

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

### DELIBERATIONS

1. **DEEP WATER MARINE MANAGEMENT, INC.** - Continuation of deliberations on a proposed site plan to create a family recreation facility in an existing building for boat slip customers, Tax Map U35-8A, located on Lovejoy Sands Road in the Shoreline District.

2. **DEEP WATER MARINE MANAGEMENT, INC.** - Continuation of deliberations of an Architectural Design Review of proposed improvements to an accessory structure, Tax Map U35, Lot 8A, located on Lovejoy Sands Road in the Shoreline District.

Vadney - This is not a public hearing this evening, we've closed the public input for the issue of Deep Water Marine Management, Inc. and this is a deliberation only. We've heard many comments from the applicant and concerned citizens, abutters and others. This is a very complex issue on a very complex piece of property that's very valuable to the Town and very valuable to the owners so it really is a tough situation to make decisions on. This is a non-conforming, grandfathered marina with 94 boatslips in the Shoreline District and has many other functions related to marina activity. I will summarize what we feel is what the applicant has put forth and hopefully most of the things brought forth by the abutters and concerned citizens. The applicant has represented to the Planning Board that the intent of the proposed Clubhouse would be to provide a place for boatslip renters to conduct activities currently taking place on the docks and consolidate other amenities into one central location. The applicant has stated there will be negligible impacts associated with the proposed Clubhouse as the number of slips won't increase. They have agreed to a limit of 20 overnight boatslip customers and their guests. The Clubhouse will be managed by the marina. Parking for slip customers and their guests will occur on the marina grounds as to not impact public parking. Loss of parking spaces resulting from the conversion of the carport is accounted for in the parking plan and the reorganization of parking spaces provides an adequate amount of parking for all slip customers. They've stated there will be no parties, bands or functions at the Clubhouse and it will not be for rent. The Clubhouse will be in use throughout the boating season. The Clubhouse rules are intended to regulate the Clubhouse and avoid any undue impacts to the surrounding neighbors. Based on what we've seen and we've talked to the Zoning Administrator and Town Counsel and both have advised us that the Clubhouse is consistent with the "accessory use" definition in the Zoning Ordinance and that the Clubhouse is subordinate and incidental to Shep Brown's Boat Basin. Some of the concerns expressed by both Planning Board members and abutters include the following:

- Shep Brown's and the municipal facilities are the center of extensive activity to the point of congestion during peak boating season.
- Past incremental growth and the addition of a Clubhouse may put the site near or at its capacity to overburden its non-conforming use situation
- Potential noise impacts to the surrounding neighborhoods have been discussed.

- Additional demand on the municipal parking lot from additional customers and/or guests to the Clubhouse is a concern.
- Pedestrian safety for Clubhouse users given the close proximity of the building to the traveled way where vehicles use it for access to Tall Pines residential, to parking spaces and to the boat ramp currently used for marine construction.
- Accessibility for emergency response vehicles to pass through that site and that narrow road without interference is a concern and we do want to point out that Tall Pines has a ROW that is secondary access for the residents but they can use that as their means of moving in and out.

Given all of these concerns we've come to some conclusions and this is where I need the Board to weigh in if you find that I've misconstrued some of these issues.

- One thing we've talked about in length is the management and enforcement of Clubhouse Rules by the marina is necessary to ensure that the recreation facility can peacefully co-exist with the surrounding neighbors.
- Functionality of the Clubhouse, as demonstrated in the floor plans given to us, must remain substantially the same to ensure the approved use of the building and the intensity of that use remain consistent as we've considered this project throughout.
- Any approval should be based on the Clubhouse being managed as part of the marina to ensure the owner has the ability to enforce the Clubhouse Rules and to emphasize the subordinate nature of the Clubhouse to the marina operations.
- Any future site plan amendments that deal with this site must require a review of the entire site because the incremental growth over the many years and it's been there since something like 1919 has really started to stress the small piece of land that it's on.

Kahn – I think we need to put in the record that our definition of accessory use is not the same as the common law definition of accessory use and that our ordinance definition deals only with whether the use is subordinate, clearly incidental and related to the principal use and we have no requirement whatsoever that we have to find that the use is one that is customary and usual for the principal use. My views on whether its customary and usual are different from a lot of views on this Board but on the other hand it's irrelevant and I think it's got to go on the record so its clear that we considered it and as a legal matter disposed of it, it's not in our Ordinance.

Vadney – The Board had a meeting with the Town Attorney and pretty much concurred with the determination of the Zoning Administrator and Town Counsel that it is an accessory use and our hands are somewhat bound by that determination, but it is clearly subordinate to the use of the marina and we recognize that non-conforming uses are entitled to accessory uses and accessory uses are permitted in the Shoreline District. So what do we have to consider for conditions to put on this approval should we give conditional approval, what conditions should there be to ensure we have protected to the limit and the extent that we can the abutters and their concerns.

(1) Limited Use. The Clubhouse shall be limited to the 20 overnight slip customers and the final plans shall be amended to include the docking facility and identification of the 20 designated overnight slips. Any proposed future expansion of the docking facility or conversion of other existing slips to accommodate overnight use shall require site plan review.

Bayard – I think that's good and I like the use of the wording "conversion of existing slips or expansion" so we don't somehow inadvertently end up with blocks of 20 or something that may or may not be part of the marina.

**Vadney** – The next issue was parking and the requirement is that guests of overnight customers shall park within the Shep Brown's facility as stated in the Clubhouse Rules and not use the municipal parking lot.

Prohibited Activities. The current list is bands, bars or bar set up, kegs, facility rental and parties where alcohol is consumed. Kahn – Regarding bands, I would prohibit live music and DJ's. Vadney – I have a concern with that one myself. Do we really want to be as restrictive to say parties where alcohol is consumed? Kahn – My response to that is a question came up when we were restricting parties as to whether or not we were restricting a child's birthday party and we had no intention of restricting a child's birthday party. How can you tell whether it's a child's birthday party, if they are boozing it up, it's not a child's birthday party so I would say if alcohol is served or consumed, it's not a child's birthday party. Dever - Does that restrict all alcohol? Vadney - State law is pretty detailed on who can do what with alcohol and our real concern is to limit distress to the neighborhood to noise, parking issues, safety issues so I don't know that there's any real reason that we need to restrict the use of alcohol. Kahn – My response to that Herb is we're not restricting use of alcohol if anybody wants to sit in front of the TV and or play on his computer and drink a beer, we're not restricting that at all, we're just restricting use or consumption of alcohol at a party. If they want to party, let them do it on the stern of their boat and that will restrict the size of it. This is supposed to be a facility for the convenience of the slip renters; it's not supposed to be a party barn. Finer – Do 4 guys with beers in their hands constitute a party? Kahn – Absolutely not. Vadney – I don't really see how we can police it and I'm not sure we're not flying in the face of State Law which says as long as you're doing it this way, this way and this way, it's OK. Kahn – I don't think you're doing it in violation of State Law, I think the answer is that we, as a matter of the site plan, can restrict the property any way we want. We're not trying to issue a liquor license here; we're just saying this is not going to be a party barn. They can have children's birthday parties, that's what the owner asked for, Herb. (inaudible) Live music, it's not a band it's a guy strapped to a drum on one foot, a harmonica, and an electric guitar. No live music, no D.J.'s. Noise. Dever – I think we should strike both options in bold and that is shall not exceed normal conversational voice level. Bayard – I would still want to add something to the effect that there needs to be either insulation in the walls or soundproofing. Dever – When you build a house, the Energy Code requires X amounts of insulation and sheetrock. This building has to have a building permit and be inspected by the Building Inspector and has to comply with those codes. Vadney – From our standpoint, we don't want to get into the design specification, we have more of a performance specification. If you can't hear them,

whether insulated or not, we just want to know you can't hear them. Bayard – I don't want to get into great detail, it's better to be safe than sorry. Hours of Use. Vadney – The Clubhouse and patio is limited to the hours of 7:30 A.M. to 11:00 P.M. with the exception of 24-hour access to the toilet facilities. The Clubhouse will be available for use during the boating season, "ice in to ice out" and there were some other comments we had on whether we were going to put any other dates on that. Do you want to leave it "ice in to ice out"? Fire Lane. Fire Lane including access to Tall Pines Way shall be clearly noted on the final plans. The fire lane as indicated on the final plans shall remain open and be free and clear of parked vehicles or boats at all times. Ramp. Use of the nearby ramp for marine construction access shall be limited. One suggestion was Mon.-Thurs. in boating season. Dever – Just define boating season as "ice in to ice out". Vadney – As far as using the construction ramp, I think we were being a little more lenient, that's why the suggestion of Memorial Day to Labor Day because "ice out will occur approximately the 15<sup>th</sup> of April and the next 45-50 days, there's not a whole lot of activity. Bayard – It should be limited during the off period I think we're going to allow them to do that and my recommendation would be Mon.-Thurs. between Memorial Day and Labor Day not including the 4<sup>th</sup> of July. Kahn – It sounds reasonable to me. Vadney – You mean 4<sup>th</sup> of July is off limits too. Bayard – right. All areas depicted in the plans adjacent to the ramp shall remain available for parking and that's the issue where some of the stuff historically has been used for marine construction and those facilities are now being proposed for parking where they had to move cars away from the building itself and shall not be occupied by any marine construction materials, supplies, equipment or employee parking. They will have to verify that lot coverage will not increase as a result of this proposal. We want something in this to discuss the cumulative impacts of the incremental growth and we're suggesting a comment like "any future changes or additions to primary or accessory uses including temporary structures shall require site plan review unless otherwise determined by the Planning Board". Any future site plan amendment applications will require review of the impacts created by the entire site to ensure that the cumulative impacts of site plan changes are assessed adequately. Kahn – I interpret that to mean that adding a soda machine will require them to come to us but that we will deny it at our peril. Vadney – I don't know if we were looking at soda machines if that's a change to the site at all. Kahn – It's an accessory use. I don't have a problem with it, but it's very sweeping and some very, very small changes will require them to come to us which is fine with me. Vadney – Can you think of a way to put somewhat less limits on it without throwing the whole thing out? Kahn – The problem is you have to start adding words like significant or material or something like that which words mean different things to different people so I don't have a problem doing it in draconian fashion. Finer – I think we've got that covered by "shall require site plan review unless otherwise determined by the Planning Board". If they want to put in a soda machine, they can come to John and say they want to put in a soda machine, will the Planning Board require a site plan review without going through the whole process. Kahn – I absolutely agree. Vadney – We also want a condition that says the failure of management to ensure compliance with these conditions may result in the revocation of the Certificate of Occupancy and/or the site plan approval and this approval including the final set of Clubhouse Rules will run with the property and bind any subsequent owners so it won't be a question of the next

owner didn't know it. To limit the number of guests per overnight slip customer during the Clubhouse boating season and first we don't have a number on that, do we want to try and put a number on that. Kahn – Try 2. If you want more than 2 guests, take them on the stern of your boat. Vadney – As far as overnight customers, they can't sleep in this building anyway. Kahn – But suppose a slip owner wants to bring 10 guests and 20 slip owners each bring 10 guests apiece, now we've got a fire code violation but we'll limit it to 75. I think this is a building for the convenience of the slip owners and if they want to bring guests, they should be limited to 2 guests for this building. They can have as many guests as they want on the boat, they can pile guests on the boat until the boat turns over and sinks but they shouldn't be in this building, 2 guests in this building per slip. Vadney – I'm a bit bothered by a limit like that, I look at it from a slightly bigger picture that if we have determined that this building can support whatever number the Fire Chief came up with (75) and that we also have the limit that the noise condition will be determined to a degree by the number of people there that if there's only one fellow out there with a boat that brings people and he wants to bring all 75, as long as the noise is OK and their fire code and stuff are met, I don't have a problem with that but I think its those umbrella concerns that we should look at and not the individual of whether I can bring 1½ or 1.3 guests because I think it would be extremely difficult for either the marina operator, code enforcement or police or anyone else to try and determine. Flanders – I kind of think that whole #13 ought to be struck right out of there, I think there are enough restrictions on the number of people that can be in the building and the uses that can be used. If you have one slip owner that wants to have 8 people come to a birthday party, this #13 would prohibit that and I don't think that's what we're trying to do, we're trying to keep the noise down, make sure they are not whooping it up with alcohol, live bands and stuff and the total number of people in the building is at an acceptable level, whether they come from one boat of 10 boats I don't think is any of our business. Vadney – I agree with that. Dever – I agree with that also. Kahn – I disagree, I think that this adds sort of a cumulative standard to the standards regarding noise, regarding no parties, we're not saying they can't have other guests, they can just keep them on the boat and the size of the boat will limit the number of guests so what you're doing by permitting an unlimited number of guests in this building is you're increasing the size of the boat and you're relying on your provisions that there are no parties, no live music, noise has to be low, I think this is a good provision for keeping it down, the size of the boat will keep it down otherwise. Dever – I think one of the things that's going to limit the number of people showing up is parking. We already know this place is slammed for parking so you've already got a requirement that the guests can't use the public parking, they have to use this parking. I think us telling a boat owner you can only have 2 people on it is going too far. Vadney – I'm troubled by that. Kahn – Let me correct something, John, I was never saying he could only have 2 people on his boat; he can have as many people on the boat as necessary to capsize it. Flanders – I think this provision should be stricken and with all due respect, Lou, we are living in the Live Free or Die State now, not New York. Vadney – I just had a vision of going back to the 8<sup>th</sup> grade where you had to have a hall pass to go to the bathrooms. Vadney - Clubhouse Rules shall be issued each year to each overnight slip customer at the time the lease agreement is signed, which by the way implies to me, is there any intent that you folks have picked up as to whether there will be day-by-day overnight

rentals? Kahn – We were told I think 13 slips were rented of the 20 so the answer is clearly to me they want the right if they can fill those 7 slips, be it on a daily basis, weekly basis or monthly basis, they want to give them the right to use this facility. It seems to me if we're going to limit it to 20 slips, why do we care? Vadney – Item 14 here about issuing the rules, I guess if they sign up they get a copy when they sign up. Finer – I'd also like to see us add that they have one copy of the rules posted in the Clubhouse for that reason; any overnighters or guests can review the rules too. Dever – It does say in the rules from Shep Brown's themselves, a copy will be given to every overnight slip customer when they pick up their key at the beginning of each season and I do believe their stated intent will be to lease it for the season. I don't think they would want to run it day-to-day. Finer – Not day-to-day but I can see somebody coming up for a week. Vadney – Do you want to let it go as we think that's what they mean or do you want to put anything specific in here? They've already said their plan is to give the rules to whoever is leasing the slip. Kahn – Maybe what they've got to do is change the wording at the time the lease agreement is signed. Clubhouse Rules shall be issued to each overnight slip customer at the time a slip rental is entered into. Vadney – Clubhouse Rules shall be amended to be consistent with this approval and shall be approved administratively by the Planning Department. Finer – What about anything in there as far as future changes to the rules? Kahn - #15 Instead of saying Clubhouse Rules shall be amended to be consistent, Clubhouse Rules shall be consistent with this approval and any amendments shall be approved administratively. Vadney – Conditions 1-12 shall be noted on the final plans and a lot of other rules that we don't want to get involved in but the first dozen would go with the approval. And the Planning Board reserves the right to review and amend the approval. Kahn – With respect to review and amend since sometimes we're a little bit sensitive as to whether or not that really gives us a handle, I think we ought to make it very clear in our minutes and when we say we reserve the right to review and amend, we intend to land like a hammer in the event the rules we put on the site plan are not observed, we will review and amend and we will shut the Clubhouse down. One other rule, they had a rule that children under 18 had to be accompanied by the slip owner. You're in the process of shooting me down on the number of guests, do you want to shoot me down on the number of unaccompanied children. Dever – If its part of their rules already, why do we want to address it? This is what they are telling us they have to do. I would prefer not to get into that. Vadney – I guess I wouldn't know how to draw the line between a 17 year old coming up and spending a couple nights on the boat vs. I don't think most of the boat slip owners are going to leave their 3 year old there unattended and go off. That is the list of conditions that John, Angela, Tim Bates and I came up with. Tim didn't develop them but he reviewed them in general so it's our duty now to add to them, subtract from them or approve them as we wish and/or get a motion to move forward on this whole issue. We have the option from disapprove to approve with no conditions or approve with conditions, we need your guidance.

Kahn moved, Sorell seconded, MR. CHAIRMAN, I MOVE THAT WE APPROVE THE SITE PLAN AMENDMENT SUBJECT TO THE CONDITIONS AS WE HAVE DISCUSSED THEM WITH THE DELETION OF #13 AND RENUMBERING OF EVERYTHING THEREAFTER:

- (1) The Clubhouse shall be limited to the 20 overnight slip customers and the final plans shall be amended to include the docking facility and identification of the 20 designated overnight slips. Any proposed future expansion of the docking facility or conversion of other existing slips to accommodate overnight use shall require site plan review.
- (2) Guests of overnight slip customers shall park within the Shep Brown's facility as stated in the Clubhouse Rules and not use the municipal parking.
- (3) The following activities are prohibited and shall be added to the Clubhouse Rules: bands, live music and DJ's, bars or bar set ups, kegs, facility rental and parties where alcohol is consumed.
- (4) Noise shall be kept to appropriate levels as to not disturb the surrounding neighbors. Noise from devices such as televisions, stereos and radios shall not exceed that of normal conversational voice level at 50 feet in distance from the source.
- (5) Use of the Clubhouse and patio is limited to the hours of 7:30 AM to 11:00 PM, with the exception of 24 hour access to toilets.
- (6) The Clubhouse will be available for use during boating season, i.e., "ice out to ice in".
- (7) The Fire Lane including access to Tall Pines Way shall be clearly noted on the final plans. The fire lane as indicated on the final plans shall remain open and be free and clear of parked vehicles or boats at all times.
- (8) Use of the nearby ramp for marine construction access shall be limited to Mon.-Thurs. between Memorial Day and Labor Day, including 4<sup>th</sup> of July weekend, to minimize conflicts with pedestrians utilizing the recreation facility. All areas depicted in the plans adjacent to the ramp shall remain available for parking at all times and shall not be occupied by any marine construction materials, supplies, equipment or employee parking.
- (9) Verify lot coverage will not increase as a result of proposal.
- (10) Any future changes or additions to primary or accessory uses, including temporary structures, shall require site plan review unless otherwise determined by the Planning Board. Any future site plan amendment applications will require review of the impacts created by the entire site to ensure that the cumulative impacts of site plan changes are assessed adequately.
- (11) The failure of management to ensure compliance with these conditions may result in the revocation of the Certificate of Occupancy and/or site plan approval.
- (12) This approval, including the final set of Clubhouse Rules, shall run with the property and bind any subsequent owners

- (13) The Clubhouse Rules shall be issued to each overnight slip customer at the time a lease agreement is signed. A copy of the Clubhouse Rules shall be posted in the Clubhouse.
- (14) Clubhouse Rules shall be consistent with this approval and any amendments shall be approved administratively by the Planning Department.
- (15) All DES approvals must be received and cross-referenced on final plans.
- (16) Condition #'s 1-12 shall be noted on final plans.
- (17) The Planning Board reserves the right to review and amend this approval as provided for in Site Plan Review Regulations, Section VI and XVII, A.

Voted 6-1 in favor of the motion.

LaBrecque - All of the Board's comments and all of the notes I've taken at each public hearing have all been reviewed and so have the minutes and I'm pretty sure everything is incorporated into this that have been brought up in the past. Kahn – What about the Fire Chief's restriction, the 75? LaBrecque - That's something that's limited when they get their C.O. Vadney – There is one point that Bill's comment brings to mind, we might want to put the typical blanket condition in there that all DES approvals must be received and noted on final plans.

Kahn moved, Flanders seconded, THE PROPOSED DESIGN DEMONSTRATES SUBSTANTIAL CONFORMITY WITH THE GENERAL AND SPECIFIC CRITERIA AS SET FORTH IN THE ARCHITECTURAL DESIGN ORDINANCE. Voted 6-1 in favor of the motion.

Vadney – We do have a conditional approval to go ahead. It's a tough issue that's for sure, we have struggled with both the applicant's rights and issues as well as the abutters' rights and issues and we hope we've split this baby relatively evenly without causing it great bodily harm so that's the best we can do.

This is Bill Finer's last night and I want to thank him for about 9 years of very solid work with the Board. He's been a great advantage and assistant to us and we appreciate it.

#### PRE-APPLICATION REVIEW

1. **PAUL R. FLUET, P.E. FOR WILLIAM FRANKS** – Pre-Application Conceptual Consultation to discuss possible commercial development of Tax Map S19, Lots 36, 54 & 55, in the Commercial-Route 3 South District.

William Franks – We've been proposing to build a strip mall. I had a meeting with John Edgar with my team and laid out what we were planning on doing and he suggested we have a pre-application meeting with the Board first before we get too far ahead of ourselves to let you know what's going on. I've owned these properties located on Needle Eye Road for 3 or 4 years. At one point we were thinking of doing residential but it's right there on Route 3 already zoned commercial so we felt that's the best way to go especially in the present market. Paul Fluet is here with me tonight and will make



the presentation in Carl Johnson's place. Fluet – Basically, it's a site on Route 3 and Needle Eye Road. It's 4½ acres and it's currently 3 lots that are going to be merged into one 4½ -acre lot. This project does have some wetlands in here, some are manmade and some are jurisdictional and some are non-jurisdictional and the larger wetlands are towards the back. The property borders the Meredith-Laconia Town Line but is all within the Town of Meredith. Flanders – Is this the place DES shut down about 5 or 6 years ago and there were some huge wetland violations there? What's the status of that? Kahn – Is this something where we ought to or have to inform Laconia? Fluet – We've already informed them. I believe the DES has resolved what has happened here and some of the fill has been pulled out. Some of the wetlands that remain are sort of manmade trapped water type wetlands. The lower ones here are pretty much in tact. I think everything has been worked out with DES. Vadney – Did you actually notify Laconia or did you ask if you could hook up to their sewer because I seem to think this used to have an issue? Franks – I had a public hearing way back when we first started to do this with John Edgar. We had 2 concerns and one was sewerage so I had a public hearing with the City Council and they voted the approval that we would be able to hook up so that way we could move forward, without that we couldn't go anywhere. Kahn – Mr. Chairman, my issue was not so much the sewer as the requirement that we consult with them or permit them to consult with us with respect to sites that have an inter-municipal (regional) impact. LaBrecque – There is a statutory requirement 674:53 that requires the municipality (Meredith) receiving the application shall inquire in writing to the appropriate administrative officials in the adjoining municipality and this is land affected by municipal boundaries so we've already discussed this with Laconia. Fluet – So have we. That's where we're at with regard to what's there now. A previous conceptual plan was displayed showing a commercial building, parking in the front, access on Route 3 and access on Needle Eye. When Bill Franks bought the property, he and his partner were thinking of doing residential and we looked at residential in terms of what would be a good fit and with the market the way it is, we're moving away from that direction now. I believe Carl would have said this plan had received an approval from the ZBA, I'm not sure what that was for, Angela but Carl told me that before he left. LaBrecque – I don't know any prior permitting history. Flanders - I don't remember but one thing I'm absolutely sure of is a variance or special exception that's not acted on within one year expires. Fluet – I'm not saying we still have it. Flanders – One comment as I look at that, the building goes right through the middle of the wetlands on that site. Fluet – We're going to have to go through ZBA, Wetlands Board approval to get permitting to fill these wetlands that's part of the process we know we have to do and this is our site plan with a 12,000 sq. ft. commercial building, a front sidewalk, parking against the sidewalk and I think we have about 69 parking spaces. At this time, we don't specifically have tenants or clients who are going to be in there. It's still a little bit speculative but we know it's going to be commercial, we know we can't have a big restaurant because we don't have sufficient parking so we're pretty much limited to whatever 69 parking spaces will allow us to do. Again, we're here just for input from the Board. In terms of the connection to the sewer, there's a gravity manhole that we're going to collect from the building, run down towards Route 3 and along Route 3, we will leave a stub and a manhole if sewer ever wants to continue up further into Meredith. That sewage does flow by gravity into the

small pump station just down the hill on the same side of the road, there's a little ejector station in there and that's owned and operated by the City of Laconia. That pump station doesn't see very much flow in fact it's underutilized and they have some odor problems because the flows are so low so they sort of welcomed us to tie in but they also did their service area calculations and there will be some compensation back to the City for connecting into that pump station. On the water supply side, we'll be putting in a private well that will serve just this property. Drainage. The preliminary plan is to collect the water from the parking lot, run it in through a water quality unit and then we're going to do some detention in this area before we release anything into the wetland. This is a fairly large wetland that continues south and is in the back part of the big piece owned by the Hearth and Home Furniture. We will do our due diligence on sediment and erosion control. Traffic – We have submitted an application for a driveway permit with DOT. They have scheduled a staffing meeting in Concord with their Traffic Division and that's scheduled for April 15<sup>th</sup> so we're going to get some input from them relative to access and egress out onto Route 3 either at this point or off of Needle Eye Road. Vadney – This looks like there's a pretty good vertical drop in your northwest corner down towards the wetlands coming right across where you proposed building is, is that going to require a great amount of excavation? Fluet – We've done a preliminary grading plan. Yes, we will have a cut into this area, a plateau with a slight slope down here and these are contour lines that we are kind of creating a shelf here that will be anywhere from 6' to 12' high. I'm visioning this being a 1:1 riprap slope to minimize a long stretch of fill and trying not to fill any more wetlands than we have to. We're probably eating up the majority of this one but we sort of had to to be able to get traffic in here and circulate through and possibly go out on Needle Eye Road. Flanders – Paul, DES for the last several years has been real big on trying to get the post flow figures equal to the pre flow figures and they usually like to see recharge systems. Have you given any consideration to that here? Fluet – Groundwater recharge, we're so early in the process here we haven't gotten there yet. We're still dealing with some concepts and more or less flow in and out and seeing what room we have left over to do that and what we're figuring is we have a slight area here that we can do some detention, possibly some infiltration. I know they talk about green gardens that are kind of a key word these days. It's possible we may be able to do some type of rain garden infiltration area here, maybe even do something adjacent to or on the perimeters with some islands in the middle that could be rain garden kind of concepts. If we are creating a plateau here that's fill and we have 6 or 8 feet of fill, we would be filling with a granular material so we don't have to worry about a rain garden that doesn't drain because we'll probably have pretty well-drained material under the paving so I think a rain garden concept would work here for some of the treatment whether it would do the whole thing, I'm not sure. I haven't crunched any numbers relative to drainage calcs. Vadney – What's the limiting factor now, there are a lot of wetlands on the site, why aren't they draining, why are they wet, is it a soils issue? Fluet – I think if I remember right I did some work on a project for the furniture store and there's a stream that kind of flows down through here and I think it comes from this property and goes to the south and then intercepts a brook that runs down to and across Route 3 further down. To answer your question, I'm not sure, they look like they are just forested wetlands and probably just a soils type of thing. I know there's some ledge in here so there may be

some ledge that's shallow to the surface that's holding some water too. Randy Shuey is our wetland scientist who's on Board, he's going to be dealing with the issues of DES permitting, wetlands and mitigation and that type of thing. Kahn – It looks to me like you've got a 15' lane behind the place. Fluet – Yes. Kahn – Are all of your deliveries going to be in the front? Fluet – We wanted to be able to have access to the back, you're not really going to get a fire truck around this corner. Kahn - That certainly is not going to make the Fire Chief happy. Fluet – I don't know if they actually need access to the back, there's some discussion we'll be having with him relative to whether or not we need sprinklers and what access the Fire Department may not need to the back of the building. This is mostly for deliveries to the back and I think you'll be able to drive a car or pickup back there but not a UPS truck or larger delivery vehicle. Vadney – I don't know the fire code but a 200' long building, that's 100 feet from either end so I would that may be a problem. Flanders – Usually if you've got one long side and both ends accessible by the truck and the building's not too deep this way, that is usually acceptable but you'll have to check with the Fire Department. Actually Chuck will be on Board until June. Fluet – I have already had a preliminary discussion with Chuck and I think whether you have sprinklers or not might depend on occupancy. If there are people in the building, I think he's going to require them but if there are no people in the building like a restaurant or a place of assembly, then you may not need them. Flanders – You've got a lot of retaining wall here and it's going to be very steep, have you given any consideration to like a Redi-rock retainer there. I mentioned that to Ben, the owner and his dad, and I thought it was a good solution but it's an expensive one, Redi-rock walls are expensive. At this point in time I just showed it as a 1:1 riprap face. Kahn – Does it necessarily have to be Redi-rock or riprap all the way 100%? Fluet – No, you could do kind of a Redi-rock at the bottom and then riprap part way up, there are a number of ways to do it. Kahn – Are the east section and south section different? Fluet – They are about the same height so I would think whatever you would do, you would do it for both. It's going to be fairly high. Ben Finnegan – The only thing I have to add is this is only an example of a building we were thinking about for the site. Touhey – The thing that jumps out all of us I'm sure is the wetlands and the idea of filling those wetlands in so we're going to need a lot of information regarding the nature of those wetlands. Franks – That is certainly a concern, it's been a concern of ours right along. That's why Randy Shuey has worked that property before and we have to think his going before the DES with the State and then coming back and hopefully we'll be able to resolve whatever requirements they have. We welcome all your input and concerns now so we can address them as we move along. Kahn – This schematic of the building shows one entrance, one tenant, is that what you have in mind? Franks – That is kind of reflective of something of what we're likely to do. John Edgar had suggested that we meet with you folks and give you some idea of what we're trying to do. We know we need to go to DES, DOT, and the Zoning Board and then we come back to you people. (inaudible – no mike) Vadney – I'm looking at the access points and the scale looks like a couple hundred feet. Franks - We have over 600' of frontage on Route 3 and that's why we have the main entrance further down almost to the end of the property line and the other is just as you make the corner on Needle Eye Road so that would really be the ideal situation for us. Vadney – I'm just guessing but it looks like there's going to be a lot of cut and fill and excavation and disturbed, is that

going to trigger any thresholds. Franks – It's under 100,000 sq. ft. so we wouldn't be hitting those thresholds. Vadney – Parking – Our first thought when you put a building that big whether parking waivers will be required. (inaudible) Kahn – Are you using the 10' x 20' spaces? Vadney – Preliminarily, the land will be used for something and if you can fit it in around the DES rules and the lay of the land, I wouldn't be troubled by approving it. We will look at the parking and depending on your proposed uses and parking requirements, we have to be careful when we start giving parking waivers in areas that are disturbing wetlands and stuff so that is certainly something to think about. Several comments made already about the height of the retaining walls and the cut and fill excavation and overall drainage patterns, I would think off the top of my head it would be a little troublesome in land that doesn't drain any better than that does to do any in ground storage or infiltration type stuff. Flanders - I would encourage them right up front to start looking at the potential to recharge because I know that's a buzz with DES and I think in the long run it may even be a more economical solution to you than trying to do some of the other stuff you would have to do. Fluet – I had mentioned that earlier that that fill would probably be good well draining material and if we've got it 8-12' deep, we're certainly above the seasonal high water tables so I think we could comply with recharge infiltration where they say the bottom of your bed or whatever you want to call it has to be 2' above seasonal high water, that shouldn't be a problem. It probably would be a good way to recharge. Bayard – We occasionally grant parking waivers on numbers of spaces but they are not usually along Route 3, they are in places where there might be some other options for parking but we don't have the flexibility out here for you to park on the street. LaBrecque – Is this the only layout you guys looked at? I know its tough to do anything else if you have two entrances, any other layout would block one of the other? Fluet – What we had looked at a longer, narrower building but as we did that, we sort of started to impact more of the wetlands so this was kind of the 3<sup>rd</sup> version. LaBrecque – For an L-shaped? I ask because I know the Fire Department likes to have access to at least two sides of the building and in an e-mail to you from our former Fire Chief and he noted possible accessibility issues just because the only side of the building they would be able to get to would be just one which is the front side. Fluet – When you say L-shaped, do you mean... LaBrecque – A right or left angle, but that would cut off Route 3 and the other way would cut off Needle Eye. Fluet – I would think that would more difficult to access the back of a building that's L-shaped. LaBrecque – I was thinking you would have a parking lot in the middle of that but then you'd have some space on one end towards Route 3. Also, it was mentioned that the IBC Code requires that a building be sprinklered if it was over 10,200 sq. ft. Somebody mentioned sprinklers and I just wanted to throw that out there. Fluet – Is that the new code? I know there's a new code coming out. He didn't mention that to me the first time and I did put this plan in front of him about a month ago. LaBrecque - This e-mail to you is from January. About the sewer to Laconia, who would maintain that part of the sewer in Meredith, Laconia? Would they come into Meredith to maintain that or is that the property owner? Fluet – I think Laconia would probably maintain up to the property line and then if it's in the Route 3 ROW and is potentially going to continue north, I don't know if Meredith would maintain that part and we'd maintain the private part on our property. LaBrecque – That could get a little complicated if Meredith doesn't intend to extend the sewer that far and if we have different specs for our sewer and

Laconia has different specs for their sewer, one portion will be built according to their specs and one according to our specs. Fluet – I don't think that's a problem, everybody goes by the State specs for sewer construction and if we end up having to say we'll maintain the whole thing, we will. LaBrecque – You had mentioned you guys were thinking about BMP's and the Board mentioned the importance of it and they do put a lot of weight on infiltration and I'd like to agree with you that rain gardens or some sort of landscaping in the parking lot would be a great idea just to break up that expansive paved area. Flanders – At a minimum you're going to have to be able to get a fire truck along both sides and the front so across the ends and across the front. Fluet – I think we're good here Bob, this may be a little bit narrow but we could always widen that out a little bit. Flanders – One last comment, historically on a new project like this, parking waivers have pretty much not been granted. You're starting with a new piece of ground and you have the potential to do whatever you can do and stay within the ordinances. Usually, parking waivers are something that are only considered on an existing site that's being redeveloped. Fluet – If we aren't sure exactly what's going to go in here for commercial, does parking become the limiting factor so if we put X number of square feet of a particular use that needs X number of spaces, then we can keep going until we run out of parking. Flanders – I would agree with that. If you don't have enough parking spaces there to give you a broad range of potential uses when you run out of parking spaces you're pretty much dead in the water. Fluet - Unless you get something in there with a lower intensity parking requirement. Flanders – That's correct. Franks – Earlier I had a commercial broker trying to market the property for me and we had a lot of calls about renting places. Of course, the people aren't too eager to tell you what they want to use it for. We were really anticipating that maybe a mortgage broker or different things in there, if there was going to be a food store, it would be something small like a subway or something like that and Ben has also been dealing with a local commercial broker. Ben – Given the location and the building it will probably be attractive for some local retailers as opposed to some of the nationals so whether that be an audio/visual company that puts in flat screen TV's or a coffee shop, I think that's what we're thinking about. Bayard – The thing about the parking too is you don't want to build such a big thing that you restrict yourself because we do reserve the right to review and amend so if you then wanted to put in something that has a higher intensity, you may not be able to do that. Gary LeMay – Resident of Needle Eye Road and we have a little association down there. We're just going to watch this. I would say initially we would prefer no access onto Needle Eye Road and a barrier between Needle Eye Road and the development, maybe it could be pushed towards the Weirs a little more, but we'll work with Mr. Franks and his team. These were residential lots and we have some concerns about deed rights that may be there but through the process which will be an open process with lots of chances to have abutters and neighbors speak, we'll keep watching and see what we can do to make it fit in as well as it can into our neighborhood. Originally, we saw these as residential lots until the Town rezoned it. Mr. LeMay requested that the applicant notify him of any hearings. Fluet – All the rest of the backland will remain undisturbed.

## TOWN PLANNER'S REPORT

1. ANGELA LABRECQUE - Discuss Wetland Information Requirements per Memo dated March 11, 2008. – Basically this is something we want to provide to the Surveyors and Engineers and Wetland Scientists so they are clear on our expectations for plans that come in. We get plans with wetland delineation on it that isn't signed and sometimes not even seen by the wetland scientist until after the hearing process and a conditional approval is given and then they go get the stamp. That emphasis on the importance of wetlands should be put on the application and the application review in the beginning of the review process vs. getting that information at the end. In an effort to provide a guidance memo to the applicants, we would like to require the following wetland information at the time an application is filed. This list will be used to assess the completeness of an application with regard to wetland information.
  - (1) The Wetland Scientist name, certification number and stamp.
  - (2) The date field work was performed by the Wetland Scientist.
  - (3) The mapping standards applied to the delineation.
  - (4) Any applicable permit history.
  - (5) Identification of the Water Resource and applicable Buffer and Leachbed Setbacks according to the Zoning Ordinance, Article V, Section D-9, Subsection J., Table 1.
  - (6) A waiver request is required for any partial wetland delineation.

Flanders (inaudible) – Is that a good way to get additional items like this so you get something a lot more complete before it comes to you. LaBrecque - Absolutely, and one of the things that I'll be working on in the near future is a new application checklist for both subdivision and site plan review applications. I'll be rewriting these applications, putting together a new checklist, and this is kind of our first step so we can get stuff right now with the wetlands and then down the road in the near future, I'll have a new checklist that we'll review and add any additional items you think may be important for both subdivision and site plan review applications and hopefully a regulation rewrite but that's after.

2. Application Fee Analysis – LaBrecque - This is preliminary. The Planning Department has been asked to evaluate the fees and in an effort to do so, I have contacted a number of towns, many of which are in the Lakes Region. I've printed out fee schedules from the internet, I've talked to just about every Planner with one question or another on how they calculate their fees. This is a summary of many of the fees. The Planning Board fees have not been changed since 1986. Flanders – Several years ago the Selectmen started looking at fees and our philosophy was it should be items that are used by a person and not benefitting the whole community should be paid by the person using the fee. This is another one that fits in the category of a user fee. My philosophy is our goal should be to cover our costs at least and target a little more than our costs today because we're not going to review these fees every year. Vadney – It's obvious our numbers are low so I think this is

an excellent beginning that gives us some data. LaBrecque – We'll try to figure out an average. Site Plan Review differs from town-to-town and it's based on your regulations. Your regulations could define what major and minor site plan review is and that sometimes is by the amount of disturbance that is being created. In most of the towns, the newer site plan fees are more based on the level of impact or the scale of the project. Vadney – I think the short answer for tonight is you've really brought an interesting problem to our attention, I suspect we'd all be shooting in the dark to correct numbers on these. We need Mary Lee, Bill, John and you to weigh in on this to see the kind of things, I don't think all of your salaries have to be paid by that but I think a portion of the time you spend working on these things needs to be figured into the application fees. Flanders – I think we should be shooting for a situation where when people come in, they are a user and they should pay the whole boat and we should make sure the fee we're charging is at least equal to the most expensive cost we have so we're never collecting less. ICC has an extensive publication about fees and operation of Planning & Zoning Building Departments and their target is you should be collecting 75% of the total cost of the Department and they figure the other 25% is Code Enforcement. At least 75% of all the money we spend in the Building, Planning & Zoning Department should be collected through fees, zoning fees, planning fees, building permit fees, etc. Vadney – Check to see how much money we took in last year from these fees. Flanders – The ICC I think is a very good source of information. Vadney – This is great to see this with some comparisons. Do a simple study, don't get into the nitty gritty detail.

Meeting adjourned at 9:59 p.m.

Respectfully submitted,

Mary Lee Harvey  
Administrative Asst., Planning & Zoning

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

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William Bayard, Secretary

