

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary; Flanders; Finer; Kahn; Bliss; Edgar, Town Planner; Harvey, Clerk

Kevin Morrow, Police Chief; Chuck Palm, Fire Chief; Mike Fallor, Public works Director; McCormack, Superintendent of Schools

Finer moved, Bliss seconded, THAT WE APPROVE THE MINUTES OF FEBRUARY 28, 2006, AS PRESENTED. Voted unanimously.

### **PUBLIC HEARINGS**

1. **DONNA AND ALBERT DUCHARME:** (Rep. Carl Johnson) Proposed major subdivision (cluster) of Tax Map R30, Lots 3 & 4, into thirteen (13) lots (3.0 ac. – 12 ac.). located on New Road in the Forestry and Conservation District. Application accepted October 25, 2005.

This proposed subdivision is on New Road. Marc Abear – Point of Order, Mr. Chairman: At the last meeting on this same application, one of the comments that the Board made for requests of the applicant was that we use a common scale for the drawings of engineering and illustrative so that we could better understand potential conflicts as they might come up. As Mr. Freeman demonstrated, there are a number of issues that might be brought to light if we use a common scale to produce overlays. The plans that have been submitted by the applicant are at four separate scales, 1:200, 1:100, 1:50 and 1:40 feet. I would like to request at this point that the Board consider deferring further action on this application until the drawings are in compliance with the Board's request. No comments from the Board. Johnson – I can address the comment if I could. The original plan that was submitted was a 200 scale to show the entire perimeter of the property and show the lots. It was my understanding that the Board's comment and based on Mr. Freeman's analysis of trying to blow up some of the lots to determine the grades, the positioning of the houses, the wells and the septic systems was that it was difficult to determine from a 200 scale what those conditions were. I did prepare and submit prior to this meeting to Mr. Edgar, two separate sheets which I also have here which are lot analyses at a bigger scale. I don't believe that the intention was for the Board to have every single plan be at the same scale, but that there be sufficient scales so that certain site specific information could be determined. I do have those plans to hand out. That was my understanding and I hope that the Board respects that interpretation. Vadney – I agree with the thrust of what Carl just said. It would make little sense to ask him to make a 40 scale for the whole 200 acres on one piece of paper. We would have to put it up here on the wall and it also makes little sense to do the entire thing in 200 and have us look for the small scale so I thought we were looking that when we were talking about trying to compare

direct things that the map should be the same. Does anybody recall anything or have any reason to think we should do everything in the same scale and if so, name the scale? 1:50', sir. Kahn – I would just point out that at the last meeting we had a similar issue with respect to the subdivision on Meredith Neck and what we asked for was a large-scale overlay so we could see what the subdivision was going to look like and then a smaller scale to see where sites were and that sort of thing, although it all couldn't get on one page so basically that's what Carl is saying. Vadney – Based on that, I'm going to say go ahead with the meeting. Thank you for the Point of Order. I'd like to make one comment about that, my name's James Freeman, but essentially Associated Surveyors has gotten a whole lot of individual details of the 13 sites and the problem is they are independent. He's done them at 1" = 100' and that's different than the 1" = 200' and so we don't have a topographic... Vadney – I understand your point, I'm going to press on with this briefing and we'll see which parts we don't understand because of that conflict. Johnson – Briefly, I'm going to give you an update of what changes have been made to the plan. I'm not going to go through the individual aspects of the lot sizing, the density, the configuration, the cluster, I think we've been through those issues. Other people may have comments on that; I'm going to keep my comments to the changes that we've made on the plan. Then we're going to have a very brief discussion on the changes that have been made and the improvements to the covenants and restrictions based on conversations that Attorney Philpot has had with Town staff and then Steven Pernaw is here, he is a traffic engineer that prepared the traffic analysis and he's going to give a brief presentation on some of the issues regarding the roadways and related items. The last meeting that we had there were some discussions about the cluster, the effect of the cluster, what is a cluster, how big the lots can be, how big they should be and while I was trying to point out to the Board that there is no size limitation either big or small for a cluster that we would take those comments into consideration and analyze what we had presented. Based on what we could determine from that meeting, it appeared that the general focus of concern and one of the focus points of concern was the area where we previously had three (3) lots in this general vicinity. We had some discussions about how we could redo the configuration of those lots in that area, how we could redo the building sites and what could be done to relieve some of the concern of that area, and basically what we did is we removed one unit from that area so what was previously a 14-lot cluster subdivision is now a 13-lot cluster subdivision and we took out one of the buildable home sites that was located in this area so now we have and I've renumbered the lots accordingly and now we have in this particular area, a lot that's 3 ½ acres and a lot that's 4.37 acres. We felt that was going a long way to address some of the Board's concerns about the difference between density and the closeness of units. Density being calculated, as you know, numbers of units for the whole area and then the closeness of units being a separate non-quantitative issue that the Board was concerned with. The other thing that we

looked at doing was revising some of the areas that were of concern in terms of steep slope. We went, based on a suggestion from Town staff, to the Conservation Commission so that we could get any possible input they may have on the Covenants and Restrictions that we had generated regarding the green area. Mr. Ducharme went before the Conservation Commission and they have written a letter that's in your packet. The basic issue with the Conservation Commission is that they applaud the efforts being made by the applicant to deal with the issue; their general preference is to have conservation areas dedicated by conservation easement as opposed to Covenants and Restrictions. They believe that provides a more permanent protection of the area than Covenants and Restrictions, however, I don't believe and there maybe members of the Conservation Commission here tonight to speak to it, but I don't believe that they have seen Covenants and Restrictions quite like the ones that have been generated to protect this area. One of their areas of concern was the steepness of slope that comes from, as you know, it's fairly gently sloped at the top here and then there's a steep slope leading down to some more gently sloped area and initially we had considered adding into the lots what we were going to describe as a restrictive cut zone. After we had entered the restrictive cut zone onto these lots and discussed how we were going to incorporate that into the Covenants and Restrictions, it became apparent it would be much easier just to add that area into the green area so not only did we lose a lot in this area, what we've done is we've cut back the lots primarily in this area where the Conservation Commission had concern and you can see that we've revised the green space area so now that there are 131 acres in green space representing 62.6% of the property, 50% being required by the ordinance. Of additional concern to the Board was where on some of these lots will the home sites be constructed and at what grade, how will the driveways look and so forth? We took a look at trying to have individual home sites identified on the plan as we did originally and instead what we opted to do was to put on each lot a box that determines what we'll call for lack of a better term, the buildable area of that lot. This is a plan, two sheets, which show the lots at a 100 scale and I looked at presenting them at a 50 scale versus 100 scale and I believe you can tell enough about each lot at 100 scale to make an intelligent decision about how the lot is out and these are a couple copies of the blowups. We have essentially restricted the portions of each unit that you can construct a dwelling. You can see through a quick analysis of the contours being 2' contours that the boxes range from a maximum of 300' by 150' to a minimum of 100' x 100', 100' x 100' is roughly ¼ acre and that particular box is the buildable area which would be on Lot 10. The other thing we did was to contact Mr. Fluet, who is the professional engineer who prepared the engineering plans, to do an analysis of the driveways as they intersect the proposed road after the grading has taken place. He has looked at the driveways and determined that those driveways are in acceptable locations from a grading standpoint and he said that if the Board had any particular concerns about an individual driveway and how it was to come off the

proposed road, he would be happy to provide that engineering of the driveway on that particular engineering sheet in his packet. He didn't believe that any of the driveways that we showed would necessitate that, but we're offering it if the Board has any issues with where the driveways would come off of the proposed road. In terms of the actual construction of the driveways, the width of the driveways, the lengths of the driveways, we had previously met with Chuck Palm and gone over those locations and lengths and come up with the typical cross section which appears on the large-scale plan that meets Chuck Palm's specifications for how a driveway would be constructed to be adequate for access to each of those individual lots. Additionally, to the lot analysis plan, I would just like to represent this is what the green space and/or buffer area would look like if you took all the lot lines away and took all the other information that's available on the plan that shows the perimeter of the property, it shows the roadway going in, this is the one common area that has the drainage structure in it and shows the green space and this is actually part of the lot, but it's listed as a buffer area. It's essentially 200 feet up from New Road. This would represent the area which is the 62.6% of the overall property being protected by the Covenants and Restrictions in a green area. I don't think I'll go through the changes to the Covenants and Restrictions with the exception of saying that they've come a long way; they've worked very hard on them. Attorney Philpot has taken many of the comments from staff, many comments of the abutters, many comments of the Board and incorporated them into the Covenants and Restrictions and I think you have a very comprehensive document. The concern of the Conservation Commission was that portions of the items that are in the Covenants and Restrictions potentially could be revised by the Homeowner's Association with the approval of the Planning Board. I think we've made it abundantly clear in our presentations that the issues that we intend to be following through as permanent would be those issues that are of concern to the Planning Board and I think it would be extremely difficult for somebody to come in at a later date and claim they wanted to make significant changes to the Covenants and Restrictions before a Planning Board. There were some other minor issues that the Conservation Commission had. I would remind the Board that the Conservation Commission is not a Board that has the power to approve or disapprove anything. We did not appear before the Conservation Commission to ask for an endorsement of the project. We were there simply asking for their comments and we have incorporated some of their comments into the revisions to the plan and into the revisions of the Covenants and Restrictions. At this point unless the Board has any questions about the changes to the plan, I would like to have Mr. Pernaw give a brief presentation of the issues relating to the traffic study. Flanders – What's the slope on Lot 10? That driveway looks like its going right straight up across the \_\_\_\_\_ an elevation change in a short distance. Johnson – It is in a short distance and that is not what would be the engineered driveway. In other words it would probably be a fill in the space

slightly before it. At a 100 scale that's about a 40' stretch that you're going up and probably raise by 4 or 5 feet before you got to the slope so this is not an engineered driveway. That's simply showing where the driveway would probably go based on the existing topography. If you were to raise that 4 or 5 feet at the base, you'd only be probably going up 5 or 6 feet over 50, I'm guessing. Flanders – I think, Mr. Chairman, I made a comment at an earlier meeting that we really should see the profiles of the individual driveways and my concern is that we don't get a driveway that's so steep that we create a problem for our emergency response vehicles if it's necessary to get up in there. I just look at this on paper, that's problematic so if it's going to be something different, we need to see it. Otherwise, we don't know what we're approving. Steve Pernaw – Attorney Philpot asked me to spend about 10-15 minutes going over the results of our second memorandum. We did actually prepare two for this project. The first one was dated September 12<sup>th</sup> of last year and basically it was a short memo that talked about trip generation, how many trips the subdivision would generate and that was a 14-lot subdivision. We've heard tonight that it's now 13 lots. Our second memo that I wanted to discuss tonight is dated February 22<sup>nd</sup> and primarily what we were asked to do is to come up with a fair-share allocation system in terms of some off-site improvements that the Town has come up with. Again, to come up with a fair-share assessment, basically we had to answer 3 questions. One important consideration is how many people are currently driving in the study area where these particular projects are planned. The second thing we need to know is how many trips is this particular subdivision going to add to that study area and how many trips will it generate. The third question is where are these trips going to go? How many are going to head to different improvement areas or elsewhere so to answer those questions and try to speed up our presentation, I brought along flipcharts that are from our memorandum and again I'll just use this as a talking point. Figure 1 is just intended to show the location of the site with respect to the study area that's been called "Y" Corner and the roads leading to it. We've also highlighted 93 and Route 104 and Route 3 as well, to answer the question how many people are accommodated traveling to this area. We ended up conducting a new intersection turning movement count at "Y" Corner. What we were looking for is to come up with a peak hour, the highest number of cars through that intersection over a one-hour period. The date of the count was a Thursday in January of this year. Our count actually ran from noontime to 6:00 p.m. We wanted to look at a big window because we weren't expecting a lot of traffic and we wanted to make sure we caught the highest number of vehicles. As it turns out on Figure 2, you'll see that the peak one hour period occurred from 3:30 to 4:30 in the afternoon and the number of vehicles going through that intersection was 15. If you look at the different arrows, you can see how many turn left and right and which direction they travel. The little boxes over the roadway indicate the two-way traffic along each one of those legs. Obviously, January is a low month in terms of traffic counts. We all know where we live and in the summertime is when traffic is

much higher. Later on in the process I'm going to explain that we adjusted these numbers or factored them up to represent a better design condition, let's say July or August. The next question has to do with how many trips will this subdivision generate? In the end, these numbers are new because the number of lots was changed by one and our bottom conclusion, if you look at Table 1, we show a morning peak hour estimate, an evening peak hour estimate, a daily estimate and even on Saturday as well. Again, the highest hourly traffic that's going to be generated by this subdivision is thirteen trips during that weekday PM peak hour. Again, this estimate is based on the ITE Trip Generation Manual. It's one of the bibles that we use in our industry and for a conventional subdivision we're able to determine the number of trips based on the number dwelling units. Again, during that peak hour we're expecting 8 arrivals, 5 departures. Another question obviously not all of those 13 trips are going to go through "Y" Corner for instance. Some people are going to take different routes depending on where they are going and the third basic question is where are people traveling from. To answer that requires a lot of engineering judgment. To come up with our estimates, we did several things. First, just as an indicator, we looked at census data because that gives us a handle on where people work in the region. The second thing we did was we went back and analyzed the turning movement count data, that 6 hours of data watching where people are going to and where they are coming from was a big help. The third major bit of information that we needed was the results of a travel time survey. As you know, there's more than one way to get from this site to Exit 20 in Tilton. I'm going to quickly go through these charts. Figure 3 shows the example of several loops from the site heading down toward Exit 20. Again, we've highlighted four routes and in green you're going to find what we found to be the quickest route and that's basically heading down Hermit Woods Road down to Exit 22. We did two or more runs on each circuit, for instance, 19 minutes, conceivably you could drive North to 104, go out to Exit 23, down the highway at 65 MPH and you could do that in about 29 minutes. So this information helped us identify which route was going to be used. To the South, Figure 4 analyzed the travel routes if you were heading North on 93, let's say up to Loon Mountain or something like that, two routes identical travel times, basically you go out to 104 over to Exit 23 and up or you can take the back way over Tucker Mountain Road, again similar travel times. To head to Laconia, Belknap Mall, we looked at two possible routes, one would be going down Bay Road and then heading east on Route 3, the other we just wanted to check out what would happen if we went up to Meredith Center Road, then North and then South, again the quickest route by far is to head South down to Winnisquam. The last travel route is if you are going from the site to Town Hall, there really is only one way, Chemung Road, Meredith Center Road to Route 104. Again, there isn't any other way to do that so based on this information, our travel pattern information over six hours a day and taking a peak at the Census data, we were able to come up with an estimate that is summarized in Figure 7 and what we're showing is the basic study area

intersection and the breakdown of site traffic. We're expecting 45% to travel to and from the subdivision by way of Chemung Road. We're expecting 25% of the site traffic to head south down New Road into Sanbornton and then the remaining 30% to head out Carleton Road and then down Hermit Woods Road. This particular diagram takes the 13 peak hour trips and breaks it up in terms of how they are going to spread out to the study area. Knowing this, we were then able to come up with our future traffic projections. In Figure 8 what you are going to see is a peak-hour estimate without the subdivision and with the subdivision and again on these particular estimates, we've increased our January count by about 50% to try to replicate a summer condition. Having done this, we can now begin to look at these different improvement areas that the Town had come up with in terms of fair-share allocations. One improvement area, Exhibit A, has to do with widening a part of Chemung Road at a narrow point. We are showing in photograph form where that's located. Another area that the Town identified as of concern is a ledge outcrop on Chemung Road (Exhibit B). Obviously you can see that's a good idea to try to push that back. The third area, Exhibit C, as we understand it was "Y" Corner. Again, I'm not exactly sure what you can do, but this is the area we were given and we worked out a percentage of contribution for this location. Again, you can see a lot of sand put down for maintenance. The last section, improvement area D has to do with improvement along New Road itself. So taking all of these numbers, we were able to come up with a fair-share percentage. It wasn't our job to come up with a cost for each of these areas, but once that is done these percentages could be applied it. Basically, on Chemung Road the improvement area's about 25% would be a reasonable fair-share as a result of subdivision traffic. At "Y" Corner it goes up to 30% and along New Road, in this section close to the subdivision, the percentage would be even higher at 42%. Again, you can kind of see that the further you get away from the subdivision, traffic disperses and that's why their percentage goes down. The proposed subdivision is not a major traffic generator. We look at sites all day long and have on hundreds of traffic studies and when we're looking at something that generates 13 trips over a one-hour period, that is not significant. a project of that size it's not going to alter things like intersection capacity or level of service or things like that. In terms of the four improvement areas, I was shown those again by the Ducharmes and it's obvious that common sense says that when you do have ledge close to the road, it would be better to have it set further back. It's important to understand that removing ledge or pushing it back is not required because of the additional 13 trips or the additional 6 trips in that particular section. That's a recommendation that we would make regardless of the traffic volume going by and if no improvements were made and this subdivision were occupied, you find no change from day-to-day travel through the area. It works fine for the low volume there today. The additional traffic you're talking an additional car every 3, 4 or 5 minutes in the peak hour condition. Again, so the four improvements, I think they make sense but it's not something that's imperative that has to be done tomorrow. The last point I want to make,

we often come up with these fair-share allocations and indicate a percentage for the developer and then that leaves the question "what about the remaining percentage"? Not all towns jump up and say we'll pay the remaining 75% and the projects get done. In a situation like that, what is often done is you work out the percentages, you come up with an equivalent dollar amount and perhaps that could be allocated to doing one project in its entirety so rather than paying 25% of four projects, maybe the answer is the applicant does one project and I think that's where the Town could come in with an idea of what's a highest priority out of those four. Vadney – What does a typical residence like that generate on a 24-hour basis. Pernaw – 10 trips. Vadney – 10 trips per house. The second thing, these improvements, the ones you showed us the color photos on, it seems to me the more troublesome one is the "Y" intersection. Do you have any quick ideas, is there something that can be done there? Pernaw – Well Mr. Chairman, I'll be honest that wasn't part of our study. When I first saw it, my gut reaction was "no" without a major reconstruction. I often think watch out what you ask for because you may get it. Thankfully, you're not on a State highway where if the State were to redesign it, you'd end up with turn lanes and it wouldn't look like rural Meredith anymore. Often times in a situation like this we wrestle with Stop sign control, perhaps all way Stop sign control. Another tact that's often used when you run into rural areas with little volumes that do have some tight areas is warning signs. That's normally what's done. Can an improvement be done, I'm sure, but we really haven't looked into that. Vadney – I don't really expect and I know you didn't get hired for that, but we have all passed through it and wondered what can you do here? I just wanted to hear it from an expert. Pernaw – One of the things that helps when roads aren't straight and flat is people do tend to drive slow and we've picked that up on our count even though we had to wait several minutes to find arrival but people know it's a tight area, but people know it's a tight area and take it a little more cautious than another place where you didn't have that kind of topography. Vadney – I notice that Mike had installed some speed bumps out there. Bayard – I'm looking at Figure 8 that has the and that Figure you have in front of you too, sort of compare the two which I guess is Figure 9. Maybe I've got this wrong, but the proposed subdivision has around New Road about 10 vehicles trips during a peak hour and then up top you have zeros there. Pernaw – Correct. Bayard – Is that just internal. This is without the subdivision, with the subdivision. Without it that line's 14, you add the 10, you get a 24. Bayard – When you say the volume's 14, you don't have any of them turning on here, they are going down Higgins? Pernaw – No, they would be going down New Road into Sanbornton. Bayard – They're not making any turns in and out. Pernaw – Under no build, we're saying this is without the subdivision being occupied so that's why those are all "0". Kahn – As I understand it for purposes of your fair-share determination and you used a 50% plus adjustment for the summer and as I understand it, you base that on a counter that's down on 104 at Dolloff Brook. I guess my question is, what has a Dolloff Brook counter got to do with what's out in Chemung. Route 104 is the



gateway to Meredith, people do not come to Meredith through Chemung so are you using an accurate adjustment? Pernaw – That's a good point. First of all an adjustment is needed because we were counting in January. As it turns out, that is the closest permanent recorder station in Meredith to the site. It's an indicator of how much busier it is in the summer than it is in January. You asked the question, is that a reasonable representation? It's the best independent number I could put my hands on. There is another permanent recorder in Laconia on the bypass but we're starting to get too far away. It would be nice if we had a permanent recorder on Chemung Road. We don't. This is the point that I made earlier about this kind of exercise requires a lot of engineering judgment and I certainly know there's a lot more traffic here in the summer than there is in January. That's the best number we could come up with. Kahn – It strikes me as not a very good number. You'd be better off taking a guess as to how many houses are out there and how many are seasonal. The other thing I have a problem with your estimate is you're using a year-round 12-month and it strikes me that the real problem here is a traffic problem with people going too fast in the summer. But when those roads are really dangerous and difficult for drivers of emergency vehicles is now and to base your fair share on a year-round estimate strikes me as skewing it. The fair share ought to be on the basis of that season when the roads are the worst. Pernaw – Normally, when we develop fair share we base it on a reasonable design or conditions and just from practice and experience, if I proposed to the NH Department of Transportation on any job or project on the State highway in Meredith, that we're going to have designed for January, they wouldn't accept it. It is standard practice to design for a peak month conditions and that's what we did. We followed more or less formal procedures based on the information that we have. Vadney – Let me add something to what Mr. Pernaw said. John, Roger and I have sat on the Highway Task Force for the Town for a dozen years and have looked at about a thousand of these studies I suppose and looked at seasonal adjustments and the like for traffic and your method wouldn't be a hard one to do, but I think I can convince you that it would probably give even a more skewed answer than what he's done. First, the traffic on 104 is a pretty good indicator of what's going on here in the summer time throughout the region even though that's a steady stream coming in, all those people sooner or later are turning off on side roads to visit their grandmothers and the like and I would project that most of the homes up in that area, even the summer seasonal, some are full time and even the full time tend to have a lot of visitors in the summer. That jacks up that regular traffic and you'd find that those summer visitors are not just going to sit around all the time, they are going to want to go to the beach or go visit things, they generate a lot of traffic so you'll see that does generate traffic and adjusting it like that is relatively normal. Kahn – Herb, I don't question that the adjustment may be appropriate, but I view the roads out there as closer to my road than to 104 and I can tell you that we don't have much in the way of any traffic increase in the summer over the traffic we have in the winter. Vadney – I hate to point out to you Lou, but your

road doesn't go anywhere. Kahn - The other thing is I'm not familiar, you probably are, with this Trip Generation Manual. Is this Trip Generation Manual a one size fits all thing, are we finding that a subdivision in Chemung is going to generate the same number of trips as a subdivision in Brookline, Massachusetts? Is that the same? Is there any difference or is it just out of the book you take something and that's the number for every place in the United States? Pernaw - There are several different land use categories in the ITE publication. The one that we use is the highest one in the book for residential units so yes a traffic engineer in Illinois is going to use the same book. It is a database that is compiled from data from all different states, collected and polished. We have had the occasion in our experience in New Hampshire to test it on occasion. There are times that we'll do a count on a road or at an intersection at least a giant cul-de-sac if you will where we can do the count and compare it with ITE. In most cases the numbers are very, very realistic. There's a lot of cases in New Hampshire where we end up with numbers less than ITE. In overall average conditions, it's a good number. Vadney - Keep in mind that #10 per house is 5 comings and 5 goings. Pernaw - Another thing, I don't know if this helps or hurts but in terms of that seasonal adjustment factor, we counted 15 cars in the middle of winter, what we ended up adding was 8. I don't have a problem myself when I do the math to think is it possible that there would be 8 more cars in a one-hour period in the summer when conditions are a lot better. It sounds like a very reasonable estimate to me. The factor could be a lot higher and incidentally, if the factor were higher, the percents that we just presented would be lower so we're trying to be fair and objective, that's why we use that count station. Again, I think it's quite reasonable for the purpose of splitting costs. Kahn - Your data establishes, under good conditions, that the fastest route to Lakes Region General Hospital is down New Road to Oak Hill Road. Pernaw - And come out along Bay Road at the light at Mosquito Bridge in Winnisquam. Kahn - The Town of Sanbornton has suggested that we get the developer to fix Oak Hill Road and New Road in the Town of Sanbornton. Pernaw - What I would suggest then that you turn to Figure 7 and show the Town of Sanbornton that the net impact is 3 trips over a one-hour period. I don't think 3 trips, 20 minutes apart, requires or justifies anything in the Town of Sanbornton. That kind of change happens from one day to the next. From one peak hour on a Tuesday to a Monday to a Friday, you're going to have variations more than 3 trips so again this is not a major generator and when you split those 13 trips on 3 different roads, you're dealing with single digit changes in traffic. So Sanbornton is right, there will be traffic heading down to the lights at Mosquito Bridge, but it's not going to be a significant change. Johnson - I know that John Edgar has generated some additional comments in his staff review and I'll let him address those to his satisfaction. There is some additional correspondence. Some important notes just for the Board to realize is that the Town consulting engineer, Lou Caron, has signed off on the engineering portion of the plans, the roadway, the typicals and so forth. The changes that Mr. Fluet has made have been made

to Mr. Caron's satisfaction and that letter is part of your packet. We did receive the Site Specific approval from the State of New Hampshire which is also known as the Alteration of Terrain Permit which looks at the total amount of alteration of terrain in the development and how it affects the drainage. That was received and that information is also in your packet. Edgar – Mr. Chairman, there are essentially two major issues that have very significant legal connotations to them and that is the issue of exactions, in other words requiring developers to pay for off-site improvements or some portion thereof and the issue of premature subdivision that has been raised in previous hearings and reinforced again with correspondence from Mr. Abear's attorney. The one central theme about those discussions has to deal with the adequacy of the transportation system and I would basically like to begin by indicating that knowing that, we have Mike's observations and recommendations relative to the four improvements that Mr. Pernaw had highlighted and at the end of the day, it's the Planning Board that has to decide in its judgment what levels of improvements in its opinion given all the facts that it could gather are necessary to determine or to get to a comfort level as to what is an adequate infrastructure in anticipation of development. An awful lot centers around how we look at this transportation system and leading ultimately to the Board initially, making the determination as to what it thinks needs to be improved. Before we get into proportionate share, before we get into cost, that's a call the Planning Board has to make, it's not a staff call. It's not the applicant's call. It's your call. Towards that end, knowing the significance of those issues, I asked Dr. McCormack, Superintendent of Schools to go out with me to visit the site. There were representations made about buses can do this and can do that and so forth and I figured it would be helpful to have the Superintendent visit the site. We did go out there. I pointed out the subdivision location, the two lots beyond the subdivision road, the subdivision road and so I've asked Dr. McCormack to be here to answer any questions the Board may have. The Board has to evaluate in its judgment the adequacy of the network and whether it's relative to specific improvements being warranted or questions on prematurity that have been presented to you, I thought it would be important to hear directly from the School on School issues. Similarly, I've asked Chiefs Palm and Morrow from Fire and Police to be here tonight basically for the same reason and also Mike Faller because it's important to get all that perspective, the abutters certainly have perspective, we've been out there once, a lot of questions have sort of suggested that this is unsafe and that's unsafe and this compounds these things so I thought it would be helpful ask these gentlemen that have been good enough to come tonight, normally we don't roll out all the department heads for something like this, but I do appreciate Dr. McCormack coming and all the other department heads and ask the Board that if you have, hopefully, have some questions of these guys as to how from their vantage points, they view this network. What are the challenges, what are the issues that they face, not that they are going to make the call on any of this, but I think its insight that is important I didn't want to be a filter on something that's this critical and I wanted to make sure you had a chance to pose any particular questions

specifically to these folks and likewise and certainly later on, the abutters may have questions as well. Rather than go through the whole staff review at this point, I touch on that on Page 35 in the packet. Some of this was generated by a request that I had made of Mike to identify what in his opinion would be some necessary safety improvements and when we were talking about Mike's numbers the last time, Mike had acknowledged that in his communication to the Board, that that did not include labor and materials and that raised the question if the Town were to participate, are we subsidizing development and all that kind of stuff so towards that end, I've asked Mike not to move forward on the numbers until we know what we're doing and that comes back to the decision that the Board has to make, at least a tentative decision as to what its assessment of that network is. Vadney – I would like to ask Dr. McCormack, How close do you get there now with the school bus? McCormack – Currently, we're within less than a half mile actually where the bus turns around. Any children living in this development could be asked because it's within the RSA's with respect to how far can we ask to walk to the nearest bus stop. We already have a bus that goes up and turns around right in that general area within a half mile. Kahn – Is that a small bus, a large bus, what's your capacity? McCormack – We can't put a large bus up there anyway. There are two buses and they would use 4-wheel drive vehicles, and one of the questions that Mr. Edgar and I discussed was about capacity. Would it necessitate adding a larger bus or an additional route and the answer to both is "no". Currently, and the district is actually undergoing a study and Chief Palm sits on that committee and if it stands as it is right now, we do change existing routes and we have room to make that happen on the buses. Sorell – Where does that bus turn around now? McCormack – I don't know the name well enough. Pernaw – The intersection of Carleton and Hermit Woods Road and Chemung. Kahn – Dr. McCormack – What you're saying is that the children from that proposed subdivision would walk out to "Y" Corner to get the bus. McCormack – They would not have to, that's an issue that the District is currently investigating right now and we're developing policy around distances we would be expecting children to walk. Part of that would be driven by age, numbers of kids. We are within the legal parameters to ask kids to walk that distance, but basically what we saw, we can get a bus right into the entrance to that development quite easily. Kahn – The reason I was asking is because obviously one of the safety issues we have is the "Y" Corner and so it would be hard to imagine a worst place to have a school bus stop than a blind 3-way corner. McCormack - That isn't where the bus stop is. You go further up the road, it's actually open. Where the bus stop is there's good visibility, good line of sight. Abear – The turnaround is in my front yard, Higgins and New Road. Johnson – From what I understand, it's right here at the intersection of New Road and Higgins Road, which is a few hundred feet from the entrance to the subdivision. Kahn – I've seen Chuck's memo and Chuck's memo indicates that for purposes of fire protection, he sort of equates these roads to Class VI roads and says that he'll get there when he gets there. I guess the Police Chief feels

the same way. The question I have is and I'm going to direct it to Mike and that is you've got these four suggestions as to things that could be improved, what would it take to bring these roads up to some sort of decent Town standard? These four improvements don't bring these roads up to any standard, do they? Faller – To answer your question, no they don't. Will they make it better? Yes. I also represented at the last meeting we would still have mud from time to time. We would still have icy roads from time to time, but I looked at it as I've done other subdivisions and the Board has asked me to go out and look at it. We've done this in the past and I felt it was a suitable upgrade for this area to handle increased traffic generation trips along that road. As Herb eluded to this morning, I went out at 4 o'clock and it was pretty bad. I spent close to 5 or 6 hours on that road today with stone and graders and trucks going through trying to tighten it up. It's a short window, it might be 3 weeks or it might be 4 or 5 weeks, but it is an issue. 25%, 30%, 40% of what, that's what I heard the other night. What is that level of upgrade that we want. You've got to base 25% of a number, is it \$50,000, \$100,000 that's the question that I need direction from the Board. What level do you want to see the road turn into out there? Is it identical to the subdivision road? Vadney – There's certainly a plus and a minus to this, I mean if the money was available, how many people would like a 30' road out there with 3:1 soft shoulders and slopes, you'd ruin the area and so the question here is for the sake of 10 or 15 cars an hour generated peak kind of stuff, is that the kind of thing that you're willing to go rape that whole region for as far as the road system goes. I think we don't want to go any further than to make sure that the Police and Fire have access, the school buses have access. We're not out there to build a freeway. Kahn – John has very conveniently left the room, but one of the things and you know that we've talked about this, you've talked about it and I guess you and John have talked about it with Town Counsel and I think at some point the Board needs to get the advice of Town Counsel. There is an issue that we've got kind of kicking around here and it's kind of an oddball kind of thing and John I'm about to launch into prematurity. There is a case kicking around out of the Town of Fitzwilliam and it's not that old a case in which a developer wanted to build 8 houses in an area where there were already 25 houses and the roads were terrible and probably equated to what we've got out in Chemung. The Town didn't want to get into well let's divvy up how much of a share we're going to have, the Town and the Planning Board said these roads are unsafe and therefore because they are unsafe, we are going to deny the subdivision application because it is premature to put more houses in an area where the roads are unsafe and where the Town has no obligation to pay to make them safe. This goes to the Supreme Court in 1992 and the Supreme Court upholds it and it goes back down to the Superior Court and the Superior Court tries to figure out what to do with this and asks, we're not talking sharing now, we're talking there isn't a subdivision so the Superior Court asks the Town what would they want of the developer if the developer were to pay 100% of the costs and the Town said, bring the roads up to New Hampshire DOT standards.

Mike, you'd love that I'm sure, but the people out in Chemung wouldn't like that too much, but in any event, they upheld that. The Court said there's nothing I can do. The Supreme Court has said that if the roads are unsafe and if it's a fair finding that the roads are unsafe, the Town has no obligation to put more money into those roads and the developer can't develop. That was 8 houses where there were 25. A few years later the Town of Derry tried to shut out a developer on the grounds that there wasn't enough room in the schools and they got turned down on that because that was said to be growth control and it was not permitted, but in so doing the Supreme Court said this is not a matter of safety as in the Fitzwilliam case and so I think in 1996 you've got the Supreme Court saying what we did in 1992 is still OK. A few years later, the Supreme Court manages to screw up everything with respect to exactions for off-site improvements and the Legislature comes along and writes a statute to straighten it out and what the Legislature says is that a Town can require a developer to pay for off-site improvements for roads, drainage and that sort of thing, but it only can require the developer to pay his pro-rata share and if the Town in six years doesn't pony up the rest, he gets his money back. So where are we? We've got a situation here where we can either throw out the baby with the bath water or we can go through some sort of contortions to try to figure out how much the developer should pay and how much the Town should pay and if the Selectmen and the public don't see fit to come up with the money in 6 years, the developer gets his money back unless he agrees otherwise. I just thought I wanted to get all that in front of everybody so we know sort of what the shape of the boxing ring is that we're working on. It's not exactly square. Johnson – Mr. Chairman, before this gets too much further along, I think I have to have a clarification here and Chief Palm is sitting in the audience and 'd be the best one to make this clarification, but I'm going to try. I don't believe he says these are Class VI roads. I think what he's implying is that there are certain agreements that are available to people on Class VI roads that indemnify to a certain extent the Town from providing services either in a timely manner or as if you were downtown. The other thing I would like to point out is I don't believe that Chief Palm was asked to do an assessment of the Ducharme subdivision; this memo is a memo that's addressing the roads in the general Forestry & Conservation District. I think if you look at the roads that lead to this subdivision, they are clearly not Class VI roads and they do not have many of the elements that Class VI roads do. Vadney – First, let me stop it right there. A Class VI road or a Class V road has absolutely nothing to do with the quality of the surface you're driving on. It's simply a legal definition of who maintains it. You can have a Class VI road that's in excellent shape, but the Town doesn't spend a penny on it. It is not maintained by the Town, the Town does not have the liability if you drive on it. A Class V road is a recognized highway, they are all rights-of-way, all citizens have the right to pass on them, but a Class VI there's no maintenance, a Class V can have some awfully bad maintenance, but it's a legal right-of-way and is expected you can drive on it in a normal way. Palm – That comment, Class VI, was made

along the line, let me back up a little bit here. One of the problems that I have in Town that I get stuck with is streetlights. We have people that move into an area and the first thing I do is get a phone call saying I want a street light installed in front of my house because I've always had one where I came from. Streetlights don't generally appear out on back roads. They appear at intersections for safety reasons and so forth. My comment in here was that I think that people that are willing to move into an area out there ought to be advised and be documented in a similar fashion as what we do with a Class VI road agreement, i.e., we don't maintain it folks and if you're going to use it, you are on your own and that's kind of what the words say in Class VI agreements. Maybe this needs to be done in some form or fashion on development in these areas because we have a tough time getting up there and I've said that in all the writing that I have done. Vadney – Yeah, and I don't doubt that at all, I just wanted to make clear that Class VI is really a maintenance category. Palm – Absolutely and all I was saying is "in some respects the need for awareness of future residents in the area and the limitations associated therewith, the current Class VI agreements should be extended to include such areas as Chemung. Vadney – I doubt that's in State law. Palm – But the idea of making them aware I think is important here. Johnson – One of the changes that we made, Mr. Chairman, that I failed to mention in my initial presentation is formerly we had a firefighting cistern located at the second curve in the roadway. In discussions with Chief Palm and determining that there are very adequate dry hydrants in close proximity to the subdivision, we opted to go with a required sprinkler system which to a great extent addresses the issue of response time from the time that a fire would start in a dwelling to the time that a fire truck could get there. Palm – That's correct. It's not several hydrants, it's one. The one in Chemung is a very, very good working dry hydrant. Finer – We've done this in other developments where you requested the sprinkler systems, would these be monitored as part of an alarm system or stand-alone sprinklers. Palm – Just stand-alone sprinklers, but a big recommendation would be to have an alarm to monitor it. Finer – You still want the early warning too, as well as the early water? Palm – The rule of thumb is that a fire doubles itself every 5 minutes when it's underway and if we're going to take 20 minutes to get there as opposed to 5 minutes, it would be important for that to be controlled. Sorell – That dry hydrant is at Hermit Woods Road, right? Palm – Yes and Carleton and Chemung, the road stops right there. Palm – We rebuilt that if you recall about 4, 5, 6 years ago and it's a very good flowing dry hydrant. We get about 900 gallons/minute and that's a lot out of a hydrant. Kahn – I just wanted to make one more observation. A question to Chuck, although I think that the sprinklers go a long way to dealing with the issue. Where's the Winnisquam Fire Station? Palm – The Winnisquam Fire Station is down by Mosquito Bridge. Kahn – So they would come up Oak Hill Road to New Road. Palm – Yes, but they would more than likely come. Kahn – Are they the closest? Palm – Sanbornton may be a little bit closer. Time wise Sanbornton is better because they can get out of the barn right away, where Winnisquam is \_\_\_\_.

Are they closer than Meredith Center? Palm – Here's the situation, most areas around town we get to because of alternate routes. If it's an ice storm, for example, if this road's blocked and we get a call for out in that area, normal practice and the way it's set up is these other towns are also on first response along with us. For example, Tucker Mountain Road, there's one home in there that is notorious for having alarm activations, but on Upper New Hampton and on up into Tucker Mountain, New Hampton fire gets there in the same time we do to go to that because we may be restricted in our ability to get to there and they are coming in on what would be our alternative route if we can't go out Chemung and up Tucker Mountain, then what do we do, turn around and go all the way back out 104 and Upper New Hampton and back in the other way. They are automatically summoned. That's the same type of thing that happens down on Hermit Woods. If there's a fire or medical call, Sanbornton gets a tone and call the same time we do. They get in from New Road; we get in from Chemung Road. If it's down on Black Brook, Winnisquam is first so they are coming up Lower Bay to Black Brook up into that area. We're coming out Chemung and Camp Waldron. Sorell – We've got a lot of coverage out there. Palm – It's the only way we can cover it satisfactorily and time wise, we all have to drive very slow and we know that and it's not just in the winter time. People are amazed when I make that statement, but you get out there in the summer time and you come into corners and the chatter bumps and your tires are leaving the ground. There's only one person guiding as to where that truck's going to end up. Kevin Morrow – I just wanted to add that we utilize Sanbornton PD and we also respond depending on the situation and New Hampton also. Palm – We're having a little bit of problem with Winnisquam, but that's because of their changing, that's probably going to be Belmont. Finer – Will that become a manned substation, do you think? Palm – The initial reaction that I have is (inaudible). The big difference is there fire fighters are going to be calling people from Belmont and they receive some remuneration. Kahn – I just want to make one more observation and that is that the Town of Sanbornton has asked us to cause New Road and Oak Hill Road in Sanbornton to be upgraded. Palm – And that's coming from, part of that's from the Fire Department because I talked with Chief Busby about that because he'd be coming up and down that end. Kahn – That is, had you driven your 2-wheel drive pickup truck, you would have found that an interesting ride down there too. When we're dealing with the issue of prematurity which is an issue of public safety, it seems to me that we are entitled to consider not only Town of Meredith roads, but the roads in the Town of Sanbornton. It is not at all clear that we have the authority to make an imposition on a developer to improve a road in Sanbornton so where are we. We either have to face an issue of prematurity in which case we don't spend a penny or we have to get into a pro-rata on some basis, not necessarily Mr. Pernaw's basis. We would have to come up with our own version as to how much of an upgrade of our roads, not Sanbornton's roads, we want to make and how much that will cost and whether or not the developer is willing to swing for it with no fallback if



we don't come up with some share of the money because otherwise it seems to me that we're committing our Selectmen and our public to spend money on these roads. Finer – Similar vein of question here, Mr. Pernaw, in coming up with trip generation numbers on how much more the road is going to be used, is it in our purview to be able to take into consideration the wear and tear on the roads for construction vehicles for building this development to come up with a different pro-ration figure or is it only based on post development trips? Vadney – I suspect it's only based on post development trips, but there may be some other exaction. Finer – Your biggest wear and tear is going to be the construction of the subdivision development much more so than the final result. Johnson – Could I just, Mr. Chairman, to enter into the discussion just a comment so the Board's aware that there are some significant differences in this particular instance than in the case Mr. Kahn's referring to, not the least of which is that there are hundreds of existing lots of record that are utilizing this road network now, not 8 and 25, a couple of hundred at least. We are adding 11 potential lots to the hundreds that utilize this road network that Mr. Palm has identified in his discussion. Vadney – Is it 11 or 13? Johnson – Well, we're adding 11, we have two existing lots already, Mr. Pernaw's traffic study analyzed the 13 and the 11, but we're adding 11 new lots to, as you can see, this is the portion of the tax map that shows the Forestry & Conservation zone and the road network that's being discussed, we are adding 11 to as many lots as you see here that utilize that network and also note the proximity of our proposal to some of the major better paved roads and some of the areas that also Chief Palm may be eluding to that are further away and further up. Bayard – To some extent I can see arguments for proportionality, you know everyone's contributing to the process. On the other hand, premature development, we're developing an area that may, in fact, be somewhat premature and in order to make it mature, you've got to put a lot of road work in there and that's going to cost a fair amount of money and I think it is a point that we'd be committing the Town and Sanbornton for that matter because if you think our roads are bad, in some ways I thought theirs were worse going out in that direction. Their roads were pretty bad, I can't speak for Sanbornton, why they are or why they aren't, but they are pretty bad just as an observation. Vadney – I do want to make one clarification in a word you used. You said if we commit the Town to this expense, the case that John cited earlier this evening, we cannot commit the Town, we can make that determination that there's an equal fair share of whatever, but it's up to the Town voters to commit the Town. That's a legal point that needs to be very clear. Edgar – If the Board were to accept some proportionate share of contribution to road improvements that's within the Board's authority. It has to be done, at least in the world of exaction, it has to be done on a proportionate share basis otherwise it would be unconstitutional, but it doesn't create an obligation, this is where there's a catch 22. It doesn't create an obligation to run to Town Meeting seeking an appropriation so there's no obligation to do that, but the flip side is that failure to appropriate the share obligates a refund of whatever you pulled out of the

developer's pocket. You're not obligated to appropriate, but if you don't, you've got to give the money back so the catch 22 could be having 14 homes or some element of that subdivision constructed and then 6 years from now, we haven't made any improvements to the road, we're sitting on some cash and for whatever reason we don't appropriate our piece and then we try to find the developer and give the money back, that could be the worst of all scenarios. Vadney – I would suspect if we took the developer's money, fixed one of the 4 bad spots using his money, at the end of 6 years if we hadn't ponied up for the other 3, we would have to come up with the money and that would be a mistake of having gone ahead. Kahn – I think the point John's making is if you took his money and did one project, at the end of 6 years you'd have to give him back his money for that project. Vadney – You might not do any, you're just waiting for the Town to come up with theirs. Edgar – You have that refund issue either way. Kahn – I have a suggestion and that is that we dispense with discussion of prematurity and that sort of thing and could we have an opportunity to consult with Town Counsel. I'm sure, for example, Mr. Philpot has an entirely different view. Edgar – I don't disagree and we'll certainly hear from Attorneys Baldwin and Philpot in a minute and they will have obviously different points of view on the issues we've talked about thus far and that's healthy to get that and then as I've recommended to you in the past and again tonight, you definitely need legal guidance on this. ??Once you have what I would consider to be the record or at least a perspective from the abutters, from Mr. Pernaw, from Carl, from the Department Heads in terms of what... I'd like to make sure we can come away with tonight at the end of the night is I've asked Dr. McCormack to come tonight, I've asked the two chiefs to come and Mike and their insights may or may not help you but at least they are here and if you have any questions from those points of view as to the pluses and minuses of road network and what you think from your points of view, Mike's given an assessment of 4 safety improvements out in that network. At the end of the day to move this ball forward in terms of discussion, you guys have to get your arms around what you think are the necessary improvements if any in that network and just so we haven't wasted these fellows time or require them to come back, this is our third hearing and this is the first one that all four of these folks have been here so there have been issues about the schools, safety and whatnot as to why we're doing these, are they the right 4 or is there a fifth or is there some other way? Maybe the four that Mike's come up with is where we're going to end up, I'm not trying to predetermine that either, but you've got DPW, Police, Fire and School to ask any questions of their particular insight on stuff and I just hope you don't waste that opportunity. Vadney – And I agree, John, the quick summary as Dr. McCormack said, they pretty much go there now, they might not like the road, but they use it and it works. They've got a 4-wheel drive, etc., and it's probably not the worst road they go on. He didn't say that, but I know from other places they go, that's probably true. Both the Chief of Police and the Fire Chief have eluded to deficiencies in the road, but at the same time have said they get through. They

make it work. They've got the back up from Sanbornton and New Hampton and so things work so no matter how we look at this, it's a matter of percentages. How much worse is it? It's already bad, how much more bad can you accept? Kahn – The only suggestion I have, it seems to me Mike has been very restrained in terms of his wish list and if he wanted to bring these roads up to some sort of decent standard, what are we talking about. I'm not saying we turn them into 104. Would you want to pay from Tucker Mountain Road to the "Y" Corner? Faller – First of all, I want to talk about Lou's comment that I'd like to that I'd like to see the roads turned into DOT roads, that's not true. I stated in the last meeting that I'd like to see these roads out in that area pretty much stay the way they are. My problem is keeping up with the gravel. There are 35 miles of gravel roads in this Town. Every car that's added, whether it's one or 50, there's more and more traffic on these roads day in and day out. It's more and more difficult to keep them up. I put together a unit cost estimate that I felt was adequate for this area, cut a few trees, possibly move a few stones, but the intent overall was to gravel these roads and put a substantial base of gravel on them trying to get them back up. Would there be mud at some point, absolutely? But I feel it would limit the mud season, it would make it safer on those 4 areas to get that traffic in and out. That's the way I approached this as I've approached all the other ones and I felt that it was an adequate upgrade and it wasn't going to make it look like I-93 out there which I don't want it to be and I can tell you that probably nobody in this room wants that. Vadney – I can verify there was no speeding out there today. Kahn – Mike, the numbers that you did come up with as I understand it assumed that the Town would provide labor and equipment so it seems to me that it would not, if that's the extent of your wish list, it's not to me appropriate to apply an apportionment to those numbers, that the numbers should include labor and equipment. Faller – That was one of my comments earlier, 25% or 40% of what number. I felt that number (changing tape). Edgar – A couple of projects over the years where we would run some numbers and an applicant would agree to make a contribution towards the road improvements and Mike's troops would basically do the work or oversee the work. Following on that suit, that's how we got into Mike's estimate. It was acknowledged right up front in Mike's materials that it excluded labor and equipment under a line of thinking that if the Town were to proceed in that fashion, that in essence would be our contribution. On those other projects, that's without the slicing and the dicing and the kind of studies that Steve has done in terms of looking at this percentage and there has been more negotiated general discussion kind of stuff. That's not the environment we're in, obviously. So if we were to look at that kind of finite calculation as to who is responsible for what, I agree with Lou, you need to look at the total value of the improvement, all things considered and then you slice it and dice it on the proportions to see who's responsible for what. I don't think you would take Mike's initial numbers, they weren't intended for that. They were intended to get the ball rolling under a presumption that we might participate. As I indicated in the staff review, there's a series of inquiries and

referrals that really need to be made to the Selectmen. What is their sentiment? The Selectmen have to weigh in as to whether or not things could be done through force accounts or whatever or not, as the case may be, the Selectmen, being the keepers of the public right-of-way if you will, have to be comfortable with whatever is looked at for spot improvements or any kind of network improvements so there's a role for the Selectmen to play. But before we, what I'm trying to deflect it back a little bit because rather than zero in on Steve's specific methodology or whatever, at the end of the day the first step in this process, if you go to the statute, the first thing is what the Planning Board has determined as needed improvements and we've gotten Mike's sense aside from the numbers, we've got his sense of the 4 safety improvements or 4 improvements, most of which is focused on safety. My hope is that we're able to at this meeting or certainly the next meeting to move this forward so you guys can make that initial determination because then you get to questions on proportionate share and all the rest of it, but we haven't gotten to that point and that's really why these other folks are here is that if you have questions of them to try to get to the point of getting a feel for what that number's going to be. Bayard – I would like to ask Chief Palm, you've probably taken a rough look at what Mike was proposing, correct? Palm – Yes. Bayard – How would you compare the current conditions if you were to go out to New Road versus with those improvements, are we talking about a terrible situation and it's slightly better or are we talking about a bad situation making it good, how do you see that playing out. Palm – I understand what you're asking, let me rephrase it just a little bit. I gather and I know Mike made 4 recommendations. Are those the only recommendations, the only areas that need to be improved, I don't think the answer to that is "yes", because one of them is New Road. That is horrendous if Sanbornton, Winnisquam or Belmont whatever you want to call the other towns coming up there is that a travelable route for them as compared to what we have going out Chemung Road. That's terrible. What about the area right down that's almost impassable in front of right where you almost got stuck there? That's not one of the areas that needed to be upgraded, but you've seen that's an area that is virtually muddy most of the time when we get into spring and back down the road a little bit another area which I don't know if it got corrected this year or not, but it's right where Hart's is located. Vadney – That had some good ruts in it today. Palm – That's been tough I know in the past. I haven't been up in the last couple days, but it's not just 4 areas. I think one needs to take a little bit further look at that if we're talking about making it better all the way. Bayard – Basically, what would you see trying to keep the character, but on the other hand, what do you need for safety to me is a critical thing and I was trying to get at what do you see... Palm – As I made the comment in my memo in order to make that safer, we're talking about a much wider road base and much more stable. I've got a 60,000 lb. truck that I've got to run over the thing. Fallor – I just wanted to clarify a little bit more, the 4 areas that I identified were the areas that we needed some widening in, sight distance, turning movements. The other

thing that I want to add is in my unit cost estimate, I did add 6 inches of compacted gravel from the end of pavement to the Town line on New Road so that was to address some of the concerns that Chuck might have with emergency vehicles. Palm – But that goes to our Town line. Faller – Correct. Palm – I think Sanbornton needs to be brought into play on this thing because... Vadney – We'll be taking a good look, I need to move on to the public. I'm going to open the public hearing to your comments, we welcome your comments. I would ask you to put the comments through the chair and then we'll direct them to the various people and do take advantage of Dr. McCormack and the Town Staff that are here. Rick Higginbotham – I guess the big question and I've been listening to all this discussion is we've lived up there for 20 years roughly, we've dealt with the roads the way they are, we've put up with them, you know they are passable. We are putting in a new development and now we're talking about upgrading the roads and that's been a big part of the discussion here tonight. I thought we were going to be talking about the development per se and how much that they agree to handle the cost of upgrading the roads in that area, not the other areas so much, but maybe I've got it wrong, we're talking about spending a bunch of money because of this development coming in. These are new people coming in; we've been there for 15 or 20 years. We put up with the roads the way they are and I understand the Fire Department and the emergency vehicles, but we've had days where the kids couldn't go to school because the roads were impassable. That was OK. Our kids are growing up, they'll be gone pretty soon, but I just think we're going to a completely different area because of the development coming in that's not even there yet about the road situation. If they're coming in, they should have to put up with what we've put up with for the last 20 years. I don't see the reason to spend town money because of a development coming in. Vadney – We have no evidence, I suppose, that they wouldn't be happy with those roads the way they are. If they are moving up into that area, they are obviously looking for a rural area. Higginbotham – If they do, they should put up with it like we do. Vadney – We're really looking at whether or not we don't want to be held responsible for compounding a bad safety situation so to speak and that's really why we're discussing it. It's a very good point, they might be happy with them as is. Steven Smart, Carleton Road – If I'm not mistaken when the Camp Waldron development went in that was a dirt road and people of that development petitioned the Town to pave it. I might have the information wrong but that was quite a passable dirt road at the time. I'm suggesting when you transplant a bunch of people that are willing to live in a cluster; they are expecting to live city like with the streetlights and a tar road. We're talking about minimum amount of improvements to the road. These people are going to be a voting block and pressure on people of the Town to pave the road and every time you do minor improvements you increase the speed. It's fine without having a lot of police out there. The times when we see them are when the alarms go off and after the police come to those houses that are vacant five or six times in a week, then they get shut down and then we don't

see the police. You don't have enough patrolling and we're talking about line of sights where, how many people have had a near death experience on some of these corners not just in Meredith where you cannot see somebody that's traveling 95 MPH because everybody goes at least 10 miles over the speed limit and have to swerve out of the road. The school bus got in an accident there, the road is new, Hart's is an impossible place because there isn't enough room in that area. You're talking about improving the road in bits and pieces and the morons drive too fast. People are going to die, the Town will be held responsible and any decent lawyer that wants a bunch of money is going to say this has been an issue every single time somebody wants to put a conservation sign out there to advertise the land, they want to fill in the wetlands and put in a house and many other meetings or put a firewood mill out there, the same issue. We almost die over and over because the roads have improved but not everywhere and the town will be held responsible when somebody gets maimed. John Robinson, Chemung Road – I just want to say one thing about a response that Carl Johnson made comparing the number of lots on the map with the number of new houses potentially for that subdivision and I just thought that was a very distorting comment. I don't know how many lots Jack Rogers has, I have 9. Nobody knows how many deed restrictions are on those lots. I don't know how many are on Jack's. I'm just using Jack because I know he has multiple lots. There are many people with multiple lots with no intention of ever building on them so saying there are 110 or 100 and whatever lots is a serious distortion. I noticed he didn't say houses. Also, if you count the number of houses, some houses are used two weeks a year and some are used 52 weeks a year so it would be pleasant if we could hear relevant and not simplistic arguments on either side. As far as the traffic study is concerned, I'm just appalled that standard measures are used for such back country gravel roads and it doesn't have any relevance at all. We're talking, I think we've heard "scenic roads" that expression maybe once in all of these discussions. Scenic roads were voted in by the Town in Town Meeting, at least the scenic roads in Chemung, Higgins, Carleton, and Chemung Road itself. I imagine if we decided that we shouldn't have scenic roads anymore, they would have to be voted out by Town Meeting. I have no idea, but that would seem to me to be some kind of rough justice. Of course you can vote out scenic roads with a bulldozer, which unfortunately is being done or has been done mostly since about 1981 or 1982. The problem of scenic roads and I'll try to be short is that they are an aesthetic issue. An aesthetic issue which impinges on a safety issue. I've either visited or lived at Chemung all my life and the roads don't look much different at this time of year, they are just a little bit wider because the stonewalls on one side or other have been destroyed. Mostly since the scenic roads were voted in in the early 80's. Aesthetics clash with safety. Safety as far as the scenic roads are concerned have to do with undue speed which we encourage by improving the roads. Every time we widen a bottleneck or whatever, we increase the possibility that the car will be going too fast. It's between a rock and a rock or whatever rather than a hard place that I just have

this problem of as long as you're maintaining the aesthetics, you're really not going to be able to improve the roads very much or respond to safety because a car going one way as Steve says is going to force off the road a car going the other way if that first car is going too fast and it happens. I had a conversation once with Mike, who I'm not blaming for anything except he's trying to make the roads passable, but in the process stuff happens. I talked with Mike one time, I said you know those big box culverts and all that ditching, that causes cars to be impaled. He said yeah, there was one up on Tucker Mountain Road just a little while ago and it's happened elsewhere too and I think that the only way that one can deal with scenic roads in terms of their improvement is making sure people go at a moderate rate of speed. How do you do that, maybe by not having very good roads? Maybe some other experts know how to do it better than that, but nothing else occurs to me. In the wintertime, people who go too fast with 4-wheel drive trucks chew up the road and rut it like crazy because they are going too fast. If they limit to 15 MPH, they wouldn't do that. In the summer time the guys who are going 30 MPH chewing up the road in the mud are traveling on a very nice road past my house at 40-45 MPH. It's a combination of narrowness and they can't be widened if we're following the rules of the scenic road. The roads can't be widened; narrowness and speed cause the accidents, single-car accidents, two-car accidents, etc. I don't know how this road improvement happens without imperiling people further by encouraging speed. I wish I had an answer to it, but when people talk to me about improving the roads, I see more accidents and more injuries. Vadney – I certainly agree with much of what you said and would even add what we may do here is trade a few low-speed accidents for a few high-speed accidents if we improve the road and don't do anything else out there. Robinson – What's better? Vadney – I think the low-speed accidents, of course? I would like to take a minute and say if anybody has any questions of Dr. McCormack, we've taken quite a bit of his time, he's welcome to stay all night so if you have any specific questions you'd like to ask of him, why don't you do that? Carolyn Baldwin – My question is how many children do you get in one of these 4-wheel drive small buses? McCormack – Currently, one of the things we are looking at is this very issue, capacity of buses and if you have 3 to a seat, we can get 29 students, but we really recommend 2 to a seat, which would give us 20. Baldwin – And that's in the smaller buses? McCormack – Yeah and currently on the high school run, there are 5 kids and you get 20. With the elementary run, there are 12 and you could get 20+. Baldwin – The question I guess is we begin to see major development in this area, you wouldn't send bigger buses, you'd have to have more of these smaller ones. I'm assuming that this is not the first development you're likely to see there if this one goes forward. McCormack – I don't know if this is appropriate, Mr. Edgar can speak to it also, the Lakes Region Planning Commission, not this Fall but the Fall before had a presentation by Russ Thibeault who is a and you folks may know him, but his projection looking at some of the projected development in the Town, I think his study projected .3 children per household.

Vadney – It was about .4 for the smaller houses, for the type houses that we're talking that are likely to be built at this property, the bigger 4-bedroom or bigger homes, I think his number approached around .6, but don't get too tied up in the noise range on this, the important thing to note isn't 7 per house as you'll hear sometimes on the street or 5 or things like that, the number is very close to .5 plus or minus a bit. John, do you want to add anything? Edgar – There are general rules like that and we're looking at it on a district wide assessment of why the Town is growing at a certain rate but we're seeing flat if not declining school rooms. A school room that is no where near proportionate to general residential growth and the question is why is general demographic realities, baby boomers, aging population, people having less kids and having less kids later in life, coupled in our case with the fact that we have higher land values so by the time you buy a lot, if you can afford to buy the higher land valued lot, you're probably going to be in the higher end home which means you have to have a higher income which means you're probably a little bit later in life to be able to support the higher income all which means you probably have less kids later in life. Then you throw in some of the seasonal residential stuff so all those kinds of things factor into \_\_\_\_\_ we don't know for a fact what would come off this subdivision or that kind of thing so the real question from the school's point of view is we're generally projecting and they have to be looked at annually because some things could change that dramatically. The CIP looks at that with the doctor in terms of where school enrollment is going more from a facility point of view. The bigger question to the school is whether or not there is anything unusual or inordinate that would require excessive expenditures of funds to provide bus service out there, how the \_\_\_\_\_ builds out whether we have additional in-law apartments, whether we have small subdivisions, whether we have building permits on lots of record, those are all things that we can't predict with any degree of certainty. We don't know whether land will be put in conservation or we have big subdivisions so there's a lot of things we can speculate until the cows come home and only go so far with it, but the more finite questions to the school are and I think have been addressed and that is how do you get there, do you go there already, do we have to do another run to service this subdivision? The answer is "no". What kind of buses, what are their capacities on the bus and then as areas continue to build out, I think the conversations we had that you shared with me is that you would visit your routes and make adjustments depending on what growth occurs where and respond accordingly. Vadney – The bottom line to the bus issue and I work in round numbers, I'm not going to deal in .3, .4, .6 kind of multipliers, the bottom line to the bus issue is they go there now, if they had to they could add a bus, the current bus could probably take anything this housing development could generate without being modified at all so we could talk about it until morning, no matter how you analyze it, it won't be a show stopping kind of issue. Abear – My question goes to Master Plan and the growth rate in the area. It seems logical to me and perhaps I don't understand how growth rates are tracked, but at the



traffic point closest to the Chemung, if I read the study right, it looked like the growth rate in trips was 39% over the last 3 years. If the growth rate in trips is 39% of the traffic in the local area, it would seem perhaps this would be a high growth rate area going forward and if we go back to the Master Plan, I'm not sure how the Master Plan supports development in the Chemung at such a rate. The only way we're going to get, we meaning the Town of Meredith is going to get a large growth rate that's sustainable as the traffic and current growth rate currently project is if we open up the Chemung to future development and what I'm proposing to you for consideration is that by opening cluster development in a conservation area, we are going to open up all of West Meredith to a much heavier growth rate than we've seen previously and that's compounded for two reasons: (1) You've got pressures for economic, the Neck and the Village are pretty much built out, they are much more developed than the more rural areas and it costs less to build in the Chemung. You can buy cheaper ground out there than you can on the Neck and that's just where it's at so it's going to make sense for developers to go there. The more easy we make it for developers and that's what cluster development is about, it allows a greater number of lots per unit area and it also allows a greater density in the area to develop which is a different type of community than we currently have. Vadney – Let me stop you for a second. It doesn't actually increase the overall number of units. We don't have any kind of a bonus that would make a large difference. That's 200 acres of land we're talking about. With a little gerrymandering and I'll guarantee Mr. Johnson's very good at that, he could draw lots out there and put I'm sure 14 or 15 units on it. Abear – That's a separate discussion about what might be done with the green space that's out there.. Vadney – But there wouldn't be any green space is what I'm saying if he didn't cluster it. I just wanted to make it clear. Abear – That would be a good thing in my perspective. Vadney – I just wanted to make it clear that they are not getting a bonus on units in this case. Abear – Because of the way they've drawn this particular subdivision, but they could. They could put 20 if they did it one for 10 for a net of 10 acres, but if they do a cluster, they can go to 22, they get a 10% bonus. Vadney – Because of the exclusion of wetlands and stuff, I think we're almost at the max now. Abear – For this subdivision, that's correct. I think we're looking at a situation here where there are implications for the Town that are more far-reaching than just do we allow 13 houses as I think the current proposal is or do we not and I think it's important that the Town consider the issue of roads from the perspective of how many dollars are we going to have to put out there. If we're going to develop West Meredith and assuming we're going to go up over the Chemung, there are 3½ miles worth of road from the end of the current pavement up to the "Y" Corner and then Sanbornton Town Line to Sanbornton Town Line. If you were to pave that to the road construction standard that's being applied inside the subdivision, I've gotten a couple of estimates that suggests that the Town's looking at a price tag somewhere in the neighborhood of 2 ½ million dollars. If the Town is going to develop West Meredith that's probably going to happen. If we do that that 2.7

million dollar price tag for road improvement or upgrade of the existing road is exclusive of the costs that would be required for things like blasting or drainage or any considerations that might be incumbent on going past the dam \_\_\_\_\_ on the front side of Randlett Pond, that may actually be partially supported by the base that's in there on the road so there may be significant upside and significant cost outlay in front of the Town if we choose to go that route. I would encourage the Town to understand how much money it's going to take to open that area up for development. That's really what we're proposing here with this subdivision and I think the Selectmen need to understand, the Capital Improvement folks need to understand that, there's nothing in the budget, there's nothing in CIP for the length of the CIP that allocates any money to the Chemung, nothing. Ron Kiesel, 70 Hermit Woods Road – I have a prepared statement, which I'll hand you afterward and it speaks to conservation and aesthetic issues. We the undersigned reside at 70 Hermit Woods Road in the Chemung region of the Town of Meredith, we being my wife and myself, which location was chosen in 1990 after extensive exploration and consideration. We strongly urge disapproval of the subject project for the following reasons: In an article published in the March 9, 2006 issue of the Meredith News, the developers are reported to have stated that they are planning "to retain the scenic and aesthetic character of the property and prevent any further development that will interfere with the conservation of the property and yet, the minutes of the February 16, 2006, meeting of the Meredith Conservation Commission reveal that Mr. Ducharme and Mr. Fortier rejected the placement of a conservation easement on the plan's so-called green space of the proposed development. The Declaration of Covenants by the developer implies that the developer and/or landowner can be entrusted to exercise strict protection of the land subject to the Covenants, but does not preclude amendments or revisions which could later allow further development within the boundaries of the entire parcel and therefore protects nothing. The developer obviously is unwilling to place oversight of the so-called green space in the hands of a responsible, creditable authority that would ensure that the subject area is not further developed or otherwise infringed upon. The proposed development is after all located in the Forestry/Conservation Zone. Has this designation become meaningless? What assurances does the Town of Meredith have that the applicant will not in several years return with a plan to add a number of additional buildings to the proposed development, these to be sited within the green space. Regarding the scenic and aesthetic character of the property, no amount of landscaping and planning by the developer will mask or otherwise screen the development when viewed from afar, as seen from the western end of Carleton Road and from Saddle Hill Road in Meredith, from Meredith Center Road in Meredith and Laconia, from the eastern end of Woodman Road and from the northern end of Upper Bay Road in Sanbornton to name just a few vantage points. The buildings in this development will appear to spring from the shoulder of Ladd Mountain in resemblance to a bazaar obscene crystalline formation totally out of place on the ridgeline. Its presence will forever

degrade the scenic and aesthetic character of the entire region. We therefore ask the Planning Board to disapprove the subject development, but if approval is granted, at the very least the plan as approved should be absolute and include language that prohibits any further expansion. To require less could be construed as a dereliction of responsibility and a gross failure of the Planning Board to protect the Town of Meredith from inappropriate and obnoxious development and would establish a dangerous precedent. Signed by myself and my wife today. Vadney – I will say that I think it's the intent of everyone on the Board that if this should get approved, it would be by putting enough language into the Covenants and deeds so that there will be no further sub-development. John, do you have any contrary thought to that? That was in the revised draft of the Covenants that were submitted in a timely fashion and states that there would be no further subdivision of the subdivision lots, no subdivision of the green area. Vadney – And that should also be on the deeds as recorded. John – If and when we get there, you memorialize that as a stipulation of approval, it's on the plan, it's in the Covenants. There is a plan note, Mr. Chairman, to that effect that no lot may be further subdivided and the green area may not be subdivided nor used for density calculations for any further lots. Vadney – I can make no promises right now whether we'll approve or disapprove, but if we approve that part will definitely be in there. Dr. McCormack, I think we've got a pretty good handle on the bus issues. We'd love to have you stay, but if you have to get on, feel free to depart. James Freeman – Can I ask Carl Johnson some questions. Not questions really, just a request. The cluster development, which goes right along the cul-de-sac, originally it was 9 and now it's 11, is that correct? I said off the cul-de-sac. The number of lots accessed by the road has decreased by one whatever number you started with. There were 14 lots, 12 of which were accessed by the cul-de-sac. Freeman – No, I'm not talking about New Road, I'm talking about the cul-de-sac and as I believe it, that's 11. I guess what I'm asking would you be kind enough to put together some drawings that really make us see what's happening to that developed area. You don't have to take those last two, 12 and 13, but of the whole cul-de-sac and the houses that spring off it because what I think would be helpful is to have a topo of that entire area. The plans that I've received and I think they're the latest, have all thirteen in smaller segments disconnected so you can't get any feel for the way the totality works and furthermore I think it's impossible for us to have any idea of what's happening to that site unless some grading is done, unless I see what happens to that \_\_\_\_\_. I am interested in seeing the cut and fill that he's going to have because the definition of cluster development is it's meant to be a way of really treating your land better and I submit that with the grade differences he has to deal with there, it's going to be very hard and nothing natural will be left on that site and I'd like to see his drawings, we've got one thing, we do have the cul-de-sac and that's demonstrated that there's a lot of fill and there's some cut and I'd like to see what happens on the driveways. Is there a code provision for maximum slope on driveways. Vadney – 15% is the most

we allow normally. Edgar – It's not a regulatory requirement as such. We review the driveways with the Fire Chief, we look at benchmarks such as the DOT standard of 15%. We encourage developers, this is informally with the Fire Chief, where we look at can you meet the maximum road grade and recognizing that there are a lot of other published standards out there that go up to 50% for standard drives, recognizing that roads have other considerations that driveways don't. They have speed (can't make out, too much talking coming over mikes). We sit down, look at the proposed house sites and try to evaluate the grades, it's not just the grades, the grades in relation to the turning radius and things like that so we try to evaluate the length of the driveway, the grade of the driveway, the relationship of the grades. Freeman – All that is wonderful but what I want to find out is how much fill is going to be required, how the thing's going to look because it's just not going to look anything like it is now and the Zoning Ordinance says that cluster development is meant to make the thing look better. Vadney – Keep in mind that the cluster, this is a bit of an odd cluster because some of these lots are bigger than the 10 acres that the zoning requires. How many are bigger than 10 Carl? Johnson – Two lots are 10 acres or greater. Vadney – There are several, the smallest lot is 3 acres. In theory, they could have put all the units.. Freeman – I'm glad you brought that up because if you look at the area in which all the houses will be built and I'm assuming, all we have is a bunch of squares on the plan which gives you a good guess of the location, I connected all of the houses in the cluster and what I used was the well because I figured the house would be near that and I'm talking 11 houses in 6.06 acres. Freeman – This is in a zone that requires.. Vadney – Did you draw a boundary around.. Freeman – It's the perimeter around it. The sites total 57 acres, but they are out there by themselves, the houses are close to the cul-de-sac. Johnson – The first question is we did develop this initially for the 14-lot subdivision which shows nothing except the roadway, the driveways and the houses. There's now one less house here. I think Mr. Freeman's point and I'll try to get this, he's generally saying what acreage surrounds the houses, not the lot sizes, but the houses and they fall on whatever he used for a measurement around the wells and whatever. He's saying that there would be 11 houses on a certain amount of acres and I'm going to tell you that the people that develop cluster subdivisions would be saying very good job because one of the things about this as you mentioned is that it is less like many clusters in that the houses are actually further apart on bigger units than normal. I know exactly what Mr. Freeman's saying and he's entitled to that opinion, but what a cluster is is taking the houses and putting them closer together on those portions of the land best able to suit the development. That's what it is. I understand you don't like it and I understand there's other people that don't like it but that's what it is. Freeman – It's not that I don't like it as I wrote in my letter to Mr. Vadney, that I understand cluster development is a very good planning tool in some instances. It is not here and you have the most difficult site in that virtually all of those houses are sites within the sites, there can be up to 80% slope. It's incredible. Some of them, probably

#10 is the one that Mr. Flanders was asking about, it's a small 100' x 100' lot area surrounded by really a mountainous situation. If you look at the whole thing as a totality, it's going to give you a picture that this is demolishing the natural aspects of that site and that's not what the Zoning Ordinance calls for. Abear – I think the applicant has produced a utilities plan. Would it be appropriate to have a utilities plan put up that we might review it? Johnson – This was a utility plan that was generated by NH Electric Co-op which is something most of us have looked at and can't determine what it is or maybe somebody can help us out with this. Vadney – Do they show other than the straight line diagram they have there, do they show anything on the map itself as far as pole locations and overheads, I can't see them from here. Johnson – They do. The pole locations are shown here along New Road and then the entire rest of the subdivision is underground utilities, including the two lots down here. It's all serviced if you look at the key on the utility plan, once you leave New Road, the entire subdivision is underground utilities including the services to the homes. Vadney – So electrical, telephone, cable TV and stuff like that, all underground from New Road. Sewer and water independent for the homes and the only other utility I suppose you could call the cistern for firefighting of sorts. Johnson – That's no longer there. Abear – My question really goes to the way the electrical utilities will be entering the property. The diagram as I read it, what limited knowledge I have, shows the four new poles coming down New Road to the entrance of the subdivision, my question is there is a pole that is existing on the property, why wouldn't it not be appropriate to bring the electrical power down through the subdivision itself rather than going up New Road the distance to the entrance point back on to the back side by going down from the pole toward Ladd Mountain which is east and is almost the same distance as it is to run new poles through the field. Vadney – I'm not familiar enough with what power poles are out there or familiar at all really to comment on that. John, I guess we could take that under something to check on. Edgar – As I understand it, help me out here Marc, you're saying there's power already to the property in another location other than.. Abear – The power pole runs across the property, there's a pole there on the property, why not come off the pole that's on the property? Edgar – At least initially to the surveyor or Attorney Philpot in any of the deed research do we have off-road power easements getting to the property? Johnson – It's my understanding that NH Electric Co-op is using the road ROW of New Road as the place for the power. If there's certainly a different way to get it in there and a better way, I'm sure we would be happy to take a look at it and entertain it. I do know that in many cases because there is power at a site because of the nature of the power, it's not always acceptable to use it, but certainly if you can avoid more poles or less distance of above-ground power we would certainly look into it. Linda Lee – I have a letter I would like to read from a neighbor who couldn't be here. The letter is from Robert and Charlotte Seeley and they live on Chemung Road. We have serious concerns about the proposed cluster development on New Road. The road from Meredith to this area passes right by our place at 347 Chemung

Road and over some designated scenic roads. The proposed development will more than double the number of permanent residential units on the dirt roads between Tucker Mountain Road and the development entailing a significant increase in the traffic they carry with an attendant increase in the maintenance they require. A further concern is the 100 acres set aside for no development, but what guarantees are there that these will remain undeveloped (can't make out). Thank you for your attention to these planning issues. Robert Seeley and Charlotte Seeley. Carol Maguire – I need some help with the map. I'd like to see where Roxbury Road comes near this property. Does it abut Roxbury Road? Johnson - Yes, it does. Maguire – Then you need to add Roxbury Road to roads to make safer. There's a road going up Roxbury now into what I think is the property here. There's a sign at the bottom of the road, Red something. Vadney – All of the development will be some distance away from the Roxbury Road portion. Maguire – OK, but If it's the property that this development is in, it's a way to access in from Roxbury Road so I'm thinking that there would have to be road upgrades on Roxbury as well. Roxbury Road is a Class VI town road in this stretch and it's not used for access to the property. It's not a road that's maintained by the Town. Maguire – Its brand new. Johnson – There's a portion of Roxbury Road that is and Mike you could help me out, there's a low portion of it that's Class VI. Maguire – That's not the portion of road I'm talking about, it's the portion of road that goes from.. Faller - Batchelder Hill Road up? Johnson – That does not abut this property. Faller – There was a logging operation that took place a little over a year ago and they had upgraded that and added some gravel so they could get the logging trucks in. Maguire – This appears to be new. Vadney – I think the important thing here is the houses that will be built will be nowhere near Roxbury Road. Carl, show her the one you just took down. Johnson – I think the confusion here, Mr. Chairman, is that there's Roxbury Road that runs from Chemung Road to Camp Waldron Road which is a Town road, that's here. Maguire – That's the one you can travel on to get to Batchelder Hill Road. Johnson – That does not abut this property. That portion of it that's the traveled Town road does not abut this property. The original Roxbury Road travels from Chemung Road and it used to come up to Camp Waldron Road and go up here and then there's a stretch of our property that abuts it and then it goes off into Sanbornton. Maguire – But that's not the one I'm talking about. Johnson – That's right, that's the part that we abut. We do not abut that part that you're talking about that goes from Camp Waldron Road to Chemung Road, we do not abut that portion. Maguire – OK, so anything they are doing down on Roxbury Road, Roxbury to Batchelder Hill, is not part of this project. Ann Freeman - I have a rather specific question and I live on Meredith Hill and as you can see many of us are concerned about what's going to happen to the Forestry/Conservation District and I realize that future development is important and needs careful consideration so my question is can the Planning Board ask that as Covenants on a development that there be no outside lighting in the Forestry/Conservation District? This will not affect the lighting in somebody's

house, but there would be nothing like you see along any of the roads so no outside lighting and no seasonal lighting outside. We have a lot of good light up there I'm just mentioning it because it is a conservation district, the moon is great, the stars are great, the ambient light is quite enough to get from your house to the car and back if its not snowing. Vadney – I appreciate that comment. There will be no streetlights or anything like that, we control that portion to a degree. The individual lighting on houses, it's not so easy for us to just blanket say you cannot have outside lighting. Ann Freeman – Can we have the kind of lighting that's just on the house itself. Vadney – We do for commercial properties, but we're on pretty thin ice when we start doing private homes that way. That's something that possibly the Covenants, we could work through the covenants. Edgar – Attorney Philpot, I think is scrambling through the covenants. Ann Freeman – I did see what was there, but it did talk about seasonal lights. Mrs. Freeman met with me and shared that concern and I in turn conveyed that to the attorneys to suggest looking at Covenants with respect to lighting. If the applicant is willing to do that, it certainly might be in the area where we could find consensus and not inadvertently see something stupid happen out there that would be inconsistent with everybody's wishes in this room down the road. And so I had asked Attorney Philpot to at least take a look at it. He responded, maybe we could identify what the response was and if there is an opportunity to improve that response, we should... Johnson – In the Covenants and Restrictions able to be enforced by the Association is a covenant for outdoor lighting and it says that all outdoor house and yard lighting must be downward lighting with the exception of holiday lighting meaning you could put up Christmas lights. Vadney – Can you declare your own holiday? Johnson - St. Patrick's Day lighting, I'm not sure what they are talking about. Holiday lighting may be implemented from December 1<sup>st</sup> to January 10<sup>th</sup> so it does give a window, but you can't leave your Christmas lights up all year like I do. Floodlights are excluded from the holiday lighting meaning you can't light up your house with a floodlight as some people do around the holidays. That was put in largely based on comments we had heard from the Freemans with regard to lighting. In terms of the street lighting, there's no streetlights proposed for the development. Ann Freeman – If one wanted to push a little further that outside lighting does destroy the Conservation/Forestry area, you don't see the sky. Perhaps that would be something to work out to add to the Covenants, is that a possibility? Johnson – I don't think you can eliminate all outside house lighting. Freeman – Why not, most people who live in the country don't have a lot of outside lighting. They light their house. Vadney – I think what Carl has read is fairly restrictive and the Board in general is very sensitive to outdoor lighting because of sky shine and the appreciation for a dark sky and good stars. We are sensitive to that. I might point out to you that if this land was subdivided in a conventional way, non-cluster with no covenants, everybody owned their own lot and there wasn't any particular covenant on it, we would have less ability to control something like that. We are on thin ice with that. Ann Freeman – I addressed my question to you as

members of the Planning Board that in such a district it might be that residential lighting has a specific limitation. Richard Juve – In light of your last statement, if this was a conventional development, I understand the present zoning requirement is 10 acres? Now what if in the future, I use the term down the road, the zoning requirement was changed to 5 acres and to go back to what Mr. Kahn had stated dealing with certain cases that he read about, I read about the Mt. Laurel decision in 1974 in New Jersey where the State Supreme Court turned down the requirement for 5-acre zoning saying it was restrictive. How does that apply to us here now (can't make out)? Can this Town maintain the 10-acre zoning in that region? Vadney – That is a separate question from what I thought you were going to ask. We have a 12-acre lot being proposed, that will have specific deed restrictions that it cannot be subdivided. Johnson – Mr. Chairman, I think what the question might be is if there was a conventional subdivision and the lots were 10 acres and the zoning were to change to 5 acres, could those people apply to subdivide their lots and the answer is yes in a conventional situation. In a cluster situation, the way we've restricted it, if the Winnepesaukee Interceptor went down New Road and you are now able to get on the sewer, you still wouldn't be able to subdivide these lots. What you see now is what you're going to get and the Covenants and Restrictions deal with the open space, but the deed restriction and the plan restriction deal with the specific ability to resubdivide the property, could not do it even if it went to one acre zoning. Vadney – Let me make clear that the Planning Board, as Mr. Robinson said, is between a rock and a hard spot on this, we have very strict rules and ordinances that we have to follow and we have to both protect the Town and protect the property rights of owners and one of the ways we have to balance this is not whether we like this particular development, but in frank terms, is it better than what we might get next time if we don't approve this one so I want you to keep that in mind, that's part of the way we have to look at it because we're bound by law. John Robinson – Just a short one because I've raised it before in December about the possibility of activity in addition simply to residential, be that activity called business, health education or even theology, any kind of activity there that might have an impact on the community? The Ducharmes have had a lot of traffic, a lot of parking at their present house and there are activities that we guess that are going on that are sufficiently attractive to draw people who don't live there and we're just wondering if that kind of activity would continue? Vadney – I do not know any details of any current or past situations. As far as this property goes and anything out in that zone too by the way, it's zoned Forestry/Conservation, but basically residential the way it's being used and on big lots. Anything that doesn't fit that category is not allowed. There are certain small areas they can come to the Planning Board for approval like a home occupation or they could go to the ZBA in some cases but I'm not even sure if there's any ZBA relief for that zone, John, can you think anything that, there would be no commercial? Edgar – I think the question really comes, I think what John might be getting at is if the Ducharmes were to build the subdivision and if



they were to, even if they didn't do the subdivision, if they just put a house on the top of the mountain, has there been any discussion relative to taking whatever the activity is on Roxbury Road and transplanting that over to the other sites so maybe if that question is proposed to the applicant to see, if there's nothing in front of us whether it's a church or home occupation or anything like that, there's nothing in front of this Board at this time, that's one thing that's for sure, what the applicant's plans might be I can't speak to as I advised everybody the last time that Bill has met with them and is requiring that they go through the process once they spell out very explicitly what's going on to him.. Vadney – For the existing site? Edgar – For the Roxbury Road stuff, to get that figured out and the public hearings and everything that would be involved on that so I know I think Albert may have met with Bill and I'm not sure if Donna was there or not, but they had that conversation and the \_\_\_\_\_ are there for that to be addressed. What the outcome of that is, we don't know and whether or not there's an intent to take that use and put it in the other location, it certainly is not in the traffic study. Vadney – At any rate, anything like that if they were to want to do it, whether they've done it in the past I don't know and I don't care. If they wanted to do it on this site, it would definitely have to come before this Board and all of you abutters would get legal notification and it would be in the newspaper so it's not going to be snuck by you. Johnson – What the Planning Board cannot do is predetermine that a use can exist when there's nothing in front of them. Vadney - We have no proposal before us. Johnson – They also cannot deny a person's right to claim a special exception or variance if one is needed so anybody in the Forestry/Conservation zone could apply to the Zoning Board for a change of use. I know the Abears applied for an accessory apartment which is one of the uses that requires a landowner to go to the zoning Board and get approval, it's not something you can just do, so there are permitted uses in the zone, they are fairly restrictive. There are uses that are allowed by special exception and then there are uses that are not allowed which you would have to have a variance. Olga Robinson – I have one question of clarification and that is I hear the words Covenants and Restrictions versus conservation easements and it seems that the developers want to have Covenants and Restrictions which is wonderful, but I just wonder what is the difference between the two and why they don't at this point seem to be interested in conservation easements. The second point I would like to make goes back to roads and safety and I know we've talked that to death, but we have forgotten the joggers, the hikers, the bicyclists, the horseback riders, the horses and buggies and the dogs. I'm just saying a lot of these people like the dirt roads because it's easier for horses, it's easier for joggers and so forth and so I just didn't want them to be forgotten. Johnson – Just briefly I will say that the reason that the applicants have chosen to have the open space be controlled by the Association is a matter of choice. They opted for that versus a conservation easement. That's the reason it is the way it is. I will also tell you if the applicants had decided to make it a conservation easement, there's no guarantee that anybody would take it and that was made abundantly clear at the

Conservation Commission's meeting that if they made it a conservation easement, we don't necessarily want to take it. You have to find somebody to want to get the conservation easement in order to give it. You can't just create it and have it be out there. It has to be accepted by somebody. Kiesel – Carl, could you address why the Conservation Commission said that, there was a reason? Johnson – I don't know. Kiesel – It was access. They would have to cross private property in order to monitor the green space and the applicant was not willing to provide a ROW across the private properties. Johnson – First of all, that's not true, there is the open space that does extend out to New Road and there is access. Vadney – If nothing else, it extends to the Class VI road. Johnson – I'll go back to my first statement, it isn't because we don't want it to be and that's the answer and we believe the Covenants and Restrictions as we have outlined are so far above and beyond the Town's requirements for open space which is none. The Zoning Ordinance requires that 50% of the property in a cluster subdivision be open space. That's where it ends. It does not say that open space shall be governed by a set of criteria as such. There's none and I will also tell you that I did a cluster subdivision, a very small one on Hatch Corner Road that it seemed to us very logical that the 3-unit cluster subdivision and the 11 or so acre common area would be accepted by the Conservation Commission as a conservation easement primarily because it abutted a prime wetland and it abutted the brook that entered the prime wetland. They eventually did take that over but it wasn't as if they accepted us with open arms. We had to go through some things and there was some bouncing back and forth of what they wanted and what we would give and so forth so it's not quite as easy as just saying that you would do it and they would take it. Kahn – The real access issue I think that the Conservation Commission is concerned about is there is no public access to the green space. The green space is not available for public access and that's perfectly within the developer's rights, you don't have to provide public access. But on the other hand, the Conservation Commission is not particularly interested in taking care of private property with no public access. Vadney – There's several hundred feet if not more attached to the Class VI road at the bottom, that is public access. Johnson – I think the confusion, Mr. Chairman, was access meaning public access. Does the public have the right to go on the property. Vadney – OK, from that standpoint they didn't want to allow that. Johnson – And if the Conservation Commission were to take over the open space through a conservation easement, it's still up to the grantor of that easement whether they would allow public access or not and I think what the gentleman is saying is the Conservation Commission would not want to take the property if it was not going to be open to the public. Vadney – If they couldn't advertise it as one of our properties. Edgar – Mr. Chairman, just for the Board's information, if you could turn to page 71 in your packet, you will see the comments from the Conservation Commission. The Conservation Commission was suggesting the conservation Easement in light of the fact that in their opinion, it represents the highest level of

protection and it also provides for monitoring. Obviously, whoever has that property right interest easement is the steward and they have the responsibility to monitor the property so as indicated, it's the applicant's call as to whether or not there's public access and it is the applicant's call whether or not there be an easement or not. I do believe, and correct me Mr. Philpot if I'm wrong, I believe in one of the revised documents, it may either be the duties of the Board or the Covenants that you've put in a two-year monitoring requirement if I'm not mistaken. Philpot – There's a provision for oversight of the property and viewing the property periodically. Edgar – For purposes of determining whether or not there's any inconsistencies with the Covenants and so forth which is effectively what the monitoring requirements are under easement so they have worked towards that objective of building in, here again, maybe not exactly the same as you have in an easement, but analogous to that. Scott Higgins – I'm one of the major property abutters along with my mother. We made it today because it's not snowing. We didn't try to go up there because we were warned even with 4-wheel drive if you wanted to make the hearing tonight, you're better off not to go up as much as we love to go up in that area. As I follow this process I came in with a series of concerns. Some of those concerns have been somewhat mitigated. The lot sizes are gradually creeping up a little bit, the number of lots has come down, but some of the fundamental concerns are still there. I understand that the protective covenants provide a level of protection. I agree with the Conservation Commission that an easement provides a higher level of protection and I think the Conservation Commission is just one foundation or one mechanism that allows you to do an easement. For example, and this is just an example, The New England Forestry Foundation. They run a conservation easement and private ownership over in Sanbornton. It's a forest, it's a managed forest, it has a designated steward, which may be in this case for one portion of it, it is the property owner. Some portions are open for public access, other portions are not, that's up to the owner that sets it up. They have been very willing to work with other parties throughout New Hampshire, Vermont, Maine and Massachusetts that set up conservation easements. There again, that was one of the concerns that my family had coming in that we set something up long term that's beyond the control of the local property association to change down the line. I am a member of a property association where my home is now and I know that when you get a group of people together that have a vested interest in a property, things can get changed over time. Their interests may not necessarily be the same as what it was when they got that development agreed on so I still have a very serious concern about that. A new concern that just came up tonight from my knowledge because I'm not local here all the time as I looked at the original plans and I looked at the information, we had a fire cistern which I thought was actually one of the better features of the subdivision as you gave a level of fire protection to that area. In lieu of that, we now have a sprinkler system required for the individual owners, but I didn't hear anything about a backup generator or any kind of backup system for that sprinkler. Now that area

out there, you can lose power out there for weeks. If you lose power out there that's when you start the woodstove and that's when you use your kerosene heaters, that's when you have your trouble. If you require a sprinkler system, you don't require any backup power source to it, you've lost your cistern, you've actually taken a major step back in my opinion as far as your level of fire protection. You've also affected your neighbors, you're bringing in an additional quantity of homes into that area, that cistern's available for other people not just that private development or that subdivision. Now all of a sudden by changing to the sprinkler systems, now the farmhouse where the Abear's are no longer has that backup system. They still take water out of Randlett (Robinson) Pond, but they've lost that additional means of getting water so I think that's actually kind of a step back. Correct me if I'm wrong, it's probably an economic decision as opposed to a real safety consideration. One of the other considerations that's still out there is this green space issue. I understand the private ownership, I also understand the needs of the abutting property owners to ensure that their atmosphere isn't impacted by this development or at least it's minimal. It's interesting that the smallest amount of green space is directly located right next to the Abear's farm so they are the ones that are going to be looking across the fields that we own into this subdivision. I can understand why they do it because we allowed an area to be cut so that they could have views. The subdivision would like to have those same views too, but there isn't that same continuity of green space to protect the abutting people and I really have a strong concern about that area there. Right now the roads are a                      in process. The people that move too fast, they don't last long and it eliminates them. That's somewhat here or there, but at the same time if we're asking someone to come in and we're asking someone to significantly, in my opinion, significantly increase the number of houses there, we shouldn't be asking the Town to go outside of their normal schedule for road upgrades. If something wants to happen faster, then my opinion is that the developer ought to incur that cost. People that are there now like it the way it is. They like to be able to get in and out, but they do like it fundamentally the way it is. As you go forward through this process, you asked the question last time and I've thought about it a lot over the last month and a half, what kind of change would you like to see? Whatever change happens out there and we all recognize that change is going to happen because most of the people in this room are here because of change. Change isn't necessarily bad, we've gotten a lot of really good neighbors from that change but that process has been a slow process, people have assimilated into the area, and people love the area, that's why they are there. You put a development like this in there, you endanger that mode, you endanger that lifestyle, now all of a sudden it gets a lot harder to resist and before the neighbors run me out on a rail, we're not doing it, but there's 130 acres sitting right next to that lot. As soon as Chemung is no longer Chemung, it becomes a lot harder to say "no" to that developer that comes in and said gee we put a subdivision right next door. We'd love to take that 130 acres and put a subdivision here. Right now, it's Chemung,

it's easy. My family, we love it out there. You put this in there, you start to change the environment, you start to change that atmosphere that's out there. Now someone else puts something in, where does that process end? At a certain point in time and it's no longer Chemung and all bets are off and be very, very careful before you do that to us. Vadney – I think the short answer to the cistern issue is, Chuck was saying the cistern still requires a fireman and a truck and it takes a while to get there. The sprinkler is more of an automatic and it gives them the short-term window of protection. Palm – As the gentleman was saying, you do lose the capability of 30,000 gallons a little bit closer up in that area, however, for fire protection purposes, these are individual homes that have to be able to support the capability of operating when you don't have that through pressurized tanks and so forth. Higgins – As long as that's part of that system, because you can have a sprinkler system just running off a well without a backup system. Vadney – We spent a couple of evenings on that about a year ago on the specifications that need to go with that. Freeman – I have the forms here that have been written up by 16 people, there are members of the Meredith Planning Board. I agree with Chairman Vadney as he said at the last meeting the Planning Board's decision must be based on what is in the Zoning Ordinance regarding a proposed cluster development. My objection to the Ducharme cluster development is based on general provisions, Article 3A, Obnoxious Use and Definitions VIII, both as written in the Meredith Zoning Ordinance, amended March 9, 2004. The Ducharme cluster subdivision on the west face of Ladd Mountain is disorderly, unsightly and noxious and so offensive and detrimental to the neighborhood. The density within the Ducharme cluster development is more than 22 times the one house per 10 acres planned density for Forestry/Conservation districts. The Ducharme cluster cannot and has not preserved the natural topographical features, think of the planned road that's a cul-de-sac with 10 feet of fill and create a more desirable environment as proposed under definitions, Article VIII. The only road or driveway which has been designed is the cul-de-sac. Topography is required, excavation or cuts in some places and provision of more than 10 feet of fill in others. Sites vary with grade differences from 16, 14, 12, and 10 feet within the boxed areas indicated for construction of homes. Sixteen have been signed. The only other thing I wanted to check with you, Mr. Chairman, is I wonder if the Board's going to get a topographical grading site plan of the development. Vadney – I appreciate your pointing out those clauses in the thing. The obnoxious use, unsightly, disorderly kind of thing, you have to be careful with those words. They prevent things like a pig farm or concrete/cement plant from going in, that's their direction. That's a pretty thin area. Kahn – John, I'm not sure what the status of the thing is, but that was used sometime within the last year I think by the Zoning Board in Gilford to turn down a 55+ housing development that was proposed on Belknap Mountain Road and as I recall, it's gone to court. Johnson – We keep hearing about overly dense. I've tried to have this conversation several times with Mr. Freeman, the density of this project exceeds the requirements of the Zoning

Ordinance. Mr. Freeman is talking about the closeness of the houses within the cluster. They are two entirely different things so to say that the density is 22 times greater than 1 per 10 acres is not technically correct, it represents his vision of the closeness of the houses in the cluster.. Freeman – It's what people see. Johnson – Correct. I've agreed to disagree with him on that point. In terms of the obnoxious use, I think you've hit it on the head, the use here is residential use, what's obnoxious to one person may not be to another and as Mr. Higgins pointed out there has been gradual change through subdivisions by the Meredith Planning Board in this area, some of which were more dense, the ones on Hermit Woods Road which were done in the 70's approved by the Meredith Planning Board created 11 5-acre lots essentially along Hermit Woods Road. Kiesel – That was before zoning. Johnson - It wasn't before the Planning Board and there were other subdivisions approved by the Planning Board. Since zoning there have been other subdivisions in this area approved, some of the larger lots... Freeman – With cluster? Johnson – No, only one, but there have been other subdivisions so growth has happened here and I think one of the things the Board has to look at is the long-term growth, not this snapshot that we're taking in March of 2006, but what the overall growth of the area's going to be and that's what we're getting at with essentially 11 additional lots on 200+ acres permanently to be what's going to be on that site, not what's going to evolve over the course of the 25 years and if the density were to go to 5 acres, the people with 25-acre lots and 30-acre lots have the potential to subdivide and that's something you can't take away from them, but we would be at what we show on the plan forever. Finer – I believe this was asked of you earlier, Carl, and I apologize that I don't have it in my notes. If you were to do a traditional subdivision, how many lots could you put in there with no restrictions and they could do whatever they wanted. Johnson – What we were asked to do and what I did and I don't know if they are the same thing, but I'll tell you what I did. It would be incredibly expensive for me to bring in a plan that says this is a 20-lot subdivision that meets all the lot-sizing requirements, all the dimensional requirements, all the other requirements are in a traditional conventional subdivision. Vadney – You might be able to do it, but it would take a lot of engineering. Johnson – And a lot of extra money because we topo'd essentially enough of the property to demonstrate we complied with lot sizing, then we stopped because there's no reason to go any further and we're way under what we have for lot sizing from a soils-based lot sizing standpoint. What I did was I took the roadway layout as it is now, which if you did a conventional subdivision, it may change, it may be different, and I created what I think is 14 10-acre lots and what I have here is essentially with a few exceptions, the houses in the same locations as they are in the cluster subdivision. You can see that these houses, there's one less here because of the 10-acre zoning but essentially you have these two houses are in the same location, you have in the same location, there used to be 3 here in the cluster, now there's two so this more conforms with that, but essentially that's what I did. Whether or not this would pass all of the

requirements of a conventional subdivision, I don't know, but that's what I did. Finer – So roughly, the applicant could have the same or more house lots with no restrictions on them at all and maybe fewer but not many fewer. Vadney – Keep in mind that if the Planning Board were to turn this down, the ZBA has already given permission for the cluster, but if we find some reason that it doesn't meet our standards and turn it down as a cluster, the same applicant or he could sell the land and some other applicant could come in and propose something like that and we wouldn't have that arrow in our quiver anymore about arguing over it's a cluster, it would be a conventional subdivision and then we would react viewing traffic and the like that we did earlier this evening, but it's not a freebee. Edgar – I'd just like to clarify one thing for you, we typically look at these covenants in the context of clusters and in the context of when you have homeowners associations that need to be responsible for the maintenance of private roads because they go hand in hand. You can have projects that have no green area that have common features. The Paquette subdivision, it's a common road, they have to maintain the cistern, the road, the drainage, etc., etc., so having homeowner associations and things like that in projects that have no green area is done and can be done regularly. The Board could theoretically require covenants and restrictions on anything. It could be in condominiums which is a matter of necessity, you could have a conventional 10-lot subdivision and the Board could say, we think every house should be painted pink and work that into a covenant if you were so motivated and had some kind of basis for it. So the fact that it's a cluster, I mean covenants and restrictions aren't necessarily absolutely exclusive to clusters, theoretically they can be on any kind of project. (change of tape) OK, how does the moose habitat get protected on that plan because you run private interests all the way to the end of the lot line and so it certainly complicates whether or not you could effectively manage a conventional subdivision for some of those purposes so I hope that helps a little bit. Don't think that if it were conventional that there couldn't be stipulations. You could put them in there, it just makes it a little more difficult because you don't have that 131 acres as a dedicated block of green space that has its specific covenants. Johnson – The other point I would like to make is... Philpot – John, I think we would agree that the ability in the context of conventional structure, the ability of the Board to structure that as you suggested would be very, very difficult and I think we agree on that versus what's being offered. Johnson – The quick comment I would like to make is that cluster subdivision is allowed by special exception in all the zones. It wasn't invented yesterday. I have been working for Associated Surveyors in some capacity since 1973. There hasn't been a flood of people coming into my office whether it's in the Forestry/Conservation Zone, the Forestry/Rural Zone, the Shoreline Zone or any other zone saying we've got to cluster. It just hasn't happened and I've done, I just did one in the Shoreline Zone and I haven't had a flood of people coming in wanting to cluster in the Shoreline Zone. I did one on Hatch Corner Road which happens to be in the Forestry/Rural Zone. Since then I haven't had anybody in the Forestry/Rural

Zone come in. I've had one other cluster subdivision in the Residential Zone come in, but it's not as if this plan gets approved there's going to be some type of beam of light that comes down on everybody and says OK now we can cluster. This has been available to anybody who's had the minimum amount of acres in Forestry/Conservation since it was enacted in the Zoning Ordinance and people have come in to my office with subdivisions and I have subdivided lots for some of the people in the audience. They could have clustered, they chose not to, they chose to do a conventional subdivision. Personal choice. They could have gotten more lots, didn't want to. This particular plan does not maximize lots by density or by soils-based lot sizing. The green space and conservation, is that in perpetuity or is that just as long as the? Vadney – That is part of the deed. That goes with the property forever. By the way, Carl put up your big map that shows the lots and then the big green space. Not the narrow piece around the road, but the big part that is the bulk of the conservation area set aside. It's not an easement as discussed. I believe Mr. Philpot pointed out that the current wording in the Covenants that they are proposing, John, we would have the right to have someone check it every two years to make sure they weren't putting in swimming pools. Edgar – The Association would be responsible for, in essence, a two-year audit of the property to make sure there's not an encroachment or an illegal filling or something like that or some violation of the Covenants. Vadney – There are no buildings allowed. And to be honest having walked up on that site, I doubt that Mr. Ducharme will very often go down over the hill on the end of his property and if he does, I think he would have trouble, I don't think there would be anybody down there to catch him. That's pretty rough land. Ducharme – I actually go down it every time I go up there. I have been walking up and down the back side of that property every time I go up. Everybody says it's steep, it's steep in one area and that's it. The Conservation Commission was actually going to go up there and hike it with me, but it snowed. I would just like to get back to the roads and remind you that the roads are going to have 13 more buildings at the top of them and none of us have complained about the roads yet. Once you add more traffic, it seems that those roads aren't going to stand up the way they should. We came upon an accident at the Robinson's property in January and we had to call for an ambulance and police, fire and ambulance all arrived so that was probably 5 or 6 Town vehicles coming. You are going to get more accidents and more calls and this is the premature part. I just wanted to reiterate that. The premature part is the infrastructure. Just to clarify in my mind, who holds the ownership of the green space? Vadney – In this case, the Association of the 13 homeowners. So they are going to have 13 lots, each of which is owned by an owner. Vadney – They would share in the use of the 131 acres. ?? – With another deed on all that other green space. Vadney – I don't know if it requires another deed. Johnson – It will be part of their deed. Vadney – It's really written into their deeds. Philpot – The Association quorum would hold title, non-profit. ?? – It is a separate entity? Vadney – Right, in effect. ?? Can the Association change the rules? Vadney – No. Bliss – I would just like to



say because of the late hour, I would like us to wrap up and decide what our next step is. I think we as a Board have a tough decision deciding what we're going to do. I know we talked about going to legal counsel. I think everybody has had a turn to speak and we know tomorrow's Town Meeting is going to be lengthy as well. Vadney – I agree. Are there any comments that don't, we've heard and we understand the traffic issues, the transportation system issues, the road improvements, we are going to look more into the road improvements, but we understand the issues you've raised it enough so that it's on our radar screen. Are there any issues out there that somebody hasn't talked about. Abear – I have a question. I have pictures I would like to have entered in the record for the road conditions. Can I do that? I would also like to ask one question before we close. Is the underground electric a condition for approval? Vadney – I believe so, that's what has been proposed and what we're approving. Edgar - The subdivision regulations encourage underground, but it's not required. Very often when we look at the emergency services side of it, we like to really push for the undergrounds because it just takes the issue of power lines being dropped down by trees out of the equation and that kind of thing, not that there's a lot of trees left on the hillside, but in light of the location, the length of the road, the waivers that the Selectmen may have to deal with, that would be an appropriate thing for the Board to consider in any conditional approval. I need to ask Attorney Baldwin a question; perhaps you can help me with something. Baldwin – If you let me give a closing talk. Edgar – What I'm sort of hearing and struggling with in terms of trying to help this along is that everybody recognizes that the road network could withstand improvement. On the other hand if we make the improvements, we work against other considerations, the district objectives and so it's sort of a catch 22, but if you try to run it to a logical conclusion, it means everybody in this room probably should never get a building permit, another dwelling unit or another subdivision if it's that type of a relationship. My question to you is, you've submitted a legal brief to us with respect to the Lucas case and the prematurity and it's been a consistent thing that's been raised so we're looking at a 13 lot subdivision from your perspective represents premature and scattered development. The question is, is there a tipping point at which in your opinion 5 lots, 6 lots, 9 lots some other, not in the same configuration, but some other level that ties into the traffic because Mr. Pernaw's numbers probably wouldn't change whether it's conventional or cluster, it's dwelling units that he looked at. So is there from your point of view, an issue of prematurity, is there some tipping point below which it would not be premature? Baldwin – No. I mean, I can't answer that question. Edgar – I'm not trying to be unfair, but I'm just trying to deal with this issue that the network is substandard and needs to be improved or make improvements, we have to deny it because it (inaudible) all this conservation and I understand both sides of that, but it just seems like a circuitive loop that if you applied it to every property out there, we wouldn't issue building permits, we'd never have any subdivisions and everybody's property rights would be affected pretty dramatically so I'm trying to understand from your point of view and maybe

it's not something you can answer, I certainly respect the complexity of it, but I just was wondering if there is some benchmark at which you think that the network would be satisfactory or some of those concerns would not be present if it was at a different level. Baldwin – The answer is it is impossible to answer the question, but I think it's really a planning issue and you designated this area Forestry/Conservation, you decided on a 10-acre zone and you know I've represented towns with 50-acre zoning successfully, but it can be done. But it really is the Town's decision, do you really want this area to remain Conservation and Forestry. It's tough country, very tough road conditions. Vadney – Let me point out that the applicant owns two separate lots out there which would be combined as part of this, but right now he could go in to Bill Edney tomorrow and pull a building permit and put two units there, there wouldn't even be a meeting. Baldwin – I understand. Vadney – And with accessory apartments. There wouldn't even be a meeting. Baldwin – Has everyone seen my memo. In packet. And you also have my first Memorandum and I think a lot of the points there still hold. A couple of things that have come up that have not been raised here and that is to do with the state of permits. We didn't find the Site Specific, I had to go and I did examine. Do you all have the Site Specific? Edgar – It's in the file. Mr. Abear picked up a copy yesterday. Baldwin – You do have it? There's some odd things about it. The correspondence in the file seems to say this permit isn't any good until you get the dam permit. There was supposed to be a copy of the Dam Permit in the DES file, I looked at it but I didn't go to the Dam section, but it wasn't in the DES section. I don't know even where that stands. There's some considerable confusion, but it says that the construction and all shouldn't begin until they get a Dam Permit. I don't know where we are with that. They also need State subdivision approval for lots under 5 acres. I don't know that you have that yet. I did not again take the time to go to Subsurface to find out. If you don't have it, I assume they don't have it and I think it is surprising that you would approve lots until they get that. Clearly, the issue here is the number of lots. Another issue that came to my attention was what are the standards for the waiver of a cul-de-sac length on steep slope. I believe the Selectmen do that? Have they done it? Where are we with that? That seems to be another hole. It appeared to me and I'm not an engineer, but looking at the site-specific plan for which, Site Specific for people who don't know, the State permit required if you were going to disturb over 100,000 sq. ft. and it's a little over two acres. Clearly the road does that, but it appeared to me that their Site Specific for 122,000 sq. ft. did not include the driveways which are clearly in addition to that so I'm questioning whether that should not be revised to include the driveways. Finally, I would be really concerned about the Covenants and Restrictions and again we've gone over and over again, this enforcement issue. There's a lot of talk on the Covenants about this shall happen and this shall not happen. Somebody's responsible for monitoring. Responsible to whom? It's one thing when you have Covenants for a Homeowners Association dealing with road maintenance. Everybody wants their road maintained and

that's sometimes a problem believe it or not, but the whole business of a group of landowners trying to monitor their own conservation easement is really problematic, so realizing the late hour and your patience, there are a lot of funny little things in the Covenants that I picked up and I didn't spend a lot of time, but there are little inconsistencies and things like references to collecting assessments that didn't seem to refer to anything, it seemed to refer to the By-Laws, they were strange and I will ask that you kind of look at those. Finer – This is going to annoy a lot of people, but I have to ask it? Safety issues aside, what would the impact of this development be on the quality of the roads? Is there likely to be a significant impact on the roads just using Mr. Pernaw's trip generation numbers? Faller – Well, I guess I can keep it generic, more traffic on a dirt road is going to add more use and abuse to it so, yeah, it would slowly take a toll on it and show signs of wear. Like today, the mud, put 13 more cars through there, there's a good chance that one of them's not going to make it. Flanders – Steve, does your traffic trip generation include service vehicles like oil trucks, propane trucks, garbage trucks, etc.? Pernaw – Indirectly, yes. Flanders – Is that a definite, maybe? Pernaw – I will tell you that the ITE Trip Generation Manual data comes from actual subdivisions where ins and outs are counted. Flanders – Including all service vehicles? Yes. Robinson – John asked a reasonable question and I would like to think that there's one thing that governs all the regulations that a Planning Board has to adhere to and that's the rule of reason and I think the way you phrased the question, John, it being reasonable, calls for a reasonable answer that I'm sure counsel cannot allow herself to respond to. The whole business here is death by a thousand small cuts. It's hard to locate where specifically the opposition is because there are so many regulations and so many thoughts and so many ideas that generate the opposition to this. It really means, it seems to me that when along the country road that's a couple of miles long, that is from Tucker Mountain to New Road to Sanbornton, you double the number of houses that are going to be lived in 365 days a year, you double the number. That seems to me to call for a reasonable response. Sure, I'll take  $\frac{3}{4}$  of a loaf, maybe even when pushed, half a loaf. I think Donna has a right to build a house or two, three, four, five? The catch in my throat grows greater as I run those numbers up so I think there is a rule of reason here and I think the contours of the argument all night indicate that that rule of reason should be referred to as much as the rules and regulations of the Town. Baldwin – Mr. Chairman, these are the pictures that Mr. Abear and also the (inaudible). Vadney – We did have a question from Mr. Freeman about topos, detailed topos on each house lot showing the grading? Freeman – No, that's not satisfactory because it doesn't show you the grading aspects. Vadney – How does the Board feel, is there any need to pursue that any deeper? Freeman – How would the Board know what's happening to that site unless it's graded? Johnson – The Board would then be pre-determining the exact position, the exact type, whether it's a ranch or walkout... Vadney – To a large degree, Carl's right, some of those lots I'm sure there's going to be a walkout

basement and a third floor that you walk out on the other side, but we don't know that yet. So I think there's almost an infinite number of grading options. Flanders – At the last meeting, I stated I felt we needed to have a driveway profile on every lot and I still feel that and Lot 10 is a classic example. That driveway profile is going to make somebody sick, I'm sure when you get done with the cuts and fills and so if we have less than that, I don't think we can make an intelligent decision. Johnson – Mr. Chairman, you're still going to pre-determine if you're going to pre-determine the position of each driveway, you're going pre-determine, we've already restricted the amount of available land to place these houses to 10 acres. I know Mr. Freeman doesn't like that because it's less than his number, but if you add up the area of all those buildable boxes that we show, it's 10 acres or a little bit more, so we've already restricted the areas within this 209 acre subdivision, 10 acres for 13 lots. That's pretty restrictive and within those boxes, if you would like to see a possible driveway location and profile leading to that box, we'd be willing to do that. Vadney – And I think that's the most we can ask for is a possible that meets the rules. Johnson – We will agree to do that and have that available at the next meeting. Vadney – To go any deeper than that would be just too much. Finer – Can we go by the typicals that you have on this plan before us as those driveway locations? Johnson – When we get into the engineering of the specific driveway locations, they may change slightly. Flanders – Herb, the concern that I had when I raised the question initially and I still have is that we don't end up with an 18 or 20 degree driveway where we have to send an ambulance or fire truck sometime in the middle of the winter and risk a \$500,000 piece of equipment on a driveway that never should have been constructed in the first place. Vadney – If he comes in with a sample of one that works and shows that it's buildable... Johnson – I am meeting with Chuck Palm regarding the driveway locations and their length and their slope. Vadney – Does that come close to what you're looking for. Freeman – It's very close. Vadney – Where do we go from here as far as additional site visits. Mike – Wait about 1 minute because I think we might want to, I think we may want to pursue a trip out there maybe in a 15-passenger.. I think we may want to take a trip out there with Mike Faller so you can show us the exact places you are talking about and talk about the fill in the places that you have maintenance problems to give us a little better feel. The pictures that we've seen tonight are very good, but its not the same as being in the mud like I was today. I think if we could do that sometime. Rogers – If you do that is the public welcome? Vadney – I suppose you could follow us. Maybe you could designate a person to ride with us to keep us honest, OK. Edgar – When the Board conducts a site inspection, it is not a hearing, it is to confer with Mike and go through the review of improvements. If the Board does it as a Board, . (inaudible) Vadney - I think his point is a very good one, if we do it by a van and we're all together driving along and Mike can explain it to us, we obviously can't take everyone, but I would be happy to have you and a couple of others or whatever, I don't mind but it certainly is a public meeting and as much as we can

accommodate it, we would be happy to have someone traveling with us. We need to go back to the Board for discussion on whether we want to do a trip like that and what else we want to require of the applicant. What kind of a continuation or every option's on the table. Johnson – If it's helpful, we would anticipate that we would not be ready with that additional data until the meeting of April 25<sup>th</sup>, which would be six weeks because we are still subject to having it available to review prior to the meeting. Vadney – Is that kind of a trip something the Board wants to do? Kahn – I think if we ever are going to deal with the issue of prematurity, we almost have to go walk the road. Vadney – I think we need to ride it together and hear Mike and we could have Chief Palm come along too. Bayard – I almost think it might sense for us to go the Sanbornton road too. Vadney – We can do that, we can lay out the trip. You definitely want to make a trip like and we'll invite a few people. It will be a public meeting, it will be a site inspection of sorts. We don't need to go on the property, I don't believe. Kahn – What about a meeting with counsel? Edgar – Let's not try to pick that date. We need to do it and I can work that in between tonight and when we reconvene. Vadney – The attorney one or the site walk. John will work out the one with Attorney Bates. Flanders – I would suggest that the trip we take out there to view the road be done fairly soon because we'll get the chance to see it in its full glory. Vadney – How do you want to continue this meeting? Carl has said they could do it April 25<sup>th</sup>. It's a very confusing issue, there's a thousand things.. Kahn – Let's continue it to the 25<sup>th</sup> of April. Bliss – Is the 25<sup>th</sup> going to give us enough time to meet with counsel. Vadney – That's plenty of time to meet with counsel and also.. Edgar – The Board already has a site inspection scheduled for 9:00 on March 18<sup>th</sup> on regarding that choke-down issue on Corliss Hill Road. The Waldron site inspection is scheduled for 9:00 a.m. so we could word it that this would follow that inspection. Vadney – We will be doing a site road this coming Saturday, the 18<sup>th</sup>, at Corliss Hill road at 9:00. That won't take too long so we'll be there by 10:30 a.m.

Bliss moved, Finer seconded, I MOVE THAT WE CONTINUE THIS HEARING UNTIL APRIL 25<sup>TH</sup>, 2006, WITH A SITE RIDE TO TAKE PLACE ON MARCH 18, 2006, AT APPROXIMATELY 10:30 a.m. FOLLOWING THE SITE INSPECTION ON CORLISS HILL ROAD (WALDRON). Voted unanimously in favor of the motion.

Meeting adjourned at 10:53 p.m.

Respectfully submitted,

Mary Lee Harvey  
Secretary  
Planning/Zoning Department

MEREDITH PLANNING BOARD

MARCH 14, 2006

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

---

William Bayard, Secretary