

PRESENT: Bayard, Acting Chairman; Sorell, Vice-Chairman; Flanders; Secretary; Finer; Granfield; Kahn; Touhey; Edgar, Town Planner; Harvey, Clerk

Finer moved, Granfield seconded, THAT THE MINUTES OF APRIL 13, 2004, BE APPROVED AS PRESENTED. Voted unanimously.

APPLICATION SUBMISSIONS

1. **D & D REALTY, LLC FOR EAST COAST FLIGHTCRAFT OF NH –**
Proposed Site Plan Amendment to refurbish front of existing warehouse and display area with related site improvements, Tax Map R02, Lots 31 & 32, located at 177 NH Route 104 in the Business & Industry District.

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

Finer moved, Flanders seconded, THAT WE ACCEPT THE APPLICATION FOR SITE PLAN AMENDMENT OF D & D REALTY, LLC FOR EAST COAST FLIGHTCRAFT OF NH, FOR PUBLIC HEARING THIS EVENING. Voted unanimously.

2. **RAYMOND CRAM, JR. FOR BRADLEY LEIGHTON** - Proposed Site Plan Amendment to construct a 40' x 40' and 20' x 36' addition to an existing commercial building, Tax Map S25, Lot 15, located at 177 Waukewan Street in the Business & Industry District.
3. **RAYMOND CRAM, JR. FOR BRADLEY LEIGHTON –** Architectural Design Review of proposed addition to an existing commercial building, 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 for public hearing this evening.

Application, elevation plans and abutters list are on file. Filing fees have been paid. Recommend application be accepted for public hearing this evening.

Finer moved, Granfield seconded, THAT WE ACCEPT THE PROPOSED SITE PLAN AMENDMENT APPLICATION AND ARCHITECTURAL DESIGN REVIEW APPLICATION FOR PUBLIC HEARING THIS EVENING. Voted unanimously.

4. **18 MILE POINT DRIVE, LTD. AND 18 MILE POINT DRIVE REALTY TRUST** – Proposed Boundary Line Adjustment between Tax Map S17, Lots 18 & 18A, located on Mile Point Drive in the Shoreline District.*

Application, Boundary Line Adjustment Plan and abutters list are on file. Filing fees have been paid. Recommend application be accepted for public hearing this evening.

Finer moved, Flanders seconded, THAT WE ACCEPT THE APPLICATION FOR BOUNDARY LINE ADJUSTMENT FOR PUBLIC HEARING. Voted unanimously.

PUBLIC HEARINGS

1. **EQUIVISE LTD. FOR CRESTWOOD ESTATES SUBDIVISION:** (Sorell stepped down) Rep. Dirk Grotenhuis, Patrick Wood, Peter Schauer, Frank Yerkes, Mark Malynowski, Eric Pearson - Proposed 63-lot residential cluster subdivision, Tax Map S20, Lot 3, located on Parade Road in the Forestry/Rural District. Application accepted April 13, 2004.

The proposed project site is approximately 207 acres in size and is located on Parade Road. The proposed residential cluster subdivision as designed right now consists of 59 lots. Primary access to the site is a single entrance from Parade Road. There will be a realignment of the Class 6 roadway that runs through this site. This is a cluster subdivision and 50% of the lot is required for open space. Jurisdictional wetlands are part of the common areas. The site has frontage on Parade Road in three different places. The State has recommend a single access as proposed. All driveways will be accessed off the cul-de-sacs. No driveways will be off Parade Road. This property is located in the Forestry/Rural zone which allows cluster subdivisions. Open space is approximately 53% of the total area. The lots will be serviced by individual wells and for the most part individual septic systems. Nine of the lots will be on a community system. Currently, the open space does not include the ROW for the roadways, development of the community septic nor the cisterns. Two cisterns will be provided on the site. Preliminary response has been received from the State that location of the driveway is acceptable. No mitigation is required at this time for the driveway access. Dredge & Fill Applications have been filed with the State. Direct impact to the wetlands is a total of 1200 sq. ft. Wetlands encompass approximately 31 acres, 1/2% (1 acre) is located within private lot development. Town buffer impact is 10,000 sq. ft. within the 50' buffer of non-designated wetlands. No direct impact to the wetlands. State Subdivision Approval is in process. Plans show 4,000 sq. ft. loading areas

for the leach fields based on an average for 4-bedroom homes. Stormwater drainage application is in process and being reviewed by the State. We are providing overland treatment through vegetative measures and four areas have been located for detention ponds. All stormwater will be treated or detained to at or below pre-development conditions. Lou Caron, the town's engineer, has submitted a review letter with his initial review comments. Association documents have been drafted. Applicants requested that the hearing be continued to the second meeting in May. Edgar – Engineer's letter and staff reports were generated today. A portion of this site lies within the Paugus Bay Watershed. Water quality issues are important on all projects but in this particular case, we are in a sensitive watershed area and need to be mindful of that. Applicant will need to meet with the Board of Selectmen regarding the Class 6 road which runs through this property. Town Meeting authorized the discontinuance of the road subject to terms and conditions established by the Selectmen and that the subdivision include provisions for a potential thru road from Parade Road to Route 3. I have met with the Selectmen on a preliminary basis to discuss this issue and possible road standard waivers associated with the proposed length of the dead-end road. Some of the geometry and some of the vegetative buffers have been purposely designed with that in mind. Currently, the number of lots being proposed is 59. The area-per-dwelling unit requirement in the FR District is 3 acres per unit. Two hundred seven (207) acres can support a density of 69 units, 59 units are being proposed at this time. A Special Exception from the ZBA is required for the cluster. Applicant is proposing 104 acres of open space which should be open and should not include roads, drainage facilities, etc. A 50' minimum buffer is required along the entire perimeter of the development. The lots range in size from 1 ac. to 2.4 acs. A formal submittal is needed that demonstrates on a tract basis, the property can support the proposed units from a soils and slopes perspective. The analysis must deduct all wetlands and slopes greater than 25%. The Police and Fire Departments have been involved in the proposed access location. DOT permits are required. Questions raised at the site inspection included the site distance looking west towards Laconia and the dogleg offset with the Forestview Manor driveway. Surveyed information for the site distance should be provided to the Planning Board and the DOT. The 3500' dead-end road should be evaluated for emergency purposes and should be reviewed by the applicant and the Town. Wetlands have been mapped by Peter Schauer and there are 31 acres of non-designated wetlands on the property (15% of land area). Setbacks of 50' for development and 75' for leach beds have been noted on the plan. There are two areas of direct wetland impact, 1933 sq. ft. with an additional 5662 sq. ft. of buffer impact associated with road construction; 198 sq. ft. of impact and 814 sq. ft. of buffer impact

associated with a drainage pond. There are two other instances where road construction would impact buffer areas totaling 3,586 sq. ft. A special exception is required for the pond and direct and non-designated impacts. During the site walk the Meredith Conservation Commission and others questioned the accuracy of some of the wetland flagging. A letter was received from the Conservation Commission. The letter raised 4 issues. The first is sizing of the box culvert at the entrance location. They have suggested looking at a wider box culvert that might reduce impacts to the wetland. The second one has to deal with this issue of cumulative kind of impacts. The Commission feels that 9 of these lots would require ZBA relief for buffer restrictions before the homes could be started. Finally, the Commission This issue was also raised in a telephone conversation with a member of the Laconia Conservation Commission as well as written correspondence from abutter, Richard Campbell. The Planning Board should not approve any lots that need to go to the ZBA for relief. Concerns were expressed regarding the community leach field and whether or not it would be maintained to protect the environment. State approval is required for all septic designs. Underground utilities are recommended. Applicant is considering going underground. Two fire-fighting water supply cisterns are being provided. Chief Palm is reviewing the plans and specifications. There are 8 roads proposed for a total of 8500' at full buildout. Road alignment, drainage and erosion control plans are under review by the Town's engineer. Roads with 12' lanes and shoulders are proposed. Cul-de-sacs could be less than that and still be within the Town's standards. The roads are considered private until such time as the Town agrees to take them over, usually at about 50% buildout of the subdivision. No information on the 3-phase project and how it will be accomplished. Pedestrian circulation was discussed during the preliminary stages of concept development, but nothing has been presented. It had been suggested earlier that a school-age generation study be looked into. Does the Board want to see this type of study? A Performance Guarantee will be required prior to final approval. Recommend public hearing be continued. Any submittals need to meet the 2-week submittal requirement. John Granfield – The Class 6 road should be considered as an emergency access. Concern expressed regarding the 8% grade into Hickorywood Circle. Secondary access to Route 3 is being looked at. It is not planned that the Class 6 road will always be a dead-end. ROW is 50' wide. Applicant is looking at how to provide pedestrian access. Any type of trail system would further impact wetland areas. Finer – Would like to see a school-age generation study prepared. Peter Schauer can address stormwater management. Five ponds are proposed on the project and a variety of swales. The Wetland Scientist has not submitted anything relative to the functions of the wetlands and the functions of the adjoining buffers that

support the proposed impacts. A functional evaluation should be submitted to address basic questions such as: What are the functions of the respective wetlands and wetland buffers and how will these functions be impacted by proposed road development, storm water runoff, etc? A summary report could be provided that could go to the State. Touhey – The Oakwood and Frazierwood turnarounds appear to be very tight with 4 lots having access from the cul-de-sac. Applicant advised that these turnarounds meet and exceed town regulations. Ralph Pisapia, representing the Conservation Commission – The CC would like the Board to not approve any lot that would require any relief from the ZBA to protect any wet areas. He indicated that there are 9 lots that are of concern. Mike Campbell has serious concerns about the location of the septic tanks and would like verification that these would cause no damage downstream. Edgar stated the issue would be the leachfield and not the tanks. State design approval would be required for the systems. The Board supported the request for the wetlands delineation update. Flanders – These areas are delineated by a Soil Scientist and he would be putting his license on the line if these were delineated incorrectly. Special concern was noted with the areas abutting the back of the lots. Edgar – The Town needs to be assured that those areas are delineated correctly. Schauer - The lots at the end of Hickorywood were checked today and have determined that they are correct. Verification will be provided, any lots that have wetlands will be checked. Edgar will have a dialogue with the engineers about protecting the wetland values. Virginia Dearborn asked how long it takes to prepare a wetland study and when they started. Schauer advised it was done in a few weeks and the wetlands were delineated last summer. Dennis Dearborn – There is an underground stream that feeds a pool that is 9' x 12'. He is not sure of the exact location but if it is there, it is running right now. Diane Hanley of the Laconia Conservation Commission spoke regarding the concerns of the Laconia Conservation Commission relative to wetlands and slopes, etc. The pedestrian trail system would be an appropriate amenity to this subdivision. Equivise will be constructing the homes unless blocks of lots are sold to outside contractors. The follow is a list of issues that Edgar feels needs to be address at the continued hearing.

- Wetland delineation adjustments as necessary
- Wetland functions analysis
- Lot and common area layout revisions based on wetland and building envelope concerns
- Plan revisions to indicate pedestrian circulation, pathways, etc.
- Road alignment adjustments based on safety issues raised by our consulting engineer
- Confirmation of sight distances on Parade Road

- Evaluation of the Class 6 road on the Route 3 end for potential emergency access purposes
- Clarification of project phases
- Draft Homeowners Association documents
- Submission of a school age generation analysis
- Resolution of Selectmen's issues associated with the Class 6 road and any road standard waivers
- Other issues of concern that may come from the public hearing

Flanders moved, Finer seconded, THAT WE CONTINUE THIS HEARING TO MAY 25, 2004. Voted unanimously.

2. **GYPSY CAMP TRUST** – Continuation of public hearings held on December 23, 2003, January 27 and March 23, 2004, for a proposed Cluster Subdivision of Tax Map S07, Lot 5-1, into (3) units located on Cattle Landing Road in the Shoreline District. Application accepted November 25, 2003.

This is a combination cluster subdivision and two-lot subdivision on Cattle Landing Road just before the Town Docks. When we were here last there were some notes that needed to be added to the plan and clarification of the soil-based lot sizing table. Some notes regarding soil mapping standards, a permit register and there were two primary areas of concern that the Board had also in conjunction with concerns that an abutter had regarding the buffering of the house site on Unit 1A in relationship to Dr. Meola's lot. We also talked a little bit about the relocation of the wetlands crossing as it comes towards the corner of Dr. Meola's lot. We've updated the plan to delineate a 25' X 140' area that we would be placing additional vegetative screening. Applicant is placing additional screening above what is there now to enhance the overstory and understory of trees. Arborvitae was recommended which provides a good screening in a short term, a species that would have some long-term screening ability. Nine (9) trees will be 4' high on a raised berm 2-3' high will be planted. The driveway crossing is located in an area that would not require cutting of any large trees. To the south some major trees would be compromised. It would be crossing the same amount of wetland and impacting a small amount of it. Cattle Landing Road is being reconstructed and the Town is going to relocate the drainage that comes from this culvert either in a structure or drainage swale so as it comes out of the culvert, it immediately turns to the right and drains away from the proposed leach fields. By the time the leach fields are designed for this project that structure or drainage swale will probably be in place and appear on the plan. Additional landscaping will be provided on Unit 1B. Abutter Meola has requested that the dock on Unit 1A go to the north. Any additional screening would be added to the plan prior to final

approval. Edgar - Suit has been filed against the ZBA for granting Special Exception for cluster development. Attorney Bates, Town Counsel, will represent the ZBA. Attorney Bates has advised that the appeal to Superior Court does not suspend the ZBA's decision, therefore, the application before the Planning Board remains pending before the Planning Board. Attorney Bates has recommended that the Board either (A) hold the subdivision plan until the challenge to the Special Exception is finally decided by the courts or (B) should the Board approve the subdivision, require a plan note on the recorded plat that flags the fact that the subdivision approval is contingent upon the court's upholding the underlying Special Exception. We need to advise him in which direction we are going. Access to the four lots is from Cattle Landing Road. The existing house will retain its existing driveway. The 3 new driveways need DPW permits. The proposed common driveway and utility crossing will create a 484 sq. ft. wetland impact and has been granted a Special Exception by the ZBA. NH DES approval is also required for the crossing. All four lots will be served by individual septic systems and wells. Test pits are not numbered. The test pit numbers from the designer need to be cross-referenced on the final plan. State subdivision approval is required for the 2-unit cluster and should be cross-referenced on final plans. Septic information for the existing house lot should be provided on final plans. Proposed well locations for the 3 additional units/lots appear on the revised plans. Well information for the existing house lot should be provided on final plans. Applicant has agreed to obtain NHDES septic design approval for the systems to serve the 2-unit cluster and should be made a condition of approval. Most of the issues regarding the covenants can be worked out administratively. Johnson - Gypsy Camp and Meola have had some discussions regarding provision of some additional screening above and beyond what the Board may require as part of their approval being sensitive to Dr. Meola's concern because of the proximity of his house to his property line and the potential development of this site. We have talked about a potential restriction of how far onto Unit 1A vehicular traffic could occur where a garage and pavement might be located. That would prohibit somebody from putting the garage on the north end of the house and trying to access it with a driveway. One of Dr. Meola's primary concerns is the proximity of the vehicular traffic in relationship to his house. Additionally, we have shown the potential to place some additional landscape buffering in the corner of Unit 1B which would be outside and above the 25' x 140' sq. ft. area that we are showing. One other thing I've looked at is the cars and their lights as they access the property in relation to Dr. Meola's house. One of which was a comment to try to get the garage on Unit 1A to have the doors facing to the south. When looking at that on the site and from a design standpoint, if that were to happen, a car would be backing out and the lights would then be shining directly towards Dr.

Meola's house, whereas if they came in a different way, they would be backing out and going out in the opposite direction. I feel with the adequate landscape buffering, it would be better to have the garage facing in the opposite direction. The other comment was relative to the cars coming down the driveway and how the existing vegetative screening would screen the lights from coming into the house. One thing we talked about is potentially having some screening in this area so the cars will come down and before you turn to the right, some screening would be provided. The people from Gypsy Camp are sensitive to and are willing to talk about some type of screening (fence or vegetative) that would minimize the lights coming in that direction. One of the things Dr. Meola initially requested was to extend the 50' buffer line into the lake and project it out and try to restrict the placement of a dock for Unit 1B within that 50' strip. Another concern during the discussions was to try to prevent the positioning of a dock at all towards the North. One of the conditions that the Gypsy Camp people have put in for their benefit knowing they are going to have a dock on 1B was to require the dock on 1A to go to the North. There's a portion of the property that can be easily accessed by a short walkway and the dock could go in this location. That particular dock location I think would satisfy both concerns. Dr. Meola's boathouse docking structure does not face straight out. I think the Board asked me to respond to specific numbers of vegetative type plantings with heights which has been done and an area has been identified on the plan. If we were to do any additional screenings as part of discussions with the abutter, we would add those elements to the plan when we come before the Board for final approval. Covenants and Restrictions run for 20 years and can be extended unless the unit owners agree that they should lapse. In theory, if you have two lot owners that agree that they don't want to be subject to these restrictions, they could agree to let them lapse. I think that would be contrary to the spirit and intent that we've been talking about in terms of doing all these good things by preserving green space and not developing it. There may be a way to address that issue that would be more consistent with how the Planning Board might view those kinds of issues that are germane to our side of the review. With respect to the Declaration of Condominium, this Board has met with Town Counsel on condominium issues and we seem to have a few of them in front of us. There are some areas in those documents that are germane to this review process. We want to make sure that these plans and the intent of this approval is adequately addressed in these documents. There are a few little things that need some correction (reference to the plan and other odds and ends, etc.). One thing that is a little confusing is the language referring to building sites, limited common areas, units. It is my guess that the docks would be part of the limited common area. In the past, the Board has asked me to look at the kinds of things that are bulleted in the

staff review on Page 25. To the extent that there are pieces in this document that are germane to our approval, we probably want to see a clause in there that certain sections of the regulations cannot be amended without Planning Board approval. I am curious how the mechanics of an association works when you have two owners and each has a single interest. How will the waterfront be used? How will the open spaces be protected? The final version of the documents will be recorded with the final plan. One thing that is outstanding on the plan is that in addition to us, it is subject to the shoreline protection requirements. Flanders – Not to indicate that I have any feelings either way about the actions pending, I believe it would be extremely unfortunate to table or hold it until the Court action is resolved. I think it would be very unfair to place that delay upon the applicant. I would suggest that we follow Option B as presented by the Town attorney. Overall, looking at this plan, we've had some questions about things and adjustments have been made. It certainly represents a more sensitive and less intensive use than other things we could have been faced with on this piece of land. Johnson - This could be the never ending story. If we receive a conditional approval and adhere to the conditions and had a final approval, I would not recommend recording a plan that had a potential court case outstanding and maybe the Town's attorney would recommend not to record the plan. If the Board's pleasure is to issue a conditional approval, I would ask for that tonight. Attorney Fahey – May I propose an option C due to the lateness of the hour. There seems to be an inclination towards Option B which would be wait for the Court's decision. Option C is that you could move forward if the applicant withdraws his appeal or by agreement the appeal's withdrawn so you wouldn't just be waiting for the Court decision. I raise that because the parties are talking. Flanders - I think we all need a little clarification on this. If the case is withdrawn, everything goes forward and nothing further is necessary. Fahey – I'm simply trying to give you another option to approve without going back to technically using the language Attorney Bates recommended, Option C would let you go forward tonight and make whatever decision you want to make, while saying it could be withdrawn and that would be an acceptable alternative. Edgar – I agree with Bob. If it's withdrawn it's moot and we plant a bunch of trees. If there are some fences or additional buffering or other qualifications in terms of described dock locations that come of that, those could be added to the final plans. Fahey – We don't and can't waive our prior legal arguments and technical concerns, our clients do desire some resolution to the matter. Fahey - We have had a chance to review the project and Mr. Nedeau will speak and explain what concerns the Meola's have to see if there's some way that we can have the approval conditions that will satisfy all parties. The concern we have of course is the same since day one. The legal requirements that we raised as an issue in our

Memorandum to the Board and that Mr. Nedeau had raised on behalf of Nobis Engineering regarding technical design issues. A concern I do have and continue as Mr. Edgar spoke of is that given the land, it is important that the Board knows exactly what it's approving and whatever it approves now does not later change. It is important that the Board understand what is being submitted and that it does not later become expanded into something you didn't expect to have. And again, it's no slight to the applicant, Mr. Johnson or anybody else, but people will come in later if there is an opportunity to maximize the use of the land. We just want to be certain that if green space is anticipated and that's what was represented to the Board, that's what happens to it. Mr. Nedeau will give the concerns of the Meola's that are relatively straightforward and it will be our position that if those concerns can be met, the Meola's will not object to any further variances or any other approvals that these folks might need to bring this project into compliance with the Town's Ordinances. You have to say that because that has to be our position in the case and we won't go forward in any way to interfere in their desire to bring this into conformity, if they can satisfy the points Mr. Nedeau raises. Nedeau – I just want to highlight the specific measures that Dr. Meola requested to try and offset the encroachment of the driveway in the buffer. First off, we want to be very specific with where the driveway is going to be located, particularly in the area of Units 1A and 1B, because as I understand it, some of the preliminary sketches that we've seen, there is some encroachment of the pavement on the driveway in this 50' buffer. We want to be very specific as to where this driveway is going to be so that Dr. Meola is comfortable with that. As Carl mentioned, Dr. Meola has requested that the buffer be extended all the way to the waterline so there's no manmade objects placed in that buffer like a driveway or vehicles parked in the buffer. We talked a little about perhaps a headlight screen for cars coming in to block any headlights that might shine towards Dr. Meola's house. We also talked about the landscape berms, the configuration and different options and we would like to be as specific as we can about what's going to go in there. I think that requires some agreement out in the field as to where the plantings and landscape berms go. Dr. Meola was pretty clear that he would like to see a minimum 7' high screen and I think they have achieved that. Dr. Meola had asked us and unfortunately he's not close by and not reachable, but prior to our discussions, he indicated he would not like to see any docks on the northern shorefront. I guess that's in the cove area. Carl has indicated that there is potential for a dock and we were out there today and I think we can go back and recommend that the dock location is acceptable. Johnson – I think those are all issues I addressed in my presentation and I think that most of those are issues that are above and beyond what the Board has requested. We are certainly willing to entertain those and if we come to an agreement on those issues, I've represented to

the members of Gypsy Camp that I feel that those are reasonable issues to be incorporated into the plan and subject to them agreeing to it, they would be added to the plan prior to final approval. Flanders – There should be no sunset clause. Whatever conditions exist are there in perpetuity. Bayard – I'm not real comfortable with how far we've gotten on the condo documents. The other stuff I think we've come to some conclusions on. Edgar – It doesn't state that these covenants are part of the Gypsy Camp lot. I don't want to be relying upon whether or not Gypsy Camp desires to enforce these covenants. If the Board felt it appropriate to grant a conditional approval, you could require that this particular piece of it come back in the context of a compliance hearing. You would have a chance to review the revised documents that address these legitimate issues. Attorney Fahey, representing Dr. Meola – There are technical and design issues with this project. Dr. Meola has concerns about driveway location and requests extending the buffer all the way to the water. He requests headlight screening coming into the property. Would like screening to be 7' high and would not like to see any docks on the northern end of the property. Attorney Hibbard – It was not intended that the Covenants would lapse. It was the intention that they be in perpetuity. There are 3 entities involved, 2 units and Gypsy Camp. Edgar suggested that the documents come back in a Compliance Hearing. Hearing closed at 10:15 p.m.

Flanders moved, Granfield seconded, I MOVE THAT WE GRANT CONDITIONAL APPROVAL TO GYPSY CAMP TRUST FOR A PROPOSED CLUSTER SUBDIVISION ON TAX MAP S07, LOT 5-1, LOCATED ON CATTLE LANDING ROAD IN THE SHORELINE DISTRICT, WITH THE FOLLOWING CONDITIONS: (1) THAT A PLAN NOTE ON THE RECORDING PLAN SHOW THE PENDING LITIGATION ON THE SPECIAL EXCEPTION FROM THE ZBA AND THAT FINAL APPROVAL AND THE RECORDING OF THE PLAN WOULD BE SUBJECT TO EITHER THE SUCCESSFUL RESOLUTION OF THE COURT CASE REGARDING THE SPECIAL EXCEPTION FROM THE ZBA FOR A CLUSTER SUBDIVISION OR THE WITHDRAWAL OF THE LAW SUIT; (2) DRIVEWAY PERMITS ARE REQUIRED FROM THE DPW AND SHALL BE CROSS-REFERENCED ON THE FINAL PLANS; (3) CROSS-REFERENCE THE NHDES APPROVAL ON FINAL PLANS; (4) THE TEST PIT NUMBERS FROM THE SEPTIC DESIGNER BE CROSS REFERENCED ON THE FINAL PLANS; (5) NHDES SUBDIVISION APPROVAL IS REQUIRED FOR THE 2-UNIT CLUSTER AND SHALL BE CROSS-REFERENCED ON FINAL PLANS; (6) SEPTIC INFORMATION FOR THE EXISTING HOUSE LOT SHALL BE PROVIDED ON FINAL PLANS; (7) NHDES DESIGN APPROVALS FOR THE CLUSTER SEPTIC SYSTEMS SHALL BE A CONDITION OF APPROVAL (8) WELL

INFORMATION FOR THE EXISTING HOUSE LOT SHALL BE PROVIDED ON THE FINAL PLANS; (9) THAT THE LEGAL CONDO DOCUMENTS COME BACK FOR A SEPARATELY NOTICED COMPLIANCE HEARING; (10) THAT THE "SUNSET" PORTION OF THE DOCUMENTS BE ELIMINATED; (11) THAT THE FINAL LEGAL DOCUMENTS BE RECORDED WITH THE SUBDIVISION PLAN; (12) THAT THE FINAL PLAN SHOW APPLICABLE SHORELAND PROTECTION BUFFERS, ETC.; (13) THAT APPROPRIATE SETBACK LINES BE CROSS-REFERENCED ON FINAL PLANS; (14) THAT WRITTEN CONFIRMATION BE PROVIDED THAT ALL PINS AND MONUMENTS HAVE BEEN SET PRIOR TO RECORDING THE MYLAR.

Edgar asked if this included Mr. Nedeau's additional requests. Flanders – My opinion is that the applicant has given up a lot of rights that weren't necessary and has shown a great deal of willingness to work with the abutter to try to resolve these issues. I am not inclined to make that part of the motion. The plan indicates buffering that Carl has described, but I don't feel it's necessary for us to set an elevation on the top of the buffer with a specific number of plants and materials and again, I think that the applicant has shown a great sensitivity to Dr. Meola's concerns. As I pointed out in the previous hearing, buffering can occur on both sides of the line and there is absolutely no buffering on Dr. Meola's side and his house is probably closer than the required setback anyway so I don't think that we should place all the onus on this applicant. I think some of it belongs to Dr. Meola.

3. **HART'S RESTAURANT:** (Rep. Carl Johnson, Jr.)

Continuation of a public hearing held on March 9, 2004, for a proposed Site Plan Amendment to connect upper parking area to lower parking area, Tax Map U02, Lot 27, located at 233 Daniel Webster Highway and Upper Ladd Hill Road in the Central Business District. Application accepted March 9, 2004.

Applicant proposes to construct a 20' paved driveway with 2' shoulders connecting two existing parking lots at the restaurant. The upper parking lot is located to the southwest of the building and the lower parking lot to the northeast of the building. Additional parking will be created at the top and a few spaces will be removed from the existing plan. The plans have been reviewed by the Public Works Director and he has no objections to the plan. The grade of the proposed driveway is steep (14%) but should work for the intended purpose. The northerly lot/drive intersection is close to the loading zone and conflicts need to be managed by owners. The engineering plans indicate two-way traffic. The site plan indicates a one-way pattern. Final site plans need to be consistent with the engineering plans. Final plans

need to indicate the revised location of the propane tanks and signed off by the Fire Chief. Some parking spaces on the northerly intersection will be lost, but will be made up as spaces are added. The Board should reserve the usual right to review and amend. Hearing closed at 10:35 p.m.

Flanders moved, Finer seconded, THAT WE CONDITIONALLY APPROVE THE SITE PLAN AMENDMENT OF HART'S RESTAURANT TO CONNECT THE UPPER AND LOWER PARKING LOTS, TAX MAP U02, LOT 27, LOCATED AT 233 DANIEL WEBSTER HIGHWAY IN THE CENTRAL BUSINESS DISTRICT SUBJECT TO THE FOLLOWING CONDITIONS: (1) THE FINAL SITE PLAN NEEDS TO BE CONSISTENT WITH ENGINEERING PLAN; (2) THAT THE FINAL PLANS NEED TO INDICATE WHO DID THE DELINEATION OF THE WETLANDS, CWS #, DATE OF FIELD WORK AND DELINEATIONS METHODOLOGY; THAT THE FINAL PLANS INDICATE THE REVISED LOCATION OF THE PROPANE TANKS AND ARE SIGNED OFF BY THE FIRE CHIEF; THAT THE BOARD AUTHORIZES THE PUBLIC WORKS DEPARTMENT TO ISSUE A DRIVEWAY PERMIT; AND THE BOARD RESERVES THE RIGHT TO REVIEW AND AMEND. Voted 7-0 in favor of the motion.

Edgar advised that no driveway permits are required. All the work is being done internally on the site.

4. **D & D REALTY, LLC FOR EAST COAST FLIGHTCRAFT OF NH:** (Rep. Harry Wood) Proposed Site Plan Amendment to refurbish front of existing warehouse and display area with related site improvements, Tax Map R02, Lots 31 & 32, located at 177 NH Route 104 in the Business & Industry District.

This property has an existing set of structures marginally modified located on Route 104. Applicants are proposing to establish 8,000 sq. ft. of boat storage and 4,000 sq. ft. of accessory boat sales. The access to this over a portion of Old Route 104 off of Winona Road. Petition was made to the Town and State of New Hampshire to abandon that layout so it became the ownership of the property owners, however, they are still subject to the rights of access for any lots that absolutely have to have it to get to their land which is primarily one lot in addition to the applicant's 3 lots. The lot owners actually own the old road An 8,000 sq. ft. warehouse operation (Keepsake Quilting) will continue in that location. Lot coverage is reduced to 69% or less, 75% coverage is allowed by ordinance. A new leachfield has been installed. The approval # and designed is noted on the site plan. No significant changes are being made to the property. The new septic was done prior to the property being sold. The new septic tank location has been

noted on the plan. No significant changes are being made to any portion of the property. An entrance feature has been added in front of the door into the front warehouse. The Code Enforcement Officer felt it was dangerous and unsafe when exiting onto a sloping ramp. An 8' x 12' deck has been added to access whether in a wheelchair or not. Buffer zone is unaltered by this proposal, except for making it a little bit better. There is a 50' buffer from the property line. The 50' buffer comes back into the portion of the property previously used. Eight (8) parking spaces will be removed along the front buffer. We are removing 12 parking spaces that ran along the front of the property that were in the buffer and the last 8 spaces were not even on the property entirely, they were in the State ROW. Because this is a new application, we chose to correct that situation. There is a possibility we might get those spaces back, but it would require approval from Concord in order to be acceptable to this Board, a license, as well as considerable landscaping before that would ever to return. We have requested a waiver of 25 spaces. We have specified placement of stone and low juniper type plantings along the frontage to prevent inadvertent use of the State ROW. State ROW. Existing sign will remain. An 8' x 30' display area is being requested on the other side of the sign instead of the 4 spaces. It is difficult to place it anywhere else because of the access corridor that goes in front of the building. Boats and automobiles are in storage on the lower level in the back during the winter and come out in the spring. Upper portion of the rear building is occupied by Keepsake Quilting with 5 employees at this location at any given time. They process material coming in and going out. UPS trucks come in on a daily basis. The front portion of the building is the display room which is essentially for new boats with an office space enclosed. Three (3) spaces are for the office employees and 3 for the front section, 20 spaces provided, 8 to the rear, 6 on the side and 6 on the side of the front porch. Parking is gravel. Propane tank will be relocated to the back near the other propane tank. Bollards will be placed in front of the tanks. A camping trailer is located at the back of the property. Edgar – A revised driveway permit is required and needs to be referenced on the final plan. The granting of a parking easement is needed. Approval of the relocation of the propane tank installation is required from the Fire Chief. Final plans shall identify landscaping for the buffer zone and coordinated with the discontinuance of parking in the ROW. An easement will be provided for access to the rear of the property field area that could allow for an overflow parking area for 6-10 cars, if necessary. DOT permit is outstanding. A small amount of landscaping is being added around the signage. Parking summary needs clarification as it appears to be inconsistent with the uses and employee counts identified on the site plan. Bill Edney, Code Enforcement Officer, reviewed all of the use issues. Sales side of things, this is not a retail zone, it is only in an accessory

context. Some degree of showroom sales only in the context of accessory use. Operational approval has been added to the plan. Fire Chief will sign off. DES operational approval has been received. Staff needs to sign off on landscaping. Fire Chief sign off on the propane tank relocation. Access easement and right to review and amend. Six spaces to the left are not display areas. Any washing of boats on site would be by hand. Oil will be collected and picked up by an outside company. There are no floor drains inside the building. Oil changes will utilize. Hearing closed at 11:06 p.m.

Flanders moved, Sorell seconded, THAT WE APPROVE THE SITE PLAN OF D & D REALTY LLC FOR EAST COAST FLIGHTCRAFT OF NH, TAX MAP R02, LOTS 31 & 32, LOCATED AT 177 NH ROUTE 104 IN THE BUSINESS & INDUSTRY DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS: (1) THAT THE LANDSCAPE DETAILS IN THE AREA OF THE SIGN BE WORKED OUT WITH STAFF; (2) USE AND PARKING SUMMARIES BE REVIEWED BY STAFF AND REFERENCED ON THE PLAN; (3) NHDOT DRIVEWAY PERMIT BE REFERENCED ON THE FINAL PLAN; (4) PARKING SUMMARY NEEDS CLARIFICATION AS IT APPEARS TO BE INCONSISTENT WITH THE USES AND # OF EMPLOYEES; (5) THAT WE GRANT THE WAIVER FOR 25 PARKING SPACES; (6) THAT THE NHDES OPERATIONAL APPROVAL BE REFERENCED ON THE FINAL PLAN; (7) FINAL PLANS BE AMENDED AS NECESSARY TO SHOW LOCATION OF PROPANE TANKS AND APPROVED BY THE FIRE CHIEF; (8) EITHER THE LOTS SHOULD BE MERGED OR AN ACCESS EASEMENT BE ESTABLISHED BETWEEN THE TWO LOTS FOR THE GRAVEL DRIVE THAT ACCESSES THE REAR OF THE SITE; AND (9) SUBJECT TO THE USUAL RIGHT TO REVIEW AND AMEND. Voted 5-2 in favor of the motion.

5. **RAYMOND CRAM, JR. FOR BRADLEY LEIGHTON:** (Rep. Carl Johnson, Jr.) Proposed Site Plan Amendment to construct a 40' x 40' and 20' x 36' addition to an existing commercial building, Tax Map S25, Lot 15, located at 177 Waukegan Street in the Business & Industry District.*
6. **RAYMOND CRAM, JR. FOR BRADLEY LEIGHTON:** (Rep. Carl Johnson, Jr.) Architectural Design Review of proposed addition to an existing commercial building, Tax Map S25, Lot 15, located at 177 Waukegan Street in the Business & Industry District.*

This is a site plan amendment for an addition and renovations on Waukegan Street. The existing building is a 60' x 40' welding shop. Applicant proposes a 40' x 40' addition to the rear of the existing building. A 20' x 36' addition will be added to the front of the building facing Waukegan Street with an entryway. Roof lines match existing building. No change to the existing width of the building. Change will be to the length. Parking on the site is gravel. A three-bay shop is proposed. The first bay at the back is (40' x 40'). A new wall will create a second bay which would be an additional rental unit. Applicant will occupy the front of the building. The number of parking spaces is generated by the number of employees. The uses will not be intense uses. No outside storage of hazardous waste material and no outside storage of junk. The Code Enforcement Officer will review the uses that can go in there. It will be a 9-5 type of operation. Applicant plans to respect the limits of the disturbed area. The building will be connected to the municipal sewer and will need to be reviewed by Bob Hill. There is an existing well on the site. A new well will be drilled. The heat will probably be by oil or some type of monitor heater. Three overhead doors are proposed on the side. Utilities need to be reviewed by Bob Hill. No floor drains and no on-site washing of vehicles. Edgar – In regard to landscaping, the Board needs to keep in mind that we are pretty much almost doubling the size of the building between the two additions, approximately a 97% increase in square footage. I suggested the applicant consider some landscaping that could enhance the building and possible some foundation plantings in the front and maybe a limited amount of landscaping on Waukegan to compliment the new sign. No site lighting is proposed. The do reference the fact the entry doors would have lighting to “fit the décor of the building” and those fixtures will be determined later. The proposed lighting needs to be clarified. There are a fair amount of doors into the building and we don't want to create glare or be disruptive to the residential properties. No real complexities to the erosion control situation because it is a flat site, but it would be appropriate to file plans showing a silt fence or something like that. The applicant does propose to enhance the appearance of the building. The applicant is making an effort to clean up the site and I guess the question that needs to be raised is whether or not we should take this opportunity to improve the building further recognizing it is increased in size by 97%. This is a kind of a judgment call. You've got a pretty tough site that they are working with in terms of what's there. A new sign is proposed and the location of that sign should appear on the final plan to determine that it's not located in the Town ROW. Bayard stated it definitely does need landscaping and perhaps some architectural improvements. Does the Board want to do a site inspection on this site. Flanders – I think we should continuing to our next regularly scheduled meeting and I don't think it would be a bad idea if we schedule a

site inspection out there. Finer – I have a concern about approving it without having any idea what's going into the other bays because this is in the Waukegan Watershed and abuts a residential section. Johnson – If we knew what businesses were going in there and it was approved by this Board, those businesses could change through the Certificate of Occupancy without coming back to the Board if the Code Enforcement Officer determined that the use was a permitted use and in concert with what was presented. From the applicant's standpoint, you don't always know what's going to be in there or know if it's going to stay in there. To some extent there has to be some flexibility through the occupancy permit that allows the judgment to be made. Tom Hughes – I am in support of Mr. Leighton's design. It's going to clean up a really bad area, but I have some issues with your zoning in that area. You are saying it's a Business & Industry District. By covenant by-laws, it's a residential lot attached to the Winona Forest Association and is bound by the Covenants and By-Laws of that Association. We are working with Mr. Leighton to have that removed from his deed because it has been a commercial business for 20 years, but it was in violation at the time and 22 years ago Mr. Juneau was supposed to have that removed from his deed and he didn't have it done and that is not a permitted use. If you look at the map, as far as the Town is concerned it's a Business & Industry zoned lot. Deed covenants are enforceable in Court, but that's nothing the Town is going to deal with and that's between the Association and the landowner. Legally, we have no jurisdiction. Bruce Denver, a member of 181 Waukegan LLC. We are fully in favor of this application and support the improvements. As far as the location of the proposed well, I would suggest that since it is a large enough parcel they locate it somewhere that the protective radius would be contained within the lot rather than having it extend across into our lot, thereby impeding use of our lot. It was mentioned that there be no expansion of the disturbed area including the tree line between the two lots. Could that be made a condition of the approval as well? The protective well radius can go within the ROW of a road so I think the intent is to get it on this side of the property. Randy Eiffert – As abutters to this commercial, we are asking that the deed get cleaned up. I don't see why that is any different than a buffer being required to be put in there. Flanders – Legally, it is not in our prerogative and we have no authority over deed covenants. We only administer the zoning and subdivision regulations of the Town as they exist. Johnson – The distinction is that this is not a new situation. The previous applications were new applications and the condominium documents were being written new so the Board has the prerogative to incorporate things. When a zoning line is determined, it is inconsequential what existing deed restrictions or covenants exist. They zoned this commercial and it is commercial in terms of the Board's eyes. Edgar – I think it will have a way of correcting itself.

Flanders – For reasons I stated earlier, I would like to make a motion that we continue this hearing until the May 11, 2004, meeting and that we schedule a site inspection for May 1, 2004, at 8:00 a.m. Kahn seconded. Voted unanimously.

7. **18 MILE POINT DRIVE, LTD. AND 18 MILE POINT DRIVE REALTY TRUST:** Rep. Dave Dolan - Proposed Boundary Line Adjustment between Tax Map S17, Lots 18 & 18A, located on Mile Point Drive in the Shoreline District.

This proposed boundary line adjustment is part of a 15-lot subdivision approval. The proposal transfers common area from 18A to common area 18. There will be one common area for both subdivisions. Draft deeds to be reviewed by staff. Written notification shall be provided prior to recording the mylar. This proposal does not affect density or lot configuration. Approval is subject to conveyance deeds be recorded with the mylar and that pins have been set. Hearing closed at 11:40 p.m.

Flanders moved, Finer seconded, THAT WE APPROVE THE BOUNDARY LINE ADJUSTMENT FOR 18 MILE POINT DRIVE, LTD. AND 18 MILE POINT DRIVE REALTY TRUST, BETWEEN TAX MAP S17, LOTS 18 AND 18A, SUBJECT TO THE STANDARD DEEDS AND PINS AND AUTHORIZATION IS GIVEN TO HAVE PLANS SIGNED OUTSIDE OF A MEETING. Voted 7-0 in favor of the motion.

PRE-APPLICATION REVIEW

1. **PETER BOLTON FOR MEREDITH VILLAGE SAVINGS BANK** – Pre-Application Conceptual Consultation to discuss a possible site plan for a proposed Administration Building on Tax Map U07, Lot 113, located at 10 NH Route 25 and miscellaneous improvements on Tax Map U07, Lot 109, located at 319 Daniel Webster Highway in the Central Business District.

Meredith Village Savings Bank proposes to tear down the existing Operations Center and construct a new 3-story, 17-18,000 sq. ft. The first two floors will be approximately 7,000 sq. ft. in size and the 3rd story will be approximately 3-4,000 sq. ft. There is existing parking at the rear of the lot, 42 spaces. The use requirement needs about 55 spaces and 62 spaces are being proposed. Building will be located 30' back from Route 25. A vegetative buffer will be provided at the back of the pizza place. Curb cuts will be reduced from 3 to 2. A white picket fence is proposed. Impervious coverage will be reduced by 4,000 sq. ft. NH DES has given the applicant a favorable review. The proposal will improve some of the impacts to the

prime wetland area. Applicant is meeting with NH DOT to review impacts to Route 25. The proposal is still at the pre-schematic level. Siding will be brick composition clapboards and fiberglass shingles. Flanders suggested that the parking lots be opened up all the way from the shopping center. Applicant is not totally in favor of that due to safety reasons and the State owns a strip of land between the two properties. They already have problems with vehicles driving too fast through the existing parking lots. They do not want to create a second access road. They would be facilitating circulation by connecting the main building with this property. The number of people in the main office will be reduced. This new building will be an administrative building. Charter Trust will be a tenant and it will house commercial lending officers. Oil tanks were removed from the site in 1985. Applicant proposes to move the sidewalk back and plant trees along the road.

- 2. **CARL JOHNSON, JR.** – Pre-Application Conceptual Consultation to discuss a possible multi-family use (4 units) on Tax Map U15A, Lot 7, located on NH Route 25 in the Residential District.

This property is an 81,000 sq. ft. lot serviced by municipal sewer. No municipal water is available to the site. The proposal is to construct two buildings 30' x 60' creating multi-family housing. Driveway will require ZBA actions due to setback issues and wetlands. Minor encroachments into the setbacks. Parking area underneath each building. A green area will be created and existing trees will remain. The structures will be under a single ownership with four rental units. Eight parking spaces will be provided. The Board asked why not one building with 4 units.

Meeting adjourned at 12:15 p.m.

Mary Lee Harvey
Administrative Assistant
Planning/Zoning Dept.

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

William Bayard, Secretary