

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary; Kahn; Bliss; Flanders; Granfield, Alternate; Touhey, Alternate (not sitting); Edgar, Town Planner; Harvey, Clerk

Sorell moved, Bayard seconded, THAT WE APPROVE THE MINUTES OF APRIL 12, 2005, AS PRESENTED. Voted unanimously.

APPLICATION SUBMISSIONS

1. **JAMES AND MARY CAVERLY** – Proposed minor subdivision of Tax Map U32, Lot 31, into 3 lots (3.70 ac, 4.08 ac. and 4.64 ac.) located on Cattle Landing Road in the Shoreline District.

Application, subdivision plan and abutters list are on file. Filing fees have been paid. Recommend application be accepted as complete for public hearing this evening.

Sorell moved, Bliss seconded, THAT WE ACCEPT THE APPLICATION OF JAMES AND MARY CAVERLY FOR A PROPOSED MINOR SUBDIVISION LOCATED ON CATTLE LANDING ROAD. Voted unanimously.

2. **BRADLEY LEIGHTON** – Proposed Site Plan Amendment to establish outside storage areas, Tax Map S25, Lot 15, located at 177 Waukewan Street in the Business/Industry District.

Application, site plan and abutters list are on file. Filing fees have been paid. Recommend application be accepted as complete for public hearing this evening.

Bliss moved, Sorell seconded, THAT WE ACCEPT THE APPLICATION OF BRADLEY LEIGHTON FOR A SITE PLAN AMENDMENT TO ESTABLISH OUTSIDE STORAGE AREAS AT 177 WAUKEWAN STREET. Voted unanimously.

3. **OLIVER LODGE, LLC** – Proposed Site Plan to construct a 40' x 52' recreation room/shop/storage building at an existing lodging facility, Tax Map U36, Lots 2 & 3, located at 92 Powers Road in the Shoreline District.*

4. **OLIVER LODGE, LLC** – Architectural Design Review of a proposed recreation room/shop/storage building on Tax Map U36, Lots 2 & 3, located at 92 Powers road in the Shoreline District.*

Application, site plan, building elevations and abutters list are on file. Filing fees have been paid. Recommend applications be accepted as complete. During the review of the application, Bill Edney, the Zoning Administrator, has reviewed the proposal and determined that the proposal constitutes an expansion of a non-conforming use and therefore a Use Variance is necessary in order for the proposal to be approved (see letter dated 4/18/05 for reference). The Board's Site Plan Review Regulation No. 3 states in part that "A site plan submitted to the Planning Board for review and approval must be in compliance with the Town of Meredith Zoning Ordinance." The Board could refuse to accept the application as the application is not in compliance with the ordinance and the Board has no jurisdiction to proceed as required under Regulation No. 3. In this case, should the applicant obtain the Variance, he would then submit the application for acceptance and public hearing at some later date or the Board could waive the requirement under Regulation No. 3 that the application submitted for review comply with the zoning ordinance, then accept the application as complete and proceed with the public hearing process. The Board's waiver provision is set forth in Regulation 17-B. If the building did not include the recreation space, it would no longer need the variance. Johnson - I had a discussion with Bill Edney and he made the determination that the storage area for boats and cars and the shop, currently under the lodge, needs a note to the plan that says that the carriage house is to be limited to use for storage and shop only. Who goes first in the case of a special exception is specifically provided for in the zoning. We do need some verification from Bill in writing. Flanders – I think in this case we should not accept this application until goes through the ZBA. We need a site visit. Based on the history of the site, I recommend we not accept the application.

Flanders moved, Bliss seconded, THAT WE NOT ACCEPT THE APPLICATION FOR OLIVER LODGE UNTIL WE RECEIVE FURTHER CLARIFICATION ON THE USE OF THE BUILDING. Voted 6-1 in favor of the motion.

5. **WAYNE AHLQUIST, ACME CHOPPERS FOR EAGLE ENTERPRISES** - Proposed Site Plan Amendment to establish a motorcycle sales, service and repair use, Tax Map S19, Lot 9, located at 45 Daniel Webster Highway in the Commercial-Route 3 South District.*

Application, site plan and abutters list are on file. Filing fees have been paid. Recommendation application be accepted for public hearing this evening.

Bliss moved, Sorell seconded, THAT WE ACCEPT THE APPLICATION OF WAYNE AHLQUIST, ACME CHOPPERS, FOR EAGLE ENTERPRISES FOR A SITE PLAN AMENDMENT. Voted unanimously.

6. **DA-MONT INVESTMENTS, INC. FOR VACATION ESCAPE CONDOMINIUM - CONDOMINIUM** – Proposed amendment to prior approval to provide for on-site septic disposal, Tax Map S19, Lot 58B, located at 34 Daniel Webster Highway in the Commercial-Route 3 South District.*

Application, Subdivision/Site Plan and abutters list are on file. Filing fees have been paid. Recommend application be accepted as complete for public hearing this evening. Voted unanimously.

PUBLIC HEARINGS

1. **JAMES AND MARY CAVERLY:** (Rep. Carl Johnson, Jr.)

This property is 13 acres in size. You previously saw subdivision of the lakefront parcel into two (2) lots. This is an out parcel from the shoreline properties.

Three (3) lots are being created. 3.7 ac., 4.5 ac. and just over 4 acres. There is a proposed common driveway for Lots 2 and 3 and a single driveway for Lot #1. Both driveway locations have been field approved by the Public Works Department. There are two wetland areas on the property which cross the road necessitating a 50' buffer setback and a 75' setback for septic. Three (3) buildable house sites have been shown and three 4K septic areas. Driveways have been shown. Lot 2 will be encumbered by an easement defined by metes and bounds. A draft deed will be provided for review by staff to make sure the encumbrance is included. Two foot topo was done on the ground and we used worst case soil types to determine lot sizes.

Bliss moved, Bayard seconded, I MOVE WE GRANT CONDITIONAL APPROVAL TO JAMES AND MARY CAVERLY TO SUBDIVIDE TAX MAP U32, LOT 31, INTO THREE (3) LOTS, 3.7 AC., 4.0 AC., AND 4.6 AC., SUBJECT TO CONDITIONS OUTLINED IN JOHN'S STAFF REVIEW AS FOLLOWS:

- (1) FINAL PLANS NEED TO BE CORRECTED TO INDICATE A 40' REAR SETBACK FOR LOTS 2 AND 3 AND 20' SIDE SETBACK FOR THE SHARED LINE BETWEEN LOTS 2 AND 3 AND THE SHARED LINE BETWEEN LOTS 1 AND 2.
- (2) THE PLAN MAKES REFERENCE TO SITE-SPECIFIC SOILS MAPPING AS OPPOSED TO WETLAND DELINEATION. FINAL PLANS SHOULD CORRECT THIS AND INDICATE THE DATE OF THE FIELD WORK.
- (3) THE APPLICABLE 50' AND 75' SETBACKS SHOULD BE INDICATED ON FINAL PLANS FOR EACH LOT AND LABELED ACCORDINGLY.
- (4) NHDES SUBDIVISION APPROVAL IS REQUIRED AND SHALL BE CROSS-REFERENCED ON FINAL PLANS.
- (5) DRIVEWAY PERMITS SHALL BE ISSUED AND CROSS-REFERENCED ON FINAL PLANS.

- (6) A DRAFT DRIVEWAY EASEMENT SHALL BE SUBMITTED FOR STAFF REVIEW AND THE EASEMENT FOR THE DRIVEWAY SHALL NOT ENCROACH ON THE WETLAND SETBACK; AND
- (7) WRITTEN EVIDENCE SHALL BE PROVIDED PRIOR TO RECORDING THE MYLAR.

Voted 7-0 in favor of the motion.

2. **BRADLEY LEIGHTON:** (Rep. Carl Johnson, Jr.)

Applicant previously received approval for a site plan amendment for the welding shop on Waukegan Street. Site plan approval was for an office area in the front and a three-bay addition. The proposed expansion to the rear is less than what was approved. Landscaping was installed, sign was relocated and landscaped. Various improvements to the front of the building have been made. The front area has been paved and the reason for being here is a slight revision to the site plan. Previously, the parking was all the way to the edge of the property. We are proposing a relocation of the parking slightly to the west. A stockade fence has been installed to screen some proposed outside storage. The businesses occupying the premises now are Mr. Leighton's business (Lindsey Lu, Inc.), a lawn care and ice management company in the central bay and a landscape design person in the last bay. Outside storage of the ice management material for winter deicing is the reason for the revision to the site plan. When the Board approved the site plan in 2004, a standard note was placed on the plan that there shall be no outside storage of hazardous materials or chemicals. No areas were designated for outside storage. This was to insure that materials of that nature are part of the business and are to be stored in the building and have a level of containment and are readily accessible to cleanup. There wasn't any discussion of outside storage. Bill has issued a Temporary Permit to one of the businesses, that being the one dealing with the deicing product known as "Magic Salt". Two plastic storage containers currently are located outside and Carl indicated on the revised plan that reflects the storage of this product. Several questions were raised by staff, one was regarding the status of the berm. Another question that was raised was whether or not the plan had anticipated or permitted outside storage. It wasn't something we discussed up front other than the fact that no hazardous chemicals and materials can be stored. We've allowed the temporary use of the site for this past cycle while we are in the process of having the plan updated to come back before you, basically for some clarification to see if there are any issues or concerns with some limited storage on the site. It was not clear at the outset if the Board intended to prohibit all outside storage or prohibit only storage of hazardous materials or chemicals. Therefore, staff requested the applicant proceed thru the amendment process so the Planning Board could consider whether or not outside storage should be permitted and if

so, determine whether or not storage of this particular product would be acceptable given the sensitive watershed location. Dan Harris provided us with a lot of product information from the company that he deals with. Effectively, that product is a mix with sugar cane waste by-product, but it's a pellet version as well as a liquid version. Some of the southern tier communities have used quite a bit of it and one of the benefits is that it adheres to the road a little better than the salt that bounces all over the place, so you get a little more efficiency because of the contact with the road. I don't have Bob's answer back yet. I know one of the questions he hoped to raise was, in the product information it says that the material should be stored in a cool dry place. I'm not sure how that relates to outside storage. We also came across at the Waukegan Watershed level, a Memorandum that's in your packet that is a scientific analysis of the various deicing products. The issue here was looking at whether or not there was high phosphorus content. We don't have a definitive recommendation for it, but we have come up with some things that may help with subsequent tenancy reviews. One thing is to make sure that the use of the lot, the storage, the parking and so forth, really needs to be limited to those who are tenants and have been approved via the CO process. We now have the Water Department signing off on all occupancy permits in the watershed. Vadney – Are you saying the storage should be materials they need for the business they are operating and not just an extra airplane or snowmobile, etc? With respect to the note regarding outside vehicle washing, it should be expanded to include no outside vehicle maintenance. Regarding the existing note concerning outside storage of hazardous materials, we talked about the idea of trying to expand that note to indicate (1) that the site is located within the public drinking water supply watershed; and (2) the storage limitation should apply to other materials that might not be technically hazardous, but may represent a potential threat to water quality. Bob Hill will participate in the "sign-off" of all commercial and industrial CO's located within the Waukegan Watershed to ensure compliance with any conditions or limitations imposed by the Board with respect to protecting water quality. We hope the occupancy review between Bill and Bob with the appropriate plan notes would check out anything and get it pointed in the right direction. Vadney – When we approve this for the types of activities, I didn't think we expected something like a trucking industry in there. How many trucks of this stuff come in and how many go out. Harris – Two deliveries were made this winter, each 4,500 gallons. The material is pumped onto one of my service trucks and then taken to the site. Leighton – Deliveries are made first thing in the morning at 6:00 a.m. The tanks are made out of polyethylene and it's an agricultural tank used for fertilizers, chemicals, oils, etc. There are three (3) tanks on site. If business expands rapidly, a new location would probably be required. The shipments would be much larger. Right now, two tanks are all he will need if that's all he is allowed. Kahn – How does the stuff get into the tanks? Harris – The liquid comes on a tanker truck, 4,500 gallons on the nose. He pulls

up and he's got a generator and pumps into the tanks. The tanker pulls in parallel with the fence and has a 50' hose. Kahn – The berm on the plan seems to end at the propane tank. Johnson – Yes. Primarily because of the grading of the lot. Kahn – If there were to be a leak in a tank or if there were to be a leak in the pumping process, the water would flow north and would not flow toward Waukegan Street? Johnson – Correct. The berm was a component and it's still noted on the plan, Mr. Leighton has been in contact with Mr. Edney and they do have the game plan to construct the berm soon. That is a component that Mr. Edney has in his scope that has to be done and I'm sure that if Bill goes out there and looks and they want to extend the berm a little bit, that would be easily accomplished. Right now, the grading of the lot is sort of towards the back and the berm was to prevent the drainage from going down into the wetland complex. Bliss – Did these two tanks show up first and then we found out about it and now they are coming in for an amendment. Edgar – Bill was aware of it and has given them a Temporary C.O. with the understanding that he needs to come back and their occupancy is at risk if the Board determines that it's not an acceptable use. Bliss – That is some of my concern, that if it clearly stated there was not supposed to be outside storage facilities... Edgar – What it says is "no outside storage of hazardous materials or chemicals". This is not classified as a hazardous product. It's a relatively benign product. It's not necessarily something you would want to dump a 1,000 gallons into Lake Waukegan, but it's not technically classified as hazardous. Bliss – When we did the site walk through here, there were some wetlands and a ditch that goes down towards the lake. Why were those two spots picked rather than on the other side of the building or where some of this parking is? That doesn't look like the safest place to me. Johnson – Having it at the rear of the building would interfere with the parking and access to the dumpster. In terms of that drainage, that's going to be solved with the installation of the berm. In terms of outside storage, there's a drastic improvement over what was there and one of the components that the Board is always concerned with is how does it look. If you drive by, there is landscaping in several places and fencing to screen it from the road. Bliss – I seem to remember us talking about no outside vehicles and there wouldn't be any backhoes. It was for the businesses parking use, for the people coming and going, not vehicle storage. Johnson – Mr. Leighton's business is here and he owns a backhoe so I'm assuming it's his backhoe which is part of his business and permitted in the Business & Industry zone. I think the discussions were centered around what John is getting at in terms of the things that are there being attached to there, so it wouldn't be somebody else's backhoe or trailer that was there. Bayard – Part of my recollection on that was that we didn't want junk, old vehicles or stuff that was in need of repair. Is the dry material stored outside? Harris – Inside on pallets. Bayard – Two, three or four of these tanks doesn't seem to bother me, it's not hazardous waste per se, as long as it's kept in approved containers. Edgar – There's no time sensitivity to this and I do wish

I had Bob Hill's follow-up. Bob had agreed to follow-up with Dan and the vendor to pursue some of the particulars of this relative to outside storage. I would suggest that you continue this hearing for a couple weeks until we get Bob's recommendations. That clarification may be helpful to the Board. Vadney – What is the density on this stuff, is it heavier than water? Harris – A little bit. Kahn – Are these tanks and propane tank in the side setback. Johnson – That's correct. Kahn – Do they have to be? Johnson – The propane tank is buried and the material tanks are not permanent structures so they are not required to be outside of the setback. The other thing to remember, is particularly interesting because this is actually a laid out roadway that doesn't exist. Vadney – It's not like a liquid salt type of thing? Harris – No, it's completely biodegradable and the weight is similar to not quite syrup. Bliss would like to see the tanks moved out of the setback. Edgar – In looking for a location for the tanks that might be safer, the parking calcs that we are looking for 27+ spaces is basically the industrial category. As a practical matter, these four suites aren't going to generate that kind of parking. If there's a better place to put these things and if it means swapping out a dumpster and snipping a space or two, we could make a better site plan. Kahn felt the tanks should be placed on an impermeable surface. Johnson – If that were fuel, I would agree. There is nothing that I've heard or read or have had indicated to me about this product that leads me to believe that if you dumped 1,000 gallons of it on the ground right here, it wouldn't pose a threat to anything. I think we're going way above and beyond what this product represents. The berm was designed because this site is in the proximity of a wetland and is in the Waukegan Watershed area and it was to somehow contain high rain volumes so that it didn't erode into the wetland. In terms of pavement, there's no quicker way to get this product into the wetland than to have it paved because you would have to have the pavement drainage go somewhere and it would go much quicker if it were paved. Hearing closed at 8:50 p.m.

Bliss moved, Kahn seconded, I MOVE THAT WE CONTINUE THIS HEARING TO THE NEXT MEETING ON MAY 10, 2005. Voted unanimously.

1. **WAYNE AHLQUIST, ACME CHOPPERS FOR EAGLE ENTERPRISES:** (Rep. Roger Roy)

Applicant proposes to amend site plan to show the use of the building located on Chris Johnson's property previously used as Gordon's Antiques. Applicant proposes to establish retail sales of motorcycle parts and some design fabrication on site. He intends to use the space as a high-end motorcycle parts sales and some design fabrication. Major fabrication will occur off-site. He has talked with NHDOT and he is not going to generate more traffic than the antique shop. Edgar - Applicant is leasing one of the buildings on the site so it is basically a change in tenancy and change in use which necessitated the site plan

amendment. We are working with Roger on the driving range side for another very low-impact business that probably will follow soon. For now, we are looking at primarily a motorcycle parts/sales type of facility. It is noted on the plan that all major machining is not part of this proposal, that will occur off-site. The building does include a one-bedroom studio apartment and storage unit that will remain and the code folks are looking at whether or not there are fire separation issues that would be part and parcel to the occupancy requirements to make sure nothing occurs in the shop that would be potentially dangerous to the tenants. There is no proposal to expand the building and no dirt work is proposed. Wetlands were delineated, but all conditions are existing. Applicant needs to contact NHDOT to see if an amendment is required to the driveway permit. Because of the low impact, I feel it will probably just be a routine approval. The location of the water supply should be noted on the final plans. Final plans should note the location of any fuel supply with sign-off by the Fire Chief. Only access to this property is from Route 3. The business will be year-round. Are there any plans for tenants or rental of space for vendors? Will there be any outside storage of parts and odds and ends? Designated outside storage would require screening. Is there any inordinate noise coming from the business? Roy - This is primarily an internet sales business with deliveries coordinated through UPS. He hopes to have some local pass through business, but the majority of his sales are through on-line business. I don't know the exact type of motorcycle parts he designs. Flanders - Where it says design fabrication in 1,320 sq. ft., when you see Orange County or West Coast Choppers on TV, that's design fabrication. Is that what we're talking about? The purpose of this site is to have a place for someone to sit and design some parts and play around with the parts a little bit. When the design is finalized and gets approved, then they will send it out to a full-scale fabrication shop. Fabrication is done off site. Note #9 - The purpose of this plan is to incorporate retail sales with its accessory use of light design manufacturing of approximately 1,680 sq. ft. within one of the existing buildings as shown. All major part machining and production will be performed off-site. Where is the dumpster location? Roy - At this time, we haven't proposed a location. We can add that to the plan and provide screening. Flanders - It would be necessary to be consistent with what we've done with every other site. No routine maintenance will be done on-site. Bayard - Is this saying there will be no routine maintenance done here? Roy - It's not a motorcycle repair shop. Ralph Pisapia - Is there a new sign proposed for Daniel Webster Highway? Existing sign will be used. Linda Johnson - It says sales, not motorcycle part sales. This is not a repair facility nor a motorcycle showroom. It really has to do with specialty parts. Vadney - We do need to make sure we sanitize the language in this. Roy - Note #9 covers it and talks about the uses on the site. Edgar - There's no reference to maintenance or service and that type of thing. If he were to sell motorcycles from the site, it's still a permitted use. It's a small facility. Flanders - You're just using the front

part of the building and then we've got those other storage areas, are those being used by some tenants? If so, for what. If not, what would you envision going in there because that could change the parking requirements. Roy – The owner of the property and his son use the storage area on this property. It's not really a public storage facility. They may access it once or twice a month. We maintain access to the doors that are at the building. A dumpster will be provided because we are going to be back before the Board with another application to provide a business use of the other vacant building. Vadney – I hate to get too particular on this John, but do we want to take a look at Note #14 and reword it to say something like specialty motorcycle parts sales and parts design? Roy – How about sales and design of motorcycle parts?

Bliss moved, Bayard seconded, I MOVE THAT WE APPROVE A PROPOSED SITE PLAN AMENDMENT FOR WAYNE AHLQUIST, ACME CHOPPERS, FOR EAGLE ENTERPRISES, TAX MAP S19, LOT 9, LOCATED AT 25 DANIEL WEBSTER HIGHWAY IN THE COMMERCIAL-ROUTE 3 SOUTH DISTRICT, WITH THE FOLLOWING CONDITIONS:

- (1) THAT THE CHANGES TO NOTE #14 THAT WE JUST SPOKE ABOUT;
- (2) THAT A DUMPSTER IS LOCATED ON THE PLAN WITH SCREENING;
- (3) THAT THE EXISTING WATER SUPPLY BE LOCATED ON THE FINAL PLANS FOR INFORMATIONAL PURPOSES;
- (4) THAT THE FINAL PLANS CROSS-REFERENCE THE NHDOT APPROVAL;
- (5) THAT THE FINAL PLANS NOTE THE FUEL SUPPLY LOCATION WITH SIGN-OFF FROM THE FIRE CHIEF; AND
- (6) THAT THE BOARD RESERVES THE RIGHT TO REVIEW AND AMEND.

Motion defeated 5-1, 1 abstention.

Granfield – When a part is designed and sent out to be built, don't you get it back and put it on the motorcycle to see if it works? Roy – I don't know the exact level of design fabrication that's going to occur. At no point did Wayne describe a testing facility. Vadney – What if the specialty part that's being sold, is some thing that adds 5000 RPM to the engine and the customer wants it put on so he can go outside and test it? Roy - We can show some reasonable business hours on the plan from 9-5 p.m. and weekends. Edgar – Roger could further clarify the testing issue. If there is no significant testing component, we could come back here in the context of a compliance hearing. Vadney – I think that could be a condition of Pam's motion. Kahn – Are we to assume that in the case of retail sales, there will be installation on site? Vadney – If Pam added a condition that this not be any significant testing that would cause undue noise outside the shop. Roy – I don't want to restrict how Wayne operates this small tenant space because I don't know

all the answers to your questions. Vadney – I am concerned that we would do him a greater disservice by approving it this way than having him come in and explain some of these things that may be non-issues. Flanders – I don't think we've got enough information. I would not support any kind of conditional approval tonight and I think it's incumbent upon the applicant to provide us with a reasonable level of information which I don't feel they've done here tonight. Bliss – I would also like to point out that it is permitted in this area, it is a commercial use, they can have motorcycles there so I think this is a much lower use than what we could see in here. Flanders – I think we have an obligation to identify specifically what's going to happen. They are here because it is a change of use and that requires that they come back to the Planning Board. There's been a lot of basic questions asked here tonight that we haven't gotten answers for and I think we are making a mistake by approving this tonight. Hearing closed at 8:57 p.m.

Bayard moved, Kahn seconded, THAT WE CONTINUE THIS HEARING TO MAY 10, 2005. Voted unanimously.

6. **DA-MONT INVESTMENTS, INC. FOR VACATION ESCAPE CONDOMINIUM:**
(Rep. Joe Wichert)

I believe we got our approval in 2004 and I think we came back in January of 2005 for a compliance hearing. The compliance hearing at that time was in regards to our sewer improvement plans. Originally, the intent was to go 650' northerly and tie into the sewer line that's at J.B. Scoops. We had designed and have gotten everything short of final signoff from DOT with the exception that they wanted some releases. Bob Hill from the Sewer Department had OK'd the plans and we had made a submission to DES and we were awaiting final signoff from DOT. While the client was waiting for the approval, we came down into the fill section on Route 3, there's what I call a cattle crossing or a large pass thruway that goes through. The original sewer design called for that sewer line to go underneath the cattle crossing and then come out. The DOT had preferred that we core more or less through the center of the cattle crossing maintaining a minimum depth of cover of approximately 6 feet. As they were doing that, DOT had requested we get a signoff from both of the abutters. Vadney – You weren't going through the tunnel itself? Wichert – We were going to go perpendicular to it. The actual crossing goes east/west and we were going north/south so we were going to core through the center of it. If you were standing on one end of it, you would still see daylight, but you would see the pipe in the middle. Flanders - How would you protect that from freezing? Wichert – They were going to insulate and sleeve it and that had received DOT & DES approval. During this interim while we were resolving this item, Da-Mont Investments ran into financial difficulties at the time. The mortgage that was on the property which was owned

by Teng Realty, which is a subsidiary of EGC Realty, LLC, the property actually went up for auction, the mortgage was foreclosed on and EGC Realty, LLC is now the current owner. When we ran all the numbers for the project, we took the amount of the sewer improvement plans, the amount of the tap fees and trying to resolve the issue of the signoff on the cattle crossing, the manager of EGC Realty LLC made the determination that he would rather go to on-site septic as opposed to municipal sewer. Obviously, as John has indicated in his letter and it was a condition of approval from this Board that your conditional approval upon the condominium conversion was predicated upon municipal sewer. We have prepared two leachfield designs that have received approval from Mr. Edney in Code Enforcement. We submitted them to DES. DES has given us the review letter back on the leachfield designs with the only comment being that we need State subdivision approval in order to make that happen. We are dealing with DES trying to make the State subdivision part work. Right now, the drawback is there is a small leachfield to the east of the office building unit. That septic system was a replacement system which has local approval on file at the Code Enforcement office, but never received State septic approval. We had looked at putting this 675 gallons into here, but that was going to have an issue with the downslope setback or side slope setbacks. What we have come up with is through DES and hopefully going to be our last revision, we're going to get that to Mr. Edney on Friday because we're going to draw up a plan that's going to have State septic approval and once that plan is approved, DES will approve the subdivision plan and then the client will construct the two leachfields. At that point in time, it is our hope that we can come to the Board with a mylar with State subdivision approval, State septic approval and not have to go through the process of the bonding or the financial guarantee. With regard to John's comments on the utilities on his review memo, we will amend the notes once we receive the necessary approvals. There is a note on there about the water on previously submitted plans. During this process while we've been dealing with DES in trying to get State subdivision approval, the Subsurface Bureau has an incremental well radius and if you go under 4900 GPD, you can reduce your well radius to 125'. The Water Board's threshold is anything under 4900 GPD is 150' protective well radius so we're going to end up amending that back to 150'. Edgar – At the 125', the protective radius goes through the approximate of a leachfield. How's the State going to review that if we go to 150' on the design that you'll be submitting for that replacement system and will be wholly within that protective well radius. How does that work? Wichert –We talked to Jim Gill from water quality back I believe it was in November. The basic assumption of what DES is using is this site has a water permit, it's actually listed in Note #9. That water permit is, for lack of a better term, a grandfathered water permit. The well was in place and had the necessary connections prior to the enactment of the ordinance that required the well radius. What DES' position is as long as what you are doing is not making it any worse, they will sign off on the water

supply permit providing that the water quality results are adequate. The last water test we had was in June of 2004. We submitted that to Mr. Edney when we gave him the septic plans for the two fields we are proposing and he agreed that those were adequate. I can send a memo to Jim Gill and ask for a letter of inaction, but at this point in time, we were told back in the fall that no amended approval would be given because we are not changing anything. Again, just so the Board can know some of the issues that we've been dealing with, the property had a separate field and when the client bought it, they were told all the other buildings and connections tied into this leachfield that was basically on top of the wetlands. What we found out when Da-Mont was going through and rehabbing the buildings was somebody had illegally connected all of the units down into this pump system that was feeding into this small system that was designed for 600 GPD. If you took it at its best case which is when we do our redesign, we're probably going to try to keep it at least 125' off, possibly not the 150' so it would be better than what currently exists and assuming that it's only for 600 and not the illegal connection. We have brought both of these two systems out, we haven't asked for any waivers on the systems, the systems are fully compliant. I believe they comply both with the local ordinance and the state ordinance. As I said, I would be happy to get you a memo from Jim Gills. Edgar – I think something in the file would be appropriate because on it's face the question is going to come up, how do you have a brand new leachfield (can't make out)? Flanders – If you add 25' to that water radius, one of the new leachfields now encroaches on that well radius. Wichert - I think the line he drew is fill extension which was a foot over. I think the field is right at 150'. Edgar – The one he is referring to is the one that shows the approximate leachfield location. Wichert – The design intent is actually set at 150'. Vadney – Are there any limits on the well radius going onto a different piece of property? The well radius appears to cross onto someone else's property. Wichert – Yes, it does. Vadney – Is that within the law. Wichert – It's within the law in the sense that it's a grandfathered well and under a grandfathered public water permit. I would be happy to get you a memo from DES to confirm our earlier discussion. Because the well is in place and has already been tested, if we don't increase any useage or propose any new construction, DES has indicated that they don't have to dig a new well to comply, because it already exists, it's already servicing the same flow we are proposing. The only change that we're making is that we are going from fee ownership to a condo form of ownership, but the flows and useages are identical per the conditions that this Board has placed on the project. Vadney – If that were to be a new project today, the well would require a 150' radius. Wichert – yes. If it were a new project today, this well radius would be entirely within our property or we would have a well radius easement onto the neighboring property. Vadney – Is there any possibility that there would be a problem that the property is grandfathered with that well, but when it comes to whoever owns that other piece of property, he thinks he can build on it. If he

wanted to do something 130' away, is it now legal or illegal? Wichert – Legally, the owner of #60 could probably build within 10' of their lot line, because that's why DES changed the ordinance that the well radius had to be within 10' of your property. In fact, Lot 58B would be taking away the right from Lot 60 to develop a portion of their property. Edgar – Somewhere along the way we need to flag that fact because if somebody on Lot 61 wants to develop, they could potentially exercise their property rights and put something in that protective well radius that could affect that well. They are grandfathered in that they don't need an easement, but there's an element of risk by virtue of the fact that it does extend on somebody else's property. Maybe an easement's not required, but something could happen that could raise questions relative to the suitability of that well location. Wichert – Something could happen and that's why under the public water permit, they are testing twice a year when it becomes active. Should the DES get a substandard test result or a result that would indicate some kind of contamination from whatever leachate or any other kind of use at that point in time DES would contact the landowners, the 22 unit owners, and the condo association as a whole would then be responsible for remedying the problem whether it be through easement or moving a well. Kahn – On the same issue though, I realize that they have no control over what happens on Lot 60 or 61, but they do have control over what happens on the withdrawable land. Do we have any control over something happening on the withdrawable land within the 125 or 150 feet. Wichert – the original plan when we were going with the municipal sewer called for a withdrawable boundary that came to here then the party developing would reserve the right to develop the withdrawable. Due to the loading calculation and the change from going from municipal sewer to septics, it ends up that we need between 7 to 7 1/2 acres of land including the wetlands and the well radius to make this work. There is no withdrawable land as part of this plan. The whole 9.07 acres will be submitted with this plan and that will be it. Edgar – I think that on the Permit Register if we're seeking state approval for a new design for the smaller field, this should be added. In terms of the Performance Guarantee as this is a subdivision, we basically have the option of either requiring a performance guarantee in which case We either have a pre-construction conference or sit down with Bill once everything is in order, then they would install the system under a conditional approval. That would be my preference. I think the Town in this case would be in a better position that if everything else is in place, allowing them to install the system once they have construction approval from the State and then go put them in. Once they have Operational Approval from the State, we'd come back and create the condominium.

Flanders moved, Bayard seconded, I MOVE THAT WE APPROVE THE AMENDMENT OF THE CONDITIONAL APPROVAL FOR DA-MONT INVESTMENTS, INC. FOR VACATION ESCAPE CONDOMINIUM TO PROVIDE FOR ON-SITE SEWERAGE DISPOSAL SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) FINAL PLANS NEED TO CROSS REFERENCE BOTH APPROVALS FROM DES (1) NHDES SUBDIVISION APPROVAL AND (2) NHDES SEPTIC DESIGN APPROVAL;
- (2) APPLICANT SHOULD PROVIDE CONFIRMATION AS TO THE ACTUAL DES REQUIREMENT FOR A WELL RADIUS FOR THIS TYPE OF TRANSIENT WATER SUPPLY;
- (3) DRAFT DECLARATION FOR THE CONDOMINIUM SHOULD BE AMENDED TO REMOVE WITHDRAWABLE LAND FROM THIS PLAN;
- (4) WE ARE WORKING UNDER THE PREMISE THAT THE SEPTIC SYSTEMS WILL BE CONSTRUCTED PRIOR TO FINAL APPROVAL; AND
- (5) STAFF WILL REVIEW ALL CHANGES TO THE DOCUMENTS.

Voted 7-0 in favor of the motion.

PRE-APPLICATION REVIEW

1. **CARL JOHNSON, JR. FOR BRADLEY LEIGHTON:**

Applicant proposes to create a cluster development of property he owns on Corliss Hill Road. This parcel contains 13 acres of land and he is proposing to construct a new road that will end in a cul-de-sac. A soils map has been done basing lot loading calcs on soils information. Five (5) units are proposed at the top and 3 units at the bottom. The applicant is trying to incorporate existing house lot into the subdivision. Existing wetlands have been delineated. A site specific soils map was prepared. We are looking at probability of connecting to the municipal water supply. This would add economic value to the lots. Test pits have been dug throughout the property. Bottom portion of property is bounded by stonewalls. Upper units would be the view units. There is a possibility of a Boundary Line Adjustment to add some land for lot sizing. This proposal concentrates development in areas that can handle it. Green space may be larger than the required 50%. No setback on the interior. No impacts to wetlands or buffers. The lots being sold will not meet the lot loading themselves. Common leachfields may be used. A Special exception is required from the Zoning Board of Adjustment. Lot sizing may be more restrictive. Two foot contours have been provided. A fire hydrant is available. No cisterns required. Hatch Brook does come with a significant setback. Wetland flags have been located. The proposed road will be engineered. Grade will be 10% from the top to the bottom. Common mailbox grouping will be provided. Closed at 9:45 p.m.

2. CARL JOHNSON, JR. FOR ALBERT AND DONNA DUCHARME:

The proposed property is over 200 acres in size and is located on New Road near the Meredith/Sanbornton town line and bordered on the east over a Class 6 road. A complete perimeter of the property has been done with 20' contours. Some of the lots are large in size. The green area encompasses more than 50% of the project. There is a large green area around the perimeter of the property. Most of the perimeter buffer is at least 200'. A new road will be constructed into the property. Common driveways will be used where practical. Green corridors which are where persons residing in this area can get to the green area will be provided. Owners of this property will occupy one of the proposed units. Chuck Palm, Fire Chief, will require a 30,000 gallon fire cistern. Johnson met with Mike Faller regarding location of the entrance. Applicants propose to use the existing wetland crossing, but would require zoning approval and State of NH approval for modification. A common drive will come off New Road. Driveway crossing will require special exception and DES approval. We do not anticipate any additional buffer impacts. This area has 10 acre minimum lot sizes. Worst case soils analysis has been done. Covenants and restrictions will go along with the subdivision for sensible open space. Two road cuts are proposed off New Road. Each of the lots would have frontage on New Road. Sight distance may require roadway improvements to improve sight distance. Applicant may be required to contribute to roadway improvements and the road will be engineered. Applicant is looking to be able to use a reduced road standard because of the remote area. Closed at 10:02 p.m.

TOWN PLANNER'S REPORT

1. **DESIGN CHARRETTE** is scheduled for May 20 & 21, 2005. A group is coming in to work with the public to look at some issues on South Main Street.

Plan Signatures: Meredith Community Center – Site Plan
Production Trailer & Docks (Howard Richards) – Site Plan
RAFD Realty, Inc. – Site Plan

Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant
Planning/Zoning Department

MEREDITH PLANNING BOARD

APRIL 26, 2005

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

William Bayard, Secretary