

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary; Flanders, Selectmen's Rep.; Kahn; Dever, III; Touhey; Lapham, Alternate; LaBrecque, Town Planner; Harvey, Clerk

Touhey moved, Dever seconded, THAT WE APPROVE THE MINUTES OF NOVEMBER 25, 2008, AS PRESENTED. Voted unanimously.

APPLICATION SUBMISSIONS

1. **BLUE SKY ENTERPRISES, INC.** – Proposed Minor Subdivision of Tax Map S18, Lot 52, into three (3) lots (2.56 ac., 3.01 ac. and 3.01 ac.), located on Tracy Way and Parade Road (Route 106) in the Residential and Forestry/ Rural Districts.

The applicant proposes to subdivide an 8.5 acre lot into 3 lots. The land fronts on both Parade Road and Tracy Way and is located in the Residential and Forestry/Rural Districts. The existing dwelling is located on Lot 1. The subdivision plan and abutters list are in the file, application fees have been paid and the checklist has been completed and reviewed. Recommend minor subdivision application be accepted as complete for the purpose of proceeding to public hearing this evening.

Sorell moved, Kahn seconded, THAT WE ACCEPT THE APPLICATION OF BLUE SKY ENTERPRISES, INC. AND PROCEED TO PUBLIC HEARING THIS EVENING. Voted unanimously.

2. **PATRICIA ENOCH AND 62 VEASEY SHORE ROAD REALTY TRUST** – Proposed Boundary Line Adjustment between Tax Map U38, Lots 1 and 10, located at 49 and 62 Veasey Shore Road in the Shoreline and Residential Districts.

This is a Boundary Line Adjustment located in the Shoreline District to convey a certain tract of land to a shoreline parcel to make it larger. The BLA and abutters list are on file, application fees have been paid and the checklist has been reviewed and completed. It is recommended the application be accepted as complete for the purposes of proceeding to a public hearing this evening.

Sorell moved, Kahn seconded, THAT WE ACCEPT THE APPLICATION OF PATRICIA ENOCH AND 62 VEASEY SHORE ROAD REALTY TRUST AS COMPLETE AND PROCEED TO PUBLIC HEARING THIS EVENING. Voted unanimously.

3. **NEARBY SERVICES & INVESTING, LLC** – Proposed Site Plan to construct a 728 sq. ft. commercial addition to an existing garage with related site improvements, Tax Map S15, Lot 11, located at 420 Daniel Webster Highway in the Central Business District.

4. **NEARBY SERVICES & INVESTING, LLC** – Architectural Design Review of a proposed commercial addition to an existing garage, Tax Map S15, Lot 11, located at 420 Daniel Webster Highway in the Central Business District.

The applicant proposes to expand a commercial plumbing use by adding a 768 sq. ft. second story addition to an existing garage as well as construct a new garage for the storage of certain materials for that business. The applicant proposes to remove 3 sheds from the site and add 4 parking spaces. The application and abutters are on file and filing fees have been paid. A request to waive the topo has been made because the site is already developed and is relatively flat. It is recommended the waiver be granted due to the scope of work, it's also recommended the application for Site Plan be accepted as complete for purposes of proceeding to public hearing this evening.

Sorell moved, Kahn seconded, THAT WE ACCEPT THIS APPLICATION AS COMPLETE AND PROCEED TO PUBLIC HEARING THIS EVENING. Voted unanimously.

5. **B & F MEREDITH, LLC** – Proposed Site Plan to construct a proposed 12,000 sq. ft. Commercial/Retail Sales Building with related site improvements, Tax Map S19, Lots 54, 55 and 36, located on Needle Eye Road and Daniel Webster Highway in the Commercial Route 3 South District.

This is a commercial development for a 12,000 s.f. building on the corner of Daniel Webster Highway and Needle Eye Road. The proposed development is on 3 lots comprising 4.6 acres. The site is currently vacant. The application and abutter's list are on file, applications fees have been paid and application checklist has been completed. It's recommended the application for a Site Plan be accepted as complete for purposes of proceeding to public hearing this evening.

Sorell moved, Kahn seconded, THAT WE ACCEPT THIS APPLICATION AS COMPLETE AND PROCEED TO PUBLIC HEARING THIS EVENING. Voted unanimously.

PUBLIC HEARINGS

1. **AMBROSE LOGGING CO., INC.** (Rep. Carl Johnson) (Sorell stepped down, Lapham sitting) Continuation of public hearings held on October 28, 2008 and November 25, 2008, for a proposed Major Subdivision of Tax Map R04, Lot 16, into five (5) lots (3.00 ac., 3.00 ac., 3.21 ac., 3.00 ac. and 5.27 ac.), located on Livingston Road in the Forestry Rural and Residential Districts. Application accepted October 14, 2008.

Johnson – We've been to the Board a couple of times on this so I'll forego many of the details about the property and discuss the issues that came up at the last public regarding the drainage of the site and some of the related issues with the

accessway from Livingston Road onto each lot and trying to preserve the quality of the drainage structure that is currently on the north side of Livingston Road without affecting downstream drainage structures and properties. We had discussion with Mike Faller about the driveway entrances, most notably the driveway entrance for Lot 1, Lot 3 and the common driveway entrance that is accessing Lots 4 and 5. Subsequent to the last meeting, I developed some driveway entrance sketches that are to be incorporated with the driveway permit applications that have several treatment type structures associated with the driveways primarily to prevent the majority of water going out onto Livingston Road and preserving the quality of the ditch. The details are in the packet. We have driveway detail sheets for Lots 1 and 3 and the common drive for Lots 4 and 5. Mike Faller has reviewed them and came back with some suggestions and I modified the construction details based on his suggestions and the basic thrust of it is as the driveways come out onto Livingston Road to have a 2% minimum slope away from Livingston Road for a sufficient amount of distance to prevent the water from coming into the ditch and because the property does slope from right to left gently, there's enough slope try to there to have a culvert and to have a treatment swale and to have sort of a level spreader to take some of that drainage and dissipate it away from the roads so it wouldn't be compounding any drainage on the road. Mike has reviewed those and there is a note on the plan addition that these driveway construction detail sheets will be made part of the driveway application permit. Normally, the driveway application just has a simple sketch showing some of the simple details associated with the driveway. These sketches will be part of the application and when those are constructed and before they are approved by the Town, they will have to be constructed per these construction details. We did move the driveway that accessing Lot 1 further to the east and this would alleviate some of the pressure that was on the culvert that currently goes under the driveway for the French property. We did additional field measurements and if you were to look at the driveway entrances to the common lot and Lot 3, the land is already sloped away from the road, the road's built up quite a bit in those areas. There will be a culvert in the ditch which is the existing ditch but then the driveway naturally as per construction would be sloping away from the road so that's going to prevent any sheet flow on the actual driveway surface itself coming out onto the road that will also go down onto the lot. The access entrance onto Lot 1 is a little bit different in that the land is actually a bit higher than the road so there will have to be somewhat of a cut to try to prevent that water. One of the other things we've done is there was previously kind of an exit way for the ditch where there was an auxiliary ditch constructed to try to take some of the water off of the north side of the roadway and actually this little wetland complex located on Lot 1 is largely a result of that drainage water coming down onto the land but over the years that hasn't been maintained all that well. We took a look at that and have a note here that it would be returned to its current situation because it really doesn't affect the lot any more than it already is, there's a little wetland area there that serves as sort of a buffer. We could take some of the water out of that ditch, not all of it, you wouldn't want to take the full length of that ditch and dump it on but, you can take some of the water off and that alleviates that driveway cut that's onto Lot 1. Mr.

Faller has reviewed that and said that would be good. Part of the deed to Lot 1 would include a drainage easement to the Town of Meredith so that could be maintained and that moderate amount of the water could be taken onto the lot. The second issue was to come up with some simple type of structure on each lot for the development of the lot that may be able to infuse some of the surface water into the groundwater in an infiltration manner so we've added a little detail to the plan which is essentially from the BMP's Manual which shows a note that says dwellings constructed shall employ the Best Management Practices to control and treat surface and roof runoff including drip line infiltration trenches as shown above. This takes the water that comes off your roof and puts it into the ground as opposed to dumping it onto the ground and just that little bit of infiltration associated with the roofline of the house limits the amount of drainage that would be proceeding somewhere off the lot. I think we've done what the Board requested in terms of getting together with Mike and coming up with some details to alleviate those entrances onto the roadway and also some minor modifications to the plan in terms of the site development to deal with some of the water that would be generated by the roof drainage coming down onto the lot. Vadney - Did you mention anywhere, particularly on Lot 5 that has the longer driveway, any place you had to pass under it with a culvert that it would be graded in some way where it wouldn't be a real concentration; it would tend to spread out? Johnson - We didn't notice that but the meat of the matter probably is in the portion of the driveway that's probably in the first maybe 200', as you get further down that driveway, you get into a situation where the contours are sloped so the water is not necessarily going down toward the impact area. Vadney - That was part of my concern, not only is the water coming out onto the street but the stuff going the back way into the mainstream that goes into that culver. We had talked about being careful how you design that driveway putting some bends in it and some culverts under it to let the water pass but not that it would all be put into one conglomeration that would then bore its way down quickly to the stream. Johnson - We showed on the construction detail a meandering driveway. As you mentioned it helps just to have the break up of the actual flow of the water and not a continuous ditch and then we actually show the water coming in on the uphill side of that driveway actually is coming in the direction of the road to a culvert but then because of the slope in the land, a level spreader sends it back toward the interior of the lot. Bayard - I would like a further explanation on Lot 1 as to where the water will go after it goes through the culvert and then into the level spreader, especially with regard to the French property. Johnson - I think as was brought out by Mr. Kahn at the last meeting, there's really no way to stop the water from going eventually off of the property. The contours are such that the property is sloped from right to left and all of the water, not only on this property, but for the properties surround it, all go in this direction so the idea is to try to take the water that's in the immediate aftermath of an event and treat it in a manner such that there's no significant post event drainage that's dumping onto the French property and if you look at the construction detail for Lot 1, we have a significant driveway side ditch that picks up the water for probably about 50'-60' coming down and then it goes underneath the driveway into a level spreader which sends the water away

from the French property in the direction to the northwest. We don't have the ability to discharge that water anywhere else, it's going to have to go somewhere but putting it in that direction is away from the French driveway and also away from the developed portion of their lot towards the back of their lot and also the ditch that's on both sides of the driveway coming immediately off Livingston Road slopes away from Livingston Road so the water doesn't impact the primary concern by Mrs. French which was the culvert that goes underneath her driveway. No public comment. Public Hearing closed at 7:22 p.m.

Vadney - One point I would like to make, they've mentioned fixing the ditch out along the road and having some ways to get the water back onto the land gently, we're probably going to have to make sure that the Town crews or contract crews are notified. Every now and then in the summer they go along and grub out the ditches and if they've done work for water control and they just basically strip them out, it would be pointless so that's something we might want to make a note of and talk to Mike about it. Touhey – I'm glad that something has been worked out to mitigate the possible water problems that might be there. I agree it's a difficult site to work with because of the high water table, the water sheeting down there, but I think with the driveway designs and also with the treatment of the roof runoff is probably the best we can do. Vadney concurs. I'm happy to see some movement toward controlling this.

Dever moved, Bayard seconded, MR. CHAIRMAN, IN REGARDS TO THE AMBROSE LOGGING COMPANY MAJOR SUBDIVISION APPLICATION, TAX MAP R04, LOT 16, ON LIVINGSTON ROAD, IN THE MILL BROOK, LAKE WINNISQUAM WATERSHED, ZONED RESIDENTIAL AND FORESTRY/RURAL, I MOVE WE GRANT CONDITIONAL APPROVAL BASED ON RECOMMENDATIONS IN THE STAFF REPORT:

- (1) THE STATE SUBDIVISION APPROVAL SHALL BE CROSS-REFERENCED ON THE FINAL PLANS.
- (2) DRIVEWAY PERMITS ARE REQUIRED FROM PUBLIC WORKS AND SHALL BE REFERENCED ON THE FINAL PLANS.
- (3) THE FIRE CHIEF SHALL REVIEW AND APPROVE A PLAN NOTE WITH RESPECT TO EMERGENCY VEHICLES ACCESS TO LOT 5.
- (4) AS FAR AS DRAINAGE AND STORMWATER MANAGEMENT, DRIP LINE INFILTRATION TRENCHES WILL BE USED FOR EACH DWELLING AND THE COMMUNITY DEVELOPMENT DEPARTMENT WILL INCLUDE A COPY OF THE REQUIRED TRENCH IN EACH OF THE NEW FILE FOLDERS FOR LOTS 1-5.
- (5) FINAL DRIVEWAY PLANS SHALL INCLUDE A DETAIL OF A LEVEL LIP SPREADER. PRIOR TO FINAL APPROVAL, THE DRIVEWAY DESIGNS FOR LOT 2 SHALL BE COMPLETED AND SUBMITTED FOR STAFF TO REVIEW. THE COMMUNITY DEVELOPMENT DEPARTMENT WILL INCLUDE A COPY OF THE REQUIRED DRIVEWAY DESIGN IN EACH OF THE NEW FILE FOLDERS FOR LOTS 1-5.

(6) ON THE SHARED DRIVEWAY FOR LOTS 4 AND 5, WHEREVER A CULVERT IS USED, A SIMILAR FORM OF STORMWATER MITIGATION SHALL BE USED ON THE DOWNSTREAM SIDE OF THE CULVERT.

(7) THE DRAINAGE EASEMENT SHALL BE SUBMITTED FOR STAFF TO REVIEW AND BE ACCEPTED BY THE BOARD OF SELECTMEN.

(8) DRAFT EASEMENT LANGUAGE FOR THE 50' ACCESS EASEMENT ON LOT 4 FOR THE BENEFIT OF LOT 5 SHALL BE SUBMITTED FOR REVIEW. THERE SHOULD BE PARTICULAR EMPHASIS TO THE MAINTENANCE AND USE OF THIS DRIVEWAY. THIS COULD BE HANDLED ADMINISTRATIVELY. THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO RECORDING THE MYLAR.

(10) THIS CONDITIONAL APPROVAL IS VALID FOR TWELVE (12) MONTHS.

Voted 7-0 in favor of the motion.

2. **BLUE SKY ENTERPRISES, LLC.** (Rep. Karen Feltham)

There are two plans in your packet, one is the basic subdivision minus all of the extraneous information and the second plan has everything else you need to look at. This property is located at 46 Parade Road on the easterly side of the road. The existing house sits up on a grassy lawn and one side of the property comes just about down to the Tracy Way intersection. Currently on the property is a house and two garages which are shown on the plan. The total acreage is 8.57 ac., the total frontage on Parade Road is 418' and the total frontage on Tracy Way at the rear of the property is 330'. To the 500' point from the centerline of Parade Road is in the Residential District and from the 500' point to the rear of the property is in the Forestry/Rural District. This property also falls within the confines of the Lake Waukewan Watershed Overlay District and as a consequence of that the one acre minimum lot size in the Residential zone is not valid, it has to abide by the two acre requirement of the Waukewan Watershed Overlay District. The proposal is for a minor subdivision of 3 lots, Lot 1 is the lot that fronts on Parade Road and is 2.56 acres in size and sits in the Residential District. It includes all of the Parade Road frontage. Lots 2 & 3 are each 3.01 acres in size, they both front on Tracy Way and they are both in the Forestry/Rural District. Lot 2 has 100' of frontage on Tracy Way, if it looks like it has more is because part of what looks like frontage actually has an abutter between it and the street and Lot 3 has 230' on Tracy Way. All of the lots meet the 4:1 ratio requirement. The minimum lot sizing requirement and lot sizing calculations were submitted by the surveyor as part of the application package. State subdivision approval is required and has been applied for, it is still a work-in-progress, we have not received that approval but expect to receive it shortly. This second plan is called the supplemental plan because it has all of the other information on it that the Board would be interested in seeing. It has 2' contours which were done on-site so that's an actual on-the-ground survey. The wetlands were delineated by a certified wetland scientist and located by the surveyor (gray lines). All of the wetlands are classified as non-designated under Meredith's Wetland Ordinance

and there are some that are non-designated exempt which means they are small enough so they do not fall under Meredith's requirement. The buffers around those wetlands are shown. On your plan you'll only see a 50' buffer, but in the staff report we noted you wanted to see the 75' septic setback and they have been added to the plan. There are no wetland impacts being proposed. The driveway for the house on Parade Road already exists, there are actually two entrances for that one and we found the original driveway permit from the state. There has been a driveway constructed on Tracy Way on Lot 2 and that was permitted by the DPW and has been installed and is shown on the plan. The driveway for Lot 3 has a proposed location and we do not have a permit for that. It has not been installed but the sight lines there are fine, there are no sight line issues with the driveway to Lot 2. We also show on the plan possible leach field locations and potential acceptable well locations. The existing house has an area to one side of the building that shows an existing septic tank. We've located the tank but we don't know where it goes once it leaves the tank. We think it goes right into the wetland, that's where the pipe goes so consequently we have done a septic design and that's been approved and in fact the septic system is in process of being installed for that house right now. The house also has an existing well which is to the rear of the house and you will see a well radius around that. That well radius will encroach on the lot behind it, consequently, there has been a well radius easement already executed and recorded for that so when the lot behind it is sold, it will be subject to abiding by the rules and regulations for that well radius. With regard to the two building lots, we show proposed septic locations on those and test pits have been done. We also show proposed well locations on Lots 2 and 3 and there are two additional springs on the property which you will see one up toward Tracy Way and one sort of in the middle of the property. Those are based on spring rights that were granted 100 years ago. I believe one in 1895 and the other in either 1905 or 1910. The rights to the spring closest to Tracy Way are held by the abutter to the north at 40 Parade Road. We were actually able to find the waterline that goes to that property which had not been located before, it took 4 tries, it was installed about 100 years ago and we had to hire someone who specializes in doing that to find that waterline but we thought it should be shown on the plan so we do show it heading from that spring to the 40 Parade Road house. They have a drilled well at their house but they want to retain their spring rights and consequently we have their well radius shown and again we show their waterline location. The next spring down which is sort of in the middle of the property toward that property line, the rights to that one are held by two properties across the street which would be where the bed & breakfast is now and then at 45 Parade Road. The waterline for that one is kind of hard to see because it goes through the wetland. It does encroach actually on the property next door at one point before it hits Parade Road, it crosses off the property. The B & B doesn't use that one anymore because they drilled a new well when they received Site Plan approval for the B & B but 45 Parade Road does still use that spring. That waterline was a little easier to find, it appears it had been replaced at some point in time. Both springs, because they fall in the wetland area benefit from the additional protections of being in the wetland area so in addition to having to abide

by 75' well radiiuses around them, they will also benefit from the protections of the 50' and 75' wetland buffers, in effect, extend the state required protections a little further out. One of the radiiuses for one of the springs encroaches on the property next door and does not fall entirely on my property. Any lots conveyed in this subdivision will be subject to protection of those well rights. In other words, people have to abide by the well radiiuses and the waterlines that are there. With regard to the staff report, there were a couple of minor issues raised, one is because there are 2 pages to this plan, the subdivision plan made note that the property fell entirely in the overlay district and the supplemental plan didn't have that note so the copy I have tonight, and that note about the overlay district has been added to the supplemental plan. The Planner asked that we add the coverage requirements for the zones to the zoning information but in the box where we have the minimum lot size requirements, we have added the 25% and 30% lot coverage requirements for those zones. The third thing I already referenced which is the 75' septic setbacks for the wetlands, again those have been added to my copy. The things that have not been accomplished at this point include the State subdivision approval which we're waiting for. We also have not set any pins and we don't have a driveway permit for Lot 3. It seemed a little premature to get a permit at this point but we do show a proposed location for that driveway. Touhey – (inaudible) Feltham – You realize that the setbacks that are shown, the 50' you can't build in around the wetlands, the 75' is for septic only so in other words if you wanted to have any other stuff in that extra 25' of the setback, you can so in any case the house site is right where my finger is on this lot and that's the proposed septic location which is just down slope. You want to have your septic just below your house and in this case over here, the box is the septic location. Margaret Franckhauser and Ted Capron – We are the abutters at 40 Parade Road and we also own that sliver of property on Tracy Way. We are very relieved that this was reduced to 3 lots due to the zoning issues on Parade Road. We do assert our water rights and that line comes into our kitchen so it is important to us. Our other concern happens to be that the waterline from that spring to our house crosses all 3 of those lots (Ted Capron pointed out the line on the plan). We looked at the original deed when Mr. Cooley died and the property was purchased and we had already been clear when we bought the property on Parade Road that we had some access to both the spring and the lines along the spring anytime we needed to make repairs or to assure that things were in order. Our concern is that there will be 3 property owners and if we were to have some concerns and all 3 of those properties were owned by separate owners, what is our responsibility and what is the owner's responsibility for giving us access? Do we have to appeal to all 3 property owners? LaBrecque – The building inspector is aware of all of this and all 3 new owners will be subject to all rights you were granted with the larger lot. Franckhauser – We have concerns about where the septic systems exist are located and the fact that's a spring and not a dug well nor an artesian well, if there happened to be fecal coliforms that come up in the water and those lines cross other septic systems, do we have any rights as the owners of the water rights for someone to address their septic issues. What would be the constraints in that regard? Feltham – The source of water doesn't make a difference in the size of

the protection the state requires so what is shown here is what is required by the state so they feel reasonably certain this is adequate, however, if someone has a septic problem, it would be just like any other septic problem that occurs anywhere else in town, they look for the source of the problem and if somebody's septic system is not functioning, then it will have to be addressed no matter whose well gets affected. If you have a failed septic system and it affects somebody's well, the state will want it taken care of. Flanders – DES Subsurface Division has a whole set of rules that govern wells, septic systems, separations, water lines, sewer lines, etc. Franckhauser – If there was a concern, we would have to contact DES? We do have every intention of hanging on to that sliver of land on Tracy Way. Nancy Parrott asked about the location of the proposed house being upslope from the septic system. Parrott – Our wells are down slope from your septic. Feltham - The reason you put your septic system down slope from your house is because you don't want to have to pump up to the system. If you can have a septic down slope from your house so its gravity feed, that's the best situation particularly in new construction. Parrott – What happens to the wells that are down slope from your septic system? That's what the well radiiuses are for. Feltham - The state requires you to have a 75' radius around each well and they believe that is sufficient protection for your well and every well on here shows that radius. If there is a problem, contact DES and they will determine what the problem is and if they determine it's one of these systems, they will contact the owner and say the septic system appears to have failed and it's causing a problem with wells in the area. Capron – If we were to run into any resistance from a property owner about looking at the pipe or the spring, where do we turn for assistance? The deeds for these properties will have the same language as appears in your deed and my deed so anybody who violates that language, it is a civil matter. Capron – Through the Court system. Feltham – That's correct, the Town and the State can't help you. Vadney – If your water went bad, you would have recourse through the Town Health Officer and through DES. LaBrecque – With respect to the house sites, the building envelopes, basically a house can go anywhere that is not in the setback or the 50' buffer to the wetland so basically you're left with all of that other available space. Essentially, this is a fairly large building envelope where you could situate a house. Also, with the septic systems, a well functioning septic system should not affect the quality of the water around it, that's the design of them. I wanted to make a correction that a 75' leachbed setback shall be added to the non-designated wetlands and with regards to the driveways, there is a driveway permit for proposed Lot 2 but it is for logging so that driveway permit would just need to be revised for residential use. I spoke to Mike Faller regarding it and that's typical, he issues driveway permits for someone to do some clearing. Feltham – I believe it says in it that it's for a single-family home (its on Page 2). LaBrecque – Typically, he doesn't issue a driveway permit until someone proposes to build a house. Flanders – I think it's a pretty straight/ forward project. Hearing closed at 8:01 p.m.

Flanders moved, Kahn seconded, MR. CHAIRMAN, I MOVE WE GRANT CONDITIONAL APPROVAL TO BLUE SKY ENTERPRISES, INC. FOR A PROPOSED MINOR SUBDIVISION, TAX MAP S18, LOT 52, INTO 3 LOTS (2.56 AC., 3.01 AC. AND 3.01 AC.), LOCATED ON TRACY WAY AND PARADE ROAD (ROUTE 106) IN THE RESIDENTIAL AND FORESTRY RURAL DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) THE FINAL SUBDIVISION PLAN SHALL HAVE A NOTE INDICATING THE SUBDIVISION IS LOCATED IN THE WAUKEWAN WATERSHED OVERLAY DISTRICT.
- (2) THE FINAL SUBDIVISION PLAN SHALL INDICATE THE MAXIMUM LOT COVERAGE IN THE RESIDENTIAL DISTRICT IS 30% AND 25% IN THE FORESTRY/RURAL DISTRICT.
- (3) A 75' LEACHBED SETBACK SHALL BE ADDED TO THE NON-DESIGNATED WETLANDS. THE SIZE OF EACH WETLAND SHALL BE ADDED TO THE FINAL PLAN TO DIFFERENTIATE THE NON-DESIGNATED FROM THE DESIGNATED WETLANDS.
- (4) THE FINAL PLAN SHALL CROSS REFERENCE THE NHDES SUBDIVISION APPROVAL.
- (5) BOTH RESIDENTIAL DRIVEWAY PERMITS ON TRACY WAY SHALL BE CROSS-REFERENCED ON THE FINAL PLAN.
- (6) THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO THE RECORDING OF THE MYLAR.
- (7) THIS CONDITIONAL APPROVAL IS VALID FOR 12 MONTHS.

Voted 7-0 in favor of the motion.

3. **PATRICIA ENOCH AND 62 VEASEY SHORE ROAD REALTY TRUST:** (Rep. Carl Johnson, Jr.)

Johnson – This is a fairly large plan for a small application but what the plan does show is the property that's owned by Patty Enoch which is a large piece of land and the smaller piece of property which has frontage on Lake Winnipesaukee and is owned by the Veasey Shore Road Realty Trust. Veasey Shore Road runs roughly north to south from the top of Patty's property to the bottom. This proposal is to transfer a small parcel of land (about 110,000 sq. ft.) 2½ acres from Patty Enoch's property that's on the westerly side of Veasey Shore Road and convey and merge it with the property that's at 62 Veasey Shore Road. The property that Mrs. Enoch owns has a single dwelling on it right now and it's up the long driveway at the top of the hill. We did not map that dwelling for this application because its several hundred feet away from the subject property, but that's the only dwelling currently residing on Mrs. Enoch's property and the total area of the Enoch parcel is about 27½ acres prior to this adjustment. The situation is such that the development of the lakefront property owned by 62 Veasey Shore Road Realty

Trust required an upgrade of their septic systems for the units that are on that property and they did not have enough land area on the easterly side of the road for that upgrade so they hired David Ames from Ames Associates and he designed a new septic system which is on one side of the road and also an additional septic system which has a construction approval as noted on this plan which is on the Enoch property. You can see that there's a pump line that goes underneath Veasey Shore Road proposed and also crosses a wetland area to get to the buildable portion of that property for the septic system. That was an application to the ZBA for that wetland impact and was granted by the Zoning Board so currently they have the necessary approvals from the Zoning Board and the State of NH for the construction of that system. Instead of doing it by virtue of an easement on the Enoch property, Mrs. Enoch is proposing to sell them that piece of land and then they would own that piece of land by themselves, it would be merged by deed and become part of the property that's on the other side of the street and neither one of those properties subsequent to this approval could be conveyed without the other, they would be permanently merged. The transfer of this 2½ acres does not cause any type of a non-conformity for the Enoch parcel because after the conveyance, they are still at about 25 acres of land. She has her own septic system up by the house and its not anywhere near this transfer. It's not a very complicated situation, there's no requirement to have any certain type or size of lot to be conveyed in this manner when it's a transfer, it can be 10 sq. ft. or it can be 200 acres, you're taking away from a big lot and making a smaller lot bigger. The total area of U38-10 is about 1½ acres now and would be slightly over 4 acres as a result of the transfer. Vadney – What is the elevation change on the pump line? Johnson – I would say 30 feet and actually as I remember looking at David's plan, it's not a really beefy pump, you can pump a long way up but the Enoch property as you look at it here is very steep as you go up towards her house on the mountain, but actually the wetlands are a good indication, normally they are pretty flat through the wetlands, not much of a difference there. Dever - By adding this extra acreage, does that allow them to grow their compound anymore? Johnson – I can't answer that, I can tell you there was a lot of discussion at the Town about that amongst the Code Enforcement Department and there was a lot of discussion with the State of NH with regards to the septic systems being designed. It's my understanding and not to be considered factual at this time, it is my understanding this is to allow them to have as many units as they have now. Kahn – How do we get an answer to that question or do we write something into our approval that prevents it from growing. Johnson - It's my opinion it's not the Board's position to prevent that if that should be the case. If the transfer of land allows something to happen because it meets the zoning requirements, then I don't think it's the duty of the Planning Board to say that it shouldn't. Vadney – I'm not familiar with that compound, its all one dwelling unit, accessory apartments or something? Johnson – That's not correct. There are multiple units on the property previously existing, non-conforming condominium units. Vadney – As far as accessory apartments on the part across the street, that's too far away and wouldn't be an issue. Johnson – There is a stipulation in the Meredith Ordinance that you're not allowed to have more than one dwelling unit on a piece of property so this is a

previously existing situation. They would not be allowed to construct another one unless they went through subdivision approval, created a condominium by subdivision with site plan approval and then they would have to meet all the zoning and all the loading and everything and I don't believe that's the intention here. The intention here is to create a situation where they have a septic system scenario large enough to handle the units that already are there. Vadney – Are any of the units that are there now titled accessory apartments? Johnson - They are independent living units. Vadney – So I think Lou's comment may point to any independent living unit has the capability of accessory apartments as long as it meets the other rules. He may have a very good issue there. Johnson- It's my understanding the way the ordinance is written you're only allowed one accessory apartment per lot and you only have one lot so if there is one existing out there now and it has been there, its grandfathered, there's no development being proposed as a result of this transfer. Vadney – This transfer is going to be merged so there will still be one lot. Johnson - We're just making the existing lot larger. The septic system design is to provide adequate sewerage disposal area for those units that are there now. This septic system is to alleviate the loading situation with the State of New Hampshire, not anything to do with the Town of Meredith directly. Flanders – I think I remember Bill Edney talking about this and I think the issue is they've got a problem out here now and this is being driven by Bill digging in and saying they've got to straighten this out and this BLA is going to give them the property they need to straighten out the situation they have already. I think my comment and Lou's comment are just saying that's fine as long as it doesn't open the door to each of the units to create an accessory apartment. LaBrecque – If there's a pre-existing non-conforming situation, they wouldn't be able to make it more non-conforming and I guess it would be the judgment of the Code Enforcement Officer to decide whether or not giving dwelling units accessory apartments would make the situation more non-conforming. I would think it would be more non-conforming because its already non-conforming in dwelling units. I don't see that as an issue. Johnson - In the discussions I've had with Mr. Ames in terms of getting state approval for the septic systems and discussions I've had with Mr. Edney and actually going back to Mr. Dever on this property, there aren't going to be any additional units on this piece of property regardless of how big the land area may be, they are at the number of units that they're going to have. This is a septic loading issue, not a density issue. Bayard – How much storefront is there? Johnson – That doesn't appear on my plan. Bayard - Is there any possibility that could be subdivided? Johnson – I can tell you by scale it's about 125'. Sorell – That blue dotted area with the bushes in it, is that wetland now? Johnson – Yes. Sorell – And they are going to run a pipe through the wetland? Johnson – Essentially what they do is dig it up, bury the pipe and restore the wetland to what it is and that's what the Zoning Board granted their special exception for was to put that pipe in. Flanders – In a situation like this, I would suspect that they would directional bore that. Vadney – As to the number of units, I know what we're seeing right now, what we can envision it would be very hard for anybody to put more units out there that doesn't mean some creative developer wouldn't find a way. Lou, what would you think of a plan note to box that in? It's pretty obvious what

they are doing is putting in a septic system but obviously can be overcome by new events. Kahn – I suppose we could write in our approval that this is based solely on the representation that this is for septic purposes and that we would not contemplate nor would we approve any additional units, accessory apartments or anything. Vadney – What's the ownership out there? Is it one owner or have they been leased out or sold out. Johnson – 62 Veasey Shore Road Realty Trust is the owner of this property. Dever – Mr. Chairman, it appears this particular situation is under pretty close scrutiny from a number of different agencies at the State and local level. Chances of them doing anything more here is just about non-existent. They have got to fix their septic issue and that's the issue at hand. Flanders – You've also got to realize this falls under the new Comprehensive Shoreland Protection Act so 250' from the reference line is going to be heavily regulated. The first requirement is that you only develop 20% of the lot, they've got that already. Johnson – It's 20% of the land area within a certain distance of the reference line so the added land we're doing tonight has no bearing on that. Flanders – This thing is sewed up a hundred different ways, I don't think we need to be concerned. Public Hearing closed at 8:45 p.m.

Dever moved, O'Sorell seconded, MR. CHAIRMAN, I MOVE WE GRANT CONDITIONAL APPROVAL OF THE PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN PATRICIA ENOCH AND 62 VEASEY SHORE ROAD REALTY TRUST, TAX MAP U38, LOTS 1 AND 10, 49 AND 62 VEASEY SHORE ROAD IN THE LAKE WINNIPESAUKEE WATERSHED IN BOTH THE RESIDENTIAL AND SHORELINE DISTRICTS:

- (1) THIS BOUNDARY LINE ADJUSTMENT WILL CONVEY 110,909 SQ. FT. OF LAND FROM LOT 1 TO LOT 10, LOT 10 WILL INCREASE IN SIZE FROM 1.59 ACRES TO 4.13 ACRES, LOT 1 WILL DECREASE FROM 27.5 ACRES TO 24.96 ACRES.
- (2) THE APPLICANT SHALL PROVIDE A DRAFT CONVEYANCE DEED FOR STAFF TO REVIEW. THE EXECUTED DEED SHALL BE RECORDED WITH THE MYLAR. THE APPLICANT SHALL VERIFY IN WRITING WHETHER THERE EXISTS A MORTGAGE ON LOT 1. IF THERE IS A MORTGAGE, THERE SHALL BE A SATISFACTORY RELEASE RECORDED IN CONJUNCTION WITH THE CONVEYANCE.
- (3) THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO RECORDING THE MYLAR.

Voted 7-0 in favor of the motion.

4. **NEARBY SERVICES & INVESTING, LLC (SP):** (Rep. Carl Johnson, Jr.)

Johnson – This is the property that Minuteman Plumbing is currently operating out of on Route 3 and is in the Central Business District. The ownership of the parcel is noted on the plan is Nearby Services & Investing, LLC. Right now they have an existing garage and dwelling on the property. It's a multiple use property right

now and the business has been operating out of there for some time and they wish to expand their existing garage by adding a second story to it and also adding in front of that a 26' x 28' single-story structure. We're here for a modification and to my knowledge there is no existing site plan although it is a currently existing commercial piece of property that we are modifying so we'll call it a new site plan. Vadney – The thing I read into the record said 728 sq. ft. commercial addition, there are two different things one a new garage so what were the numbers on that one? Johnson – The addition is a second-story to the existing garage and a new 26' x 28' garage. Essentially, they want a little more space and they want to just redesign the lot a little bit to make it a little more easily to work. Right now the cars are parked in the front and in the side setback and that's actually not permitted by the Zoning Ordinance which covers the Site Plan Review characteristics of this nature so what they want to do in conjunction with adding this 26' x 28' garage and the second story, they want to remove 3 sheds that are on the property and move the cars that are currently parking in the front to the back of the property. There's no expansion of the business, they are not hiring any more employees. This is an expansion of space for an existing plumbing & heating business and all of their clients are somewhere else. They essentially have a little shop there, they park their vehicles and they have some inside storage, there's no outside storage on the site. If there are some larger plumbing structures that they have to put together, they would rather put them together in the shop than at the person's house. Essentially, in the morning the employees come to the site, then the company vehicles are gone all day, they come back here at night so there's very little business, if any, that's transacted actually on the site. The parking waiver we requested is essentially driven by the number of employees and the fact you have somebody living in the mobile home and we didn't want to try to create additional coverage on this lot even though we're well under the allowable lot coverage. The existing lot coverage right now is 44%, we're going to increase it to 50% and 65% is allowed unless you get a special exception. We don't want to try to create more parking spaces just to have it because we don't need it. In a nutshell from the site plan review standpoint, all that's being proposed is a second story to the existing garage and the new garage, the dwelling is going to remain the same and we want to move the parking from the front to the back and I did have to ditch one of the parking spaces which was in the rear setback. All along I thought you couldn't park in the front setback. I relocated one of the spaces and we're still under the allowed lot coverage. In the staff review, it says a special exception is required for parking in the setback, should you entertain a conditional approval for this tonight, that plan change has already been made and there is no space in the back so we would not be required to go to the Zoning Board. In terms of the Architectural Design Review, it's a pretty simple structure, there's a materials list that's in the packet, vinyl siding, OSB sheathing, it's a truss roof system and its going to have asphalt shingles, there are some architectural renderings of the front looking from the road with the two-car garage and this would indicate the 2nd story added to the existing garage. This perspective view was actually taken from the rear of the lot which shows the two stories and the one story and Route 3 is actually to the left of that looking to the front. There's not much you can do to

make it look like a colonial home, we did work up this sketch originally. This was kind of a concept sketch we started with and this actually shows a two-story structure on the front and that's been ditched but this gives the Board an indication of what the type and style of this garage will look like although it will be smaller on the front and the larger mass of the building in the rear which is a little bit more aesthetically pleasing than having a large mass in the front and a small mass in the rear but in terms of the criteria in the architectural design review portion, we think we've met it by putting a fairly complimentary size building on this lot and we're staying under the lot coverage that's allowed in the zone. This garage area is being constructed in an area that's already disturbed, that's an area they are parking in now, they park some company vehicles in front of the existing garage. There's no additional grading, all of the proposed parking and construction on this property is done at grade. We did show the addition of a sign and the details of that sign would be included in the sign review application. It's a small two-sided sign (3' x 6') which is well under what's allowed by the ordinance in terms of signage in that area. I believe 64 sq. ft. is allowed. LaBrecque – The zoning determination of the Zoning Administrator is the existing single-family dwelling as well as the professional office are both permitted uses in the District. As Carl stated, the lot coverage of 50% is well under the allowable coverage per the District. The 65% per the District should be added to the plan. In the rear there may be some wetlands, a wetland scientist hasn't been out there yet, however, after talking to Bill he mentioned there were wetlands and there may be a setback issue so I would recommend the Zoning Administrator make a determination as to whether there's new disturbance with respect to demolishing that shed and adding those new parking spaces and should there be additional disturbance after he makes his site visit, then a wetland scientist should go out there and delineate that wetland so a setback can be determined. The site has existing sewer service as well as municipal water and the utilities are at the highway. There is no change to the access. The off-street parking as you see there are 4 additional spaces provided, there are two inside the first garage and one inside the second garage. It should be made more clear on the floor plan as to how cars are getting from the new garage into the existing garage. I guess they are going to be maintaining the garage doors between the two building structures, is that correct, Carl? Johnson – That's partially correct, the door is coming out but the opening is going to stay. LaBrecque – Additionally, there are 7 parking spaces provided and according to the parking calculations, there are 12 required. The applicant is requesting a waiver of 5 spaces as customers do not frequent this site. There are a number of residences in the area and down lighting is encouraged. Snow storage is indicated on the site plan and its basically to the side of the driveway areas. The sign is well under the allowable 64 sq. ft., they are proposing 18 sq. ft. per side. There is an existing oil tank outside of the residence and it is indicated that bollards are installed to protect that oil tank from snow plows and vehicles. There is no indication that there's going to be exterior storage of solid wastes so I'm guessing no dumpster is proposed. The Planning Board should reserve the right to review and amend per Site Plan Review Regulation Nos. 7 and 17. The architectural plans should be revised to identify the perspective of each of the

elevations. As you can see on your elevations, when you look at the elevation the new larger building is the existing garage so the addition is that second floor and the new garage is the smaller building shown next to it. The proposed design and sign materials shall be presented prior to final approval of the site plan. Johnson pointed out where the cars will be parking on the site and because we're taking out a couple of buildings, the coverage doesn't change much. The driveway entrance is wide enough for two cars to pass easily. Bayard – Shouldn't we have had the wetlands issue taken care of prior to this evening? LaBrecque – There was no indication there were wetlands on the site plan and I wasn't aware there were wetlands, there's no wetlands on the site per se, however, there is something to the rear of the property that might have a wetland setback that falls into the property. If the wetland setback falls onto the property and Bill finds what's being proposed, for instance, if the parking area is creating additional disturbance, they would have to get a special exception from the Zoning Board. But that's left to be determined still. Johnson – The basic rule of thumb we've been going by over the years is if you're not creating any new disturbed area, if you're not adding new gravel or adding new buildings, structures or driveways, that even if there was a wetland off-site that the setback came on, you wouldn't have to go to the Zoning Board. That's something Bill has the authority to make the decision. He also had a question about Hawkins Brook and that does have a fairly hefty setback on it. It doesn't have a setback that even makes it to the lot. We're in the process of resolving that with Bill. Touhey – For purposes of safety wouldn't this be an opportunity to narrow that driveway down to what would be a standard entrance. Johnson - A standard entrance would be about 25' and it's about 22 so you wouldn't have to narrow it, it's not as if it's an open entrance. You want two cars to be able to safely pass, one coming in and one going out. It's all very flat out there and it looks like the whole thing is an entrance. Dever - There's no dumpster there now? Johnson – They store everything inside and then haul it away. Public Hearing closed at 8:41 p.m.

Bayard moved, Sorell seconded, MR. CHAIRMAN, I MOVE WE APPROVE THE APPLICATION OF NEARBY SERVICES & INVESTING, LLC, FOR A PROPOSED SITE PLAN TO CONSTRUCT A 768 SQ. FT. SECOND STORY ADDITION TO AN EXISTING GARAGE AND CONSTRUCT A NEW 728 SQ. FT. GARAGE WITH RELATED SITE IMPROVEMENTS, TAX MAP S15, LOT 11, LOCATED AT 420 DANIEL WEBSTER HIGHWAY IN THE CENTRAL BUSINESS DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) THE FINAL PLAN SHALL NOTE 65% IS THE MAXIMUM LOT COVERAGE PER THE CENTRAL BUSINESS DISTRICT.
- (2) THE ZONING ADMINISTRATOR SHALL MAKE A DETERMINATION AS TO WHETHER OR NOT THERE IS NEW DISTURBANCE WITHIN THE WETLAND SETBACK AND IF ZONING RELIEF IS REQUIRED. TO THE EXTENT THERE IS NEW DISTURBANCE, A WETLAND SCIENTIST SHALL VERIFY THE LIMITS OF THE WETLAND.

- (3) IN ADDITION, A PARKING WAIVER FOR 5 SPACES IS GRANTED GIVEN THE NATURE OF THE BUSINESS.
- (4) IF LIGHTING IS ADDED FOR THE NEW GARAGE, IT SHALL BE DOWNWARD LIGHTING.
- (5) THE BOARD RESERVES THE RIGHT TO REVIEW AND AMEND ANY APPROVAL AS PROVIDED FOR IN SITE PLAN REVIEW REGULATION NOS. 7 AND 17.
- (6) OUTDOOR STORAGE OF SOLID WASTE ON THIS SITE IS PROHIBITED.
- (7) THIS CONDITIONAL APPROVAL IS ONLY VALID FOR A PERIOD OF 24 MONTHS.

Voted 7-0 in favor of the motion.

Touhey – One of the sites that we approved about a year ago was approved without a dumpster and now there is a dumpster there. I would propose an amendment that outdoor storage of solid waste on this site is prohibited. Bayard – I'll accept that as a friendly amendment and I would also like to add that this conditional approval is only valid for a period of 12 months. Discussion took place regarding the time limit of the conditional approval and it was agreed to extend the time period to 24 months in this case.

5. **NEARBY SERVICES & INVESTING, LLC (ARCH.)**

Bayard moved, Sorell seconded, I MOVE FOR NEARBY SERVICES & INVESTING, LLC, THAT WE CONDITIONALLY APPROVE THE ARCHITECTURAL DESIGN REVIEW OF A PROPOSED COMMERCIAL ADDITION TO AN EXISTING GARAGE, AS WELL AS A NEW 728 SQ. FT. GARAGE, TAX MAP S15, LOT 11, LOCATED AT 420 DANIEL WEBSTER HIGHWAY IN THE CENTRAL BUSINESS DISTRICT. THESE ARCHITECTURAL APPROVALS ARE RELATED TO THE ARCHITECTURAL PLANS BEING REVISED TO IDENTIFY THE PERSPECTIVE OF THE ELEVATIONS AS WELL AS WHAT PART OF THE BUILDING IS THE ADDITION/EXPANSION. THE PROPOSED DESIGN AND SIGN MATERIALS SHALL BE PRESENTED PRIOR TO FINAL APPROVAL AND THE ARCHITECTURAL COMPONENT CAN BE HANDLED ADMINISTRATIVELY. WE FIND THE PROPOSAL IS CONSISTENT WITH THE ARCHITECTURE OF MEREDITH FOR THIS AREA AND WE APPROVE THIS ARCHITECTURAL DESIGN BECAUSE IT DEMONSTRATES CONFORMITY WITH THE GENERAL AND SPECIFIC CRITERIA SET FORTH IN THE ORDINANCE.

Voted 7-0 in favor of the motion.

5. **B & F MEREDITH, LLC:** (Rep. William Franks, Carl Johnson, Jr. & Paul Fluet)

This property is located at the corner of Route 3 and Needle Eye Road and currently consists of 3 lots of record. As a condition of this approval, those 3 lots

would be combined and merged into a single lot. The property right now is undeveloped; it is not undisturbed as it had some landscaping activities going on in the past so there is some disturbed soil on the site. There are some wetlands associated with this piece of land. The major wetland complex is located to the easterly portion of the property and the proposal is to develop the front portion of the property and leave all the wetland characteristics of the rear of the property intact and abide by the 50' buffer. This is the existing conditions plan that we started with in the development process and through a series of different renovations, renderings and discussions with various Boards, the proposal is to construct this commercial facility towards the front of the property and associated parking area with the major entrance to the complex off of U.S. Route 3 with a lane turning in and 2 separate lanes, one turning left and one turning right with an auxiliary exit or entrance to be onto Needle Eye Road and then the traffic would proceed left and out onto Route 3. Part of this project involved the filling of wetlands and required us to go to the ZBA for those approvals and we have received those approvals in hand for the filling of the wetlands associated with this property. There was a Natural Resource Report written by Randall Shuey and that is also available in your packet and that encompasses a lot of the intermediate and other types of treatments to the site which will protect, enhance and improve the surrounding areas even as a result of creating the additional disturbance to the front by virtue of constructing this retail complex. The other thing that happened was Mr. Fluet of Fluet Engineering submitted an application to the State of NH DOT for an access as shown on this plan and that was granted and he will go over those details. Pretty much the focus of the ZBA meeting and some of the focus of the Planning Board meeting will be the drainage issues that are associated with this type of disturbance; you've got a couple acres of disturbed area here and how to deal with the drainage. Mr. Fluet will go over that in detail and the detail sheet you'd be looking at primarily is C-0 which shows a lot of the details associated with the drainage and accommodating how that drainage would be treated and also it goes over the utilities and this property, although located in Meredith, will be connected via an extension of the municipal sewer which goes into Laconia. We are not doing the application for the architectural design tonight. We do have an architectural rendering which should be in your packet. Fluet – The existing conditions plan does have some wetland impacts which has been submitted to DES for approval. We are merging the 3 lots to make a total lot size of 4.6 acres. The proposed building is 12,000 sq. ft. and basically we have 66 parking spaces on site and we're required to have 60. We meet the number of parking spaces required for handicapped. We have 2 methods of access, one is from Needle Eye Road which we consider the secondary access and the primary access is off of Route 3. A 3-lane entrance, a right-hand turn, left-hand turn and a single lane entrance is proposed. Our lot coverage is well within the town's requirements, almost 26% lot coverage and we're allowed 65%. We did receive the special exception from the ZBA for the wetlands but in this particular application we are parking within the setback as the prior application had said so we have to go to the Zoning Board for parking in the setback because our setback is 50' from Route 3 and that eats up a lot of property so we have a row of parking that's in the 50'

setback from Route 3. The DES Wetlands Permit is in the works so that's hopefully going to happen soon. In this case here for truck deliveries we have an area where the truck vehicles can pull along the side of the building and unload their product and bring it in through the back doors. The back side of the building does have kind of a paved apron but its not big enough for vehicles to get back there just people. As Carl said, we're tying into the Laconia sewer and what is shown on this plan in orange is the sewer line coming out of the building into a manhole and going down Route 3 within the ROW of Route 3. The extension of that is down still within the ROW and at this point we're crossing onto the Hearth & Home Furniture store property. I've had a conversation with the owner of that property and delivered the plan basically to the City of Laconia because there's no sense for Bob to give the easement to this project because the sewer is ultimately going to be taken over by the City of Laconia so the easement that we're asking for is an easement to be granted to the City of Laconia. The reason we kind of kicked out of the ROW for the highway is because there's some exposed ledge up in this area and the existing manhole that we're tying into isn't in the ROW so we're kind of offsetting to try and align ourselves with the existing pipe and manhole that was put in awhile back by the City anticipating an expansion in this direction. We are going to work out with the City how this is going to be billed and how it's going to be paid for. We won't be doing the billing, however, should someone not pay a bill and get their sewer turned off, it is a health issue and the Health Officer will get involved. There is still a Memorandum of Understanding the Town has to work out with the City. . . There are a lot of things that need to be ironed out. This is not a big deal with the PUC. An on-site well is proposed. I'm sure as part of that install, there will be a meter that will have to be used for billing for the sewer. At this time, we're not proposing to sprinkler the building. We don't know exactly what's going in there but we have an idea that it's going to be mostly retail, not necessarily a place of assembly. Our intent is to meet the building code requirement and if a tenant wants to go in there that does require sprinklers; I think that would have to be addressed at that time. In terms of the other utilities, power will be underground and drainage was discussed the last time we were here and infiltration seems to be the way to try to get storm water back into the ground water and this is how we did it. The drainage collection system is shown in pink on this plan that's going to collect the water from the parking lot and this grid or box here is five 36" pipes imbedded in a stone box that allows this water collected from this catch basin to flow into an infiltration basin of pipe and stone and as the site now drops off in this direction so this whole box of stone is in the fill so to speak, it's probably 3 or 4 feet above existing ground to the bottom of the pipe so there's a fair amount of fill on this end of the site so we have separation from groundwater in this end because we're above the existing ground. The way this works is this infiltration system fills up, the water would bypass and then would go out a level spreader located over here. This pink line is pretty much collecting roof water which we consider to be clean so we don't need to treat that or detain it. All of the detention for this site is happening right in this box of stone and pipe so we're meeting the pre and post criteria because this is acting as treatment and detention. The other pink lines you see is just some highway drainage that comes along the

side of the road and we have to get it across our driveway and there's a small area at the entrance that will pick up some water that we're collecting and putting in a level spreader. There will be no difference between the pre and post drainage because if I didn't have this, the water would run off the surface and the water flowing onto the abutter's land would flow at a higher rate. When we're talking about the peak rate of flow what we're trying to do on the 10-year storm is not have the water go onto the abutter's land faster than it does now. It's the rate of flow. The trend now at DES with alteration of terrain is to provide treatment for the water quality volume. When it rains on a site the first inch of water is the dirtiest and the second inch is a lot cleaner than the first inch so what they want you to do is treat the first inch of water which is ninety some odd percent of the precipitation. When you get 3 or 4 inches of rain you may not be able to do a great job on treating the second, third and fourth inch. In this case our first inch of water will go into our detention and treatment system and nothing comes out so we're treating and infiltrating in this chamber right there. Vadney – Do you know what the retention time is; it's got to come out sooner or later. Fluet – We infiltrate at a rate of .57cfs. It's going to be in a sandy gravel fill that's going to filter the water so I don't imagine it's going to stay in there very long, it's going to take a lot of gallons to fill that thing too. LaBrecque – If you have a sandy fill, then it has a higher infiltration rate which means the water that's getting into this device there is infiltrating quickly. Fluet – But you can't have that material be too coarse because you lose the treatment aspect of it. You'd like it to go out quick, but you don't want it to go out so quick it just flows through and there's no actual treatment or retention of nutrients or particles in the filter underneath the bed. Vadney – In that design, you get a one inch storm basically all of it within reason goes into the pink area. Fluet – Yes, this is the collector manhole for it so it's collecting 90% of the flow. There is some a little bit beyond here and some out near the entrance, that's actually going to be directed to the level spreader and out of the level spreader we've got some additional treatment through the woods and through the forest mat. Vadney – For a 10-year storm, what is the inch per hour? It's about 4.1, I think. Vadney – So the other 3 would basically go down stream. Fluet – In the 10-year storm, I think I barely get any flow out of here, I think this shaves off the peak. In terms of volume the detention shaves off the peak so I'm not getting more to the abutters land than I do now. On the site we have site stabilization with the site wrapped with silt fence protecting all the wetlands, we have some check dams and landscaping. We have done minimal landscaping, I think we have 9 trees spread around the site between Route 3 and on the steep slope along the parking lot I peppered in some junipers that kind of spread out to hold that slope. Lighting that is proposed here is a downcast light, it's basically a U-shaped pole and at the bottom of the "U" is kind of a Christmas bell and the fixture's up inside so its definitely a downcast style light. We've shown some areas around the perimeter here for storing some snow and the signage, I think I just put a note on the plan that we'd be complying with the signage requirements. I think the Architect is going to come up with the signs he wants and he's just going to have to comply with the Town regulations. We do have a solid waste dumpster which is located right here, screened on all 4 sides. We anticipate burying an LP tank for heating

the building. Size is unknown at this point in time. There is plenty of area where an LP tank could be buried right off the pavement and make it easy for delivery. Vadney – Before you depart that map, the walkway behind it, one time we had talked about making sure the Fire Chief was cool with the idea of not being able to get behind the building other than on foot, has that been checked into? LaBrecque – Yes, the Life Safety Code requires that fire apparatus is able to reach a point of 150' from any other point so basically if the building is 200' long the truck can pull to that back corner, they are able to go to either back corner and are able to reach 150'. If they are only able to go to one of the two back corners, then there may be an issue but because there is room for fire apparatus to pull in either side of the building, not the back, but either side of the building that's OK, I checked with the Fire Chief. Fluet – We have 20' on each side. Johnson - The schedule for the Architectural Design Review will include this rendering and the other elements of the architecture of the building, the roof lines and so forth. The public hearing on the architectural component will be held on the 13th of January, 2009. The sign will be discussed at that time as well. Fluet - There could be 9 storefronts there. How the interior gets divided could depend on prior pre-sales or whoever may go in there depending on how many square feet they may need. The minimum size unit would be 1,500 to 2,000 sq. ft. Bayard – You show deliveries off on the side, how are they going to maneuver there. They would back straight out to make this turn and it would depend on the size of the vehicle. They would have to back beyond the aisle so they could take a left and exit onto Needle Eye Road. The question was asked if the deliveries would have to be trollied from the end of the building 200' down to the other end of the building. There is no tailgate delivery dock proposed. What size truck did you design that to? I think that's a WB 50. Bayard – It looks like you might have to back some of the trucks into the entrance to be able to turn. Fluet – I don't anticipate delivery trucks coming in here all day long. Vadney – Think of downtown Meredith now, I suppose it's a small percentage of the time but it seems like a large percentage of the time when I'm trying to get down Main Street when there's a 50' or 53' truck across the road blocking the highway by the insurance company. Most of these companies now deliver with very big trucks. Bayard – Is that retention area something that could be driven over? Vadney – When you back up at the south end of the building, you can make that turn with cars parked in the parking lot. Johnson – Correct. The other thing that you have to remember about those deliveries in downtown Meredith is the great majority of those deliveries are related to the food services and that's why they are frequent. If you look at some of the areas that are similar to this one but aren't food related, there's nowhere near the frequency of deliveries. (inaudible) Fluet – I think a UPS truck could just pull in here, back out and go out. The UPS trucks are not that big. There are a lot of parking spaces here and I don't think they will be full all of the time. LaBrecque – The applicant was in on February 26, 2008, for a conceptual discussion with the PLB and following this the applicant did go to the ZBA as well as the Laconia City Council for approval to extend the sewer line. With respect to the utilities, we have been corresponding with the City of Laconia, Paul Moynihan is the DPW Director there and water and sewer fall under the DPW so we do have to work out an MOU

as part of final approval of the site plan we would need the Board of Selectmen to be on board with whatever we develop as an inter-municipal agreement. The drainage and storm water management as well as the site stabilization and the grading will be reviewed by Lou Caron, our Town's engineer. Hopefully, we will have his report before our next meeting. The lighting details are included in your plan sets for your review. I would like to clarify that when I met with Chuck Palm, the Deputy Fire Chief, because he had commented on this back when they came in for a conceptual so the existing Fire Chief, Ken Jones, did defer this to Chuck. He didn't suggest that the entire building be sprinklered, he just suggested that the water supply for the ability of the building to be sprinklered be engineered and built. He went over the square footages and the different uses, but if the Planning Board wants to restrict the businesses going in there to mercantile retail that could be done and depending on the types of land uses that are regulated by either the Building Code or Life Safety Code that would prohibit a use that needed a sprinkler system, then they would have to come back for a Site Plan Amendment. Vadney – I don't know that we should be picking at that, I think that's basically a business risk if the developer wants to do it without it, then tries to put somebody in there without it. LaBrecque - This isn't sprinkling the whole building, this is engineering it. We could sit down with the Fire Chief on what his concerns are. Fluet - Is it your intention that we put the storage in the ground? LaBrecque – I don't know where you would put the storage, but underneath the building potentially? Fluet – I don't know if I would put a storage tank under a building especially if it was going to be a steel tank. If the building needs to be sprinklered someday, we'd probably put the tank outside in a green area someplace and then we'd have to run all the sprinkler heads in the building but if we don't have any sprinkler heads, it seems kind of foolish to have 30,000 gallons of water underground that you're never going to use. Flanders – If the building were to catch fire, there are no hydrants or anything near there and that tank would have a pipe coming out of it that the Fire Department could hook onto with their tanker and pump out of. It's the same as a residential development, if you have more than 4 lots; you either have to sprinkle or supply fire suppression of some type. Usually that's a 30,000 gallon cistern. Fluet – I was thinking it was going to be tied to something like a fire pump. Flanders – If it had a sprinkler, it would be tied to a fire pump. Fluet – That's usually a function of a fire pond nearby, right? Flanders – There isn't any. Bayard – We usually go by the Fire Chief's recommendation. Vadney – But he says put in some of the infrastructure in case you ever want to sprinkle it. Bayard - We tend to go by what they say, there may be a few if's and possibilities that give us a little discretion, but in general they are the professionals, we're not. Fluet – I misunderstood their intention. Flanders – The Fire Department doesn't pull this stuff out of the air, they take it out of the NFPA Regulations so if they are asking for that cistern, I'm sure it's a requirement that a water source be within a certain distance. Vadney – Did he ask for a cistern? LaBrecque - He did not specify a cistern, he said a water supply. Flanders – A cistern is a water supply. Kahn - His Memo is directed at sprinklering but maybe he cut it too limited and we need to ask that question. LaBrecque – When I questioned him, he said the pump didn't need to go in, just the water supply. Bill Franks – Our Architect is familiar with all

the fire laws so we're going to defer to our expert. Flanders – We're going to defer to our Fire Chief and he trumps your expert. LaBrecque asked if the Board wants to do a site visit? Touhey – We have some significant storm drainage systems here. What provision is going to be put in that will ensure that this be maintained? Fluet - What does the Board require, once a year, twice a year? Vadney – Once a year especially the ones that have oil collectors and that type of thing. Fluet - I could add that as a note to the plan and work out the language with Angela. Flanders – This recharge system is useless if two years from now the catch basin fills up with sand and that sediment gets into the recharge area and blocks it up so you've got to keep catch basins clean or you're throwing your money away putting in the recharge. Fluet – Normally, in addition, what I've put on plans before is not just the fact that the catch basins should be the collector for sand but the parking lot should be swept in the spring so the winter sand and salt is picked up before it gets to the catch basin so I'll put the same thing in here. Kahn – I see we've been discussing the sewer extension with the City Council and the sewerage people in Laconia, but is this something that should have been run by the Planning people in Laconia? LaBrecque – I have been working with Seth and Shauna, both in the Planning Department, our Water & Sewer Department, their Water & Sewer Department so Planning Departments have met and they actually advised the City Council. Coolbroth – VP of Needle Eye Association – We are responsible for a ROW from Needle Eye Road that leads down to the railroad tracks at the Lake. This project does affect the entrance into our neighborhood so we are concerned about it but at the same time the piece of land that's there now is not a thing of beauty and certainly a development that is well thought out is certainly an improvement. One of the primary concerns I noticed about the plan is the presence of the driveway onto Needle Eye Road. There's a dead man's curve issue to this entrance if you're proceeding south on Route 3 taking a left onto Needle Eye Road, its up over and around a hill and around a corner. There is an issue about that corner and you're always nervous about how fast folks are coming behind you as you go to take that left-hand turn so I'm concerned about more traffic in that intersection. We're puzzling about the importance of that driveway entrance onto Needle Eye Road and wonder if that can either be eliminated or whether that could be a fire only type entrance for fire protection, we're concerned about the safety of that turn. In addition, we would like to see screening on Needle Eye Road to screen the project and in particular the dumpster located on the frontage of our street is a source of concern to us, it certainly needs to be screened but also would need to be well taken care of so it is not a nuisance. It's difficult to tell what the view will be from the Bolduc property which is the abutter to the south. Maybe from a site visit you may be able to get a better picture. The 3 lots that are there now claim an easement right to use the ROW that is down at the railroad tracks at the Lake and we believe if this project is going to be turned into a commercial development, that easement right should be extinguished, the developer should agree to give that up. This is a 50' wide strip down toward the Lake and it is something you couldn't have today and is potentially overburdened and to think 10 storefronts claiming a right to be able to use that would be something of concern to us and would like to see that

relinquished. We have a concern about a partially completed and then abandoned project in this economy and the availability of financing. Vadney – We do require Letters of Credit or some type of bonding to protect the Town if the Town has to take it over and put it back into use. Flanders – The first thing he mentioned was the dumpster and the plan shows screening around the dumpster already. The driveway looks like it is 125' or more away from the edge of the ROW not the edge of pavement on Route 3 and we always require a bond of an amount large enough to stabilize and get the site under control if the developer for whatever reason before he gets the site finished. Coolbroth – The presence of additional congestion at the end of Needle Eye Road and potentially traffic that either keeps you from making a left or disrupts you as you're making a turn, I think is a potential problem. Vadney – The real problem on that curve as you turn into Needle Eye is probably cars coming down the hill are going relatively fast and they see someone coming and whip in front of them and they've got a short stop. We'll do a site walk on that, one thing we ought to be careful on the walk to look at the sight distances on that driveway onto Needle Eye and see if there's any realignment that needs to be or could be done. When they apply to the Town for a Driveway Permit, part of that process includes reviewing it in relation to sight distances and speeds in the area. Kahn – I don't think he's concerned about the speed on Needle Eye, I think he's concerned about the speed on Route 3. Suppose we make it an exit only rather than an entrance. Vadney – I thought we had discussed at one meeting making it the only exit and not exit onto Route 3. As far as the one onto Needle Eye, at a minimum I think that would have to be open to fire trucks as well as delivery vehicles. Flanders – If that is out only onto Needle Eye that would solve that. Sorell – And a right-hand turn at the end of Needle Eye onto Route 3. Vadney – That can't be controlled because of the residents living on Needle Eye Road. Kahn – We can't force the building to be built, all we can do is deal with the drainage issues and site stabilization. Vadney - The easement ROW is a good question and is something we'll have to look into. I'm not sure there's much we can do about the view from the south but we will take a look at it. Gary LeMay – Those lots have tried to be developed for 25 years, currently if you do a site visit, you will see a mess in there created by a previous owner. We want to protect the residential character of our neighborhood. Most of us here initially thought that property would be a residential development, however, the Town did rezone it within 600' of Route 3 and it became commercial. I do not believe there is any reason to have an active entrance on Needle Eye Road. More traffic in either direction from our road makes things worse. You've got a nice entrance approved by the NH DOT that took into consideration sight line distances and I do not believe there's been any application or approval by the Town of Meredith for that driveway entrance on Needle Eye Road yet so I don't think that's been decided. My opinion would be if you need it for fire, put it in and put some of those plastic barriers in that the fire truck can roll right over but its going to keep everybody else out. Sending more tractor-trailers onto Needle Eye Road, I don't think that road was designed for tractor-trailers, I don't think that pavement is set for tractor-trailers or even lots of delivery trucks, I would redirect them to that entrance that's already been approved by the State of New Hampshire which has much better

sight distances in both directions. As far as the shielding and vegetation on Needle Eye Road, it looks like there's some fencing around the dumpster, but our preference would be something 10'-15' high of vegetation that would prevent that from looking like a commercial strip mall in our residential neighborhood. I don't know how the treatment occurs in that drainage system, it sounds like there are some barriers to slow it down but that does need some maintenance or some care as you have directed. If there's going to be a 3-phase electric source to this facility, we would like that to come off Route 3, we don't want to see a 3-phase line extension built down Needle Eye Road to go in there. Again, we're trying to keep our residential neighborhood residential. No reason you can't have it down Route 3. We talked about wells for the water. If you do require, through the Fire Department, anything to do with a cistern or storage for future use, I think that's a good thought process to use. Water on the top of that hill, if you don't know, is very precious. Some of those businesses up there have drilled multiple wells and there are multiple wells that are dry up there. Down-lighting is a good source of lighting to keep our view from Needle Eye Road as minimal as possible. Johnson – I just have one caution for the Board about beach rights and I don't think the Board has authority or jurisdiction over the deeded rights. Vadney – It's more likely a civil matter. Flanders – Back when Mr. Shaughnessy owned this property, there were some significant wetland issues, have those issues ever been resolved? LaBrecque – John & Bill have a little more history on that. Johnson – As part of Randy Shuey's review, he contacted the State of New Hampshire and there are no outstanding issues with the State on that site. The Board requested that the major features of the site be flagged, i.e., corners of building and parking lot, entrances to site (Needle Eye and Route 3), position of infiltration system and apron behind the building prior to a site walk. Hearing closed at 10:00 p.m.

Dever moved, Sorell seconded, I MOVE WE CONTINUE THIS HEARING TO JANUARY 13, 2009, AND WE SCHEDULE A SITE WALK ON JANUARY 3, 2009, AT 9:00 A.M. WITH A SNOW DATE OF JANUARY 10, 2009, AT 9:00 A.M. Voted unanimously.

TOWN PLANNER'S REPORT

1. **PROPOSED ZONING AMENDMENTS** - LaBrecque - Does anyone have any comments on the revised zoning changes? We've made an effort to slim it down as much as possible so the citizens can understand. Kahn – The only freedom when you have a zoning district running through your lot is you can go to the ZBA and get a Special Exception for building a single-family or duplex under the rules applicable to the larger portion of your lot. Otherwise, whatever the zoning is for each section of the lot, that's what it is. If you want to do something other than single-family or duplex, you're in basically variance country. If it's not permitted by the smaller portion of the lot, you can't do it on the smaller portion of the lot so we've made it as simple as it can possibly be. Flanders – This thing has been pretty well hashed out so the language is pretty good so I don't know that we are going to improve it. Kahn (inaudible). Bayard is concerned with the wording. It's

going to predominantly pertain to subdivisions. When people want to build single-family or duplexes, you can apply the majority zoning district to the entire lot. Kahn – This is not exactly the way I drafted it, but with the word "so" in there, I OK with it.

Flanders moved, Kahn seconded, I MOVE WE PUT THIS FORWARD THE WAY IT'S WRITTEN ON THIS DRAFT. Voted unanimously.

Dever - There are several businesses on Main Street that are thumbing their noses at us. Vadney – Dever has noticed a lot of shop owners and employees parking on Main Street taking up parking spaces that we've intended for customers and we've suggested that employees park in off-site spaces and municipal parking lots. Whether or not we send a letter ourselves, the Greater Meredith Program first and the Chamber of Commerce because they can slap their people better than we can. (inaudible) Dever – There are daily offenders of this directly in front of Town Hall. The parking is something we make a habit of mentioning when new businesses go in. Third, Bill Edney could talk to some people. LaBrecque – (inaudible).

DONALD HOYT'S JUNKYARD - Vadney - DES has been on the site several times and Don has worked with them. We had a good visit and had a long walk and some of the things we had approved sometimes don't work out on the ground but DES has approved it. This will not stop the questions that Bill Edney gets, but it will get this off our back. He will be scheduled on the Agenda for the first meeting in January.

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Mary Lee Harvey
Adm. Asst., Community Dev.

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

William Bayard, Secretary