't do something that causes the Town to have to make improvements and I know Mike has been talking with the developer about improvements to be made to Upper Ladd Hill Road. What is concerning me is Mike might be talking only in terms of the improvements necessary for 7 houses and not keeping in mind that somewhere down the road there's a much larger development coming that justifies I think a larger contribution to improvement of the road so I've been batting that around with Angela and I'm convinced that she's on top of the situation now and she will bring Mike into the picture. I don't think it's fair where the developer is only putting up 7 houses as taxpayers to hit him with the entire cost that would be entailed for a 30-house development but on the other hand, I do want some arrangement made that Lot 8 is burdened so it has to make a contribution somewhere down the road when it gets developed and that contribution has to be made irrespective of whether or not the Town has in effect taken on itself making the necessary improvements before Lot 8 gets developed. The issue is that Lot 8 really ought to be contributing but not necessarily now and needs to be burdened for the future. LaBrecque – I did a little bit of homework and there are a couple memos from Mike over the past year or two and these things were coming up saying it's a rough road, we don't have intentions of upgrading it and he actually sat down with Mr. Dibitto when this originally came up and I believe he made you aware at the time this new road went in and the new 30 lots come in, there would be that in your future. Dibitto- Candidly, when we proposed the development, we anticipated we would reclaim from our property down to Hart's and repave which we are perfectly prepared to do. To the extent that there's additional work, obviously we are going to have to look at that. Mike had suggested that he might want to do sidewalks and granite curb all the way and needless to say that is a fairly substantial expense but we're perfectly prepared to get that road into shape ultimately and we'll try to work with him to get a section that works. It is certainly to our advantage, as well, it will present a better access to our site. Vadney – Reclaiming probably isn't adequate up there. I know that was once Route 3 North,

it's never had the structural box and it's just frost heaves and bad drainage and stuff so just reclaiming it and repaving it won't fix it. Dibitto - We've had that discussion too, Mr. Chairman, and in fact we, as part of our proposal are going to be intercepting some of the water that Mike had a concern with. Evidently, the sewer line acts as an interceptor drain for a lot of groundwater. It comes bubbling out on certain seasonal high water situations further down below so in order to ameliorate that situation now, we will be providing some interceptor drains to the existing sewer trench to hopefully bleed some of that water off and that was in consultation with Mike Faller. The bottom line is what we're proposing now really was more in line with what Mike had suggested than Lou Caron and that was one of the other things I meant to bring up was that whatever we do on Upper Ladd Hill Road, which is a Town road, will be to Mike's satisfaction. Vadney - One other thing, 10 or 15 years ago the Task Force, looking at the highway through Town, took a hard look at cutting off Ladd Hill and not having access at Hart's and forcing all the traffic up to what is now the traffic circle and then back down. At that time, it wasn't a traffic circle but a bigger intersection was envisioned there at the same spot so the State, if they had their choice, would close that portion of Upper Ladd Hill and not allow it to come out at Hart's. If anything, they would allow a right-hand out to go downtown but you couldn't turn left to go out Route 104 and you couldn't come up the hill and turn onto that portion of Ladd Hill. Like I say, it's dead right now, but it's something the State still has on their books. Dibitto - One of our concepts was along those lines. We thought it might make sense but we weren't sure how the Town would receive it to essentially discontinue part of Upper Ladd Hill and route all of our traffic up to the circle which we thought would be from a traffic management standpoint, far preferable. One of the other issues, I was surprised being out there how much thru traffic goes through Upper Ladd Hill. LaBrecque - I think what Lou is speaking to is just memorializing the thought that there is going to be a cumulative impact and improving the rest of Upper Ladd Hill Road would be a substantial improvement and investment but you look at the amount of houses on there and it's a handful and your future development would be a substantial development. Dibitto - I understand and that traffic pattern ultimately should be looked at and if the Town has already done it, then I'm respectful of the efforts. Is there any chance that there's possibly a resolution. Vadney - Depending how growth is and right now things are pretty stable and stagnant, so there's not any discussion about it. Dibitto - We would be happy to participate. Bayard - Lot 1, 2 and 3 look really weirdly configured to me. It seems to me Lot 1 could extend a little ways into a piece of Lot 2 and Lot 2 could take the rest of that catty corner off Lot 3 and improve the envelope of Lot 1 and 2 without harming Lot 3 at all. Dibitto - We'll take a look at that to see if it's feasible. Vadney - I think Lou's point about we can't make any demands on what they are going to do on Lot 8 but we can say we're only approving the front 7 effectively and any activity on Lot 8 will have some burdening on the road and then to tie onto that, my point earlier that any driveway that comes off of Ladd Hill should be looked at if its going to have the threat of a whole bunch of houses, have Mike look at it and say what if this wasn't just a road for 2 or 3 houses?

Flanders moved, Bayard seconded, MR. CHAIRMAN, I MOVE WE CONTINUE THIS HEARING TO A DATE SPECIFIC THAT BEING FEBRUARY 23, 2010.

Meeting adjourned at 7:51 p.m.

Respectfully submitted,

Mary Lee Harvey  
Administrative Assistant  
Planning/Zoning Department

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

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A. William Bayard, Secretary