

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

Bliss moved, Sorell seconded, I MOVE THAT WE APPROVE THE MINUTES OF MAY 9, 2006, AS PRESENTED. (Touhey – I believe I'm entered as a participant, I was present, however, the Board was complete so I really shouldn't be recorded as participating.) Touhey was listed as being present at the meeting. He did not participate on the Board. Voted unanimously.

### APPLICATION SUBMISSIONS

1. **ROBERT L. AND AIMEE S. GREER** – Proposed Major Subdivision of Tax Map R05, Lot 9, into two lots (17,121 ac. and 23.018 ac.) located on Livingston Road in the Residential District.

The applicant as you've indicated proposes to subdivide 40 acres into two lots, essentially 17 acres and 23 acres. The 23-acre lot is developed with an existing drive, house, barns and a State approved septic system and fronts on Livingston Road. Proposed Lot 1, the 17-acre lot would be accessed via the Meadow Lane cul-de-sac. The application, subdivision plan and abutters list are on file. Filing fees have been paid. This is a major application due to the resubdivision potential of the property and therefore acceptance and public hearing occur at separate meetings. I recommend the application be accepted as complete for purposes of proceeding to public hearing and the hearing be scheduled for hearing June 13<sup>th</sup>.

Sorell moved, Bayard seconded, THAT WE ACCEPT THE APPLICATION OF ROBERT L. AND AIMEE S. GREER FOR A PROPOSED MAJOR SUBDIVISION. Voted unanimously.

Abutters present questioned the fact there was no public hearing. Vadney explained that because this is a major subdivision, all we can do is accept it. Edgar – What the Board just did was to invoke their jurisdiction. They did not approve anything. Because of the nature of the project by virtue of the acreages involved, the law requires that they invoke their jurisdiction at one meeting and have a hearing at another meeting to provide separation between the two dates. You will receive another notice of the June 13<sup>th</sup> public hearing. At that time you can offer your testimony to the Board on any of the merits of the application. Kahn asked if a site walk should take place. Bliss indicated she would like to get to the first hearing to review the plans, drainage, etc. and then see if it's necessary.

2. **ALBERT AND DONNA DUCHARME** – Proposed Major Subdivision of Tax Map R30, Lots 3 & 4, into 9 lots (10.00 ac. – 104.17 ac.) located on New Road in the Forestry/Conservation District.

The applicant proposes a 9-lot subdivision on 209.83 acres located on New Road in the Forestry/Conservation District. All lots meet or exceed the 10-acre minimum required of conventional subdivision in the F/C District. Lots range in size from 10 acres to 104 acres. The application, subdivision plan and abutters list are on file. Filing fees have been paid. In reviewing the application, I've identified several items that I believe need to be added to the file. I've specifically identified:

- Topography
- Test pit and percolation rate data
- The subdivision plan w/topography at a scale that the Board would be comfortable with. The regulations call for 1" = 50' and I know that had been an issue previously raised.
- 4:1 length to width calculations
- Soils based lot size calculations.
- The engineering needs to be adjusted slightly in terms of being consistent with the subdivision plan. Essentially it's the same road but the lot lines have changed and possibly some driveway locations have been adjusted; and
- The electrical utility plan that would go likewise with the revised subdivision plan.

For these reasons I've recommended that the Board NOT take action at this time to accept the application and that the application be rescheduled for acceptance on June 13<sup>th</sup> with a filing date of May 29<sup>th</sup> for the items referred to above. With respect to that list, under Item 3, one thing that I had asked the Board to talk about for guidance for both myself and for Carl would have to deal with the scale at which you'd want to see the plans. The letter of the law from the reading of the Subdivision Regulations is 1" = 50'. As a practical matter, we've looked at a lot of plans over the years at different scales so it's not been a really firm requirement. I flag this only because in reviewing the previous application, there were concerns raised by the Board relative to the scale of the plan. The plan submitted is a composite and is very convenient at a 200 scale so you get the whole project on one page, but it's harder to read being at that scale. If you wanted the subdivision plan to be filed at a different scale, I'd ask you to try to identify that this evening so that Carl has sufficient direction to revise the plan. After we resolve that, I would like to also speak to the issue of the Regional Impact Statute. Vadney – There are a number of things that suggest this is incomplete for review for acceptance tonight, but it's up to you folks.

Bliss moved, Kahn seconded, MR. CHAIRMAN, I MOVE THAT WE RESCHEDULE THIS ACCEPTANCE FOR JUNE 13<sup>TH</sup> WITH THE FILING

DEADLINE OF MAY 29<sup>TH</sup> FOR ALL THE ABOVE-REFERENCED MATERIALS. Voted unanimously.

Vadney – For discussion, what scale do you want to see these maps at? Bayard – personally, I don't think having an overview map of 1" = 200' is a bad idea, but I think maybe having the detail given all the lengthy hearings we had last time, it's quite likely we may have some additional discussion than normal so it probably would be very helpful if they had the scale so we could resolve those a little easier than trying to speculate with a magnifying glass. Johnson – If you remember last time I made up a couple of sheets that showed each individual lot at a larger scale so you could easily identify the topography and driveway locations and so forth and if that scale was sufficient last time, I'd be happy to put the lots on that same type of mockup sheet for the next hearing. Vadney – What was the scale on that? Johnson – I believe it was 1" = 50'. I think 1" = 200' overall is just too small of a scale for us to really see much. Bayard – What you're saying is that for the steep slopes and all that, there's not much need for that one side of the mountain to go through that detail, but as far where the lots are and things like that, you'd provide us the detail. Johnson – Correct. The lots generally are larger than the lots were in the cluster division so even though there's only 9 lots, obviously, you're not going to fit the 100-acre lot on a 50-scale mockup, but we can show the detail areas of each lot at a 50-scale which gives you the topography that's in question and the proposed home sites, the 4K areas, the test pit information and that's very easily readable at a 50-scale. Worsman – I would like to see, it doesn't have to be 1" = 50', one that's 1" = 200' that shows the entire piece though, I find that quite helpful. Edgar – That's been filed, that's what was filed originally. We have the composite. Johnson – Hopefully the subdivision plan that's ultimately approved will be the one sheet that shows all the lots because normally the Registry doesn't like to have topography and some of that detail on any plan because it just confuses the real issue of the recorded plan which are the boundaries, but the Planning Board, in order to decipher the topography and test pit areas and home sites, the 50-scale works quite nicely. Vadney – The driveways were one of the bigger issues out there. Have the driveways changed any in the new one, the house locations? Johnson – Yes, there's less of them. Edgar – Mr. Chairman, I just ask that we, we're not in a public hearing, so I think from a procedural point of view, we address it but try to hold off on any discussion of the merits. Vadney – I was just questioning if we could get them from the entry point off of the driveway to the house site and that's effectively what you were suggesting. If that's 1" = 50', does that please everyone?

Bliss – Mr. Chairman, I think we have one other piece. Don't we need to talk about the statute. Edgar – RSA 36:54-58 sets forth a process to notify potentially affected municipalities and the Regional Planning

Commission concerning developments that may have impacts beyond the boundaries of a single municipality. The determination as to whether or not to invoke the statute is made by the Board. In this case, the Planning Board may include factors such as number of dwelling units, the transportation network, water resources, etc. Upon such determination, if it's in fact made, the Regional Planning Commission and the affected community is afforded abutter status for purposes of notice and testimony. We did invoke this statute on the last application. The Planning Board needs to make a determination as to whether or not to invoke the RSA for purposes of abutter notification under the regional impact statute as it relates to this application. So I leave that with you Mr. Chairman, that we need a direction on that. Next week we will be preparing notices for the abutters and we'll need to know whether or not it's the Board's desire to include the Town of Sanbornton and the Planning Commission. Kahn – Just by chance and it had nothing to do with this application, I was on New Road and Oak Hill Road today. They haven't changed very much. Kahn moved, I MOVE THAT WE INVOKE THE RSA REGARDING ABUTTER NOTIFICATION OF THE PLANNING COMMISSION AND THE TOWN OF SANBORNTON. Bliss seconded. Mr. Chairman, I just want to make sure everybody is clear by pushing the application to the 13<sup>th</sup>. It is still a major application so we would be accepting it only for the 13<sup>th</sup> and then the hearing would be scheduled on the 13<sup>th</sup> in all likelihood for the next meeting in June, but that hearing date would be set on the 13<sup>th</sup>. Mark Abear, Higgins Road – What I would like to ask the Board not to prolong the hearing, but in the interest of maybe making future hearings shorter and maybe a little more streamlined, will we be linking the testimony that's previously been accorded the prior application to this application? Will those two files be joined? Vadney – I would say no, that is a dead issue as far as I know. John, do you know of any precedent to link those. I think it might take less time to educate us. Edgar – My initial reaction, Mr. Chairman, is they are separate applications and we're asking the applicant to treat them separately in terms of the material they are providing in terms of the test pits, revised engineering and so forth so I think for the record we need to have a complete record on this application. I don't want to drag it out any more than anybody else wants to and I think you're correct that we can maybe be more concise and not have to hear as much of the same thing over an extended period of time, but my initial reaction is it is a separate application and I don't think we can and it's not a cluster so I think that there does need to be a fair amount of additional testimony. Vadney – It would have to be a new issue. Abear – I think the question goes to we're going to be carrying forward the engineering for drainage and the roads, did I misunderstand that? Vadney – Even if it's carried forward, it would be resubmitted as part of this. Edgar – The engineering will be carried forward. There needs to be adjustments because lot lines have changed and so there's some graphic considerations that have to change as well as driveway locations and whether or not that affects

driveway culverts and that the road profile is essentially the same but there will be a need to submit some minor adjustments to the engineering. Abear – So it's the same basic drawing that will just have an edit done to it, a new revision? A new revision, is that what I'm understanding? Vadney – I think you should look at it as an entirely new document. When you look at it, you'll say not much change, but legally it is a new document. It will all be new testimony and all be new materials. Edgar – The practical side is that there will be a series of minor edits made to the engineering to reflect the subdivision change, but it's essentially the same road layout horizontally and vertically. Kahn – All I was going to say was if someone had submitted something in writing and wished to resubmit the same writing, they should resubmit it, but I think it will get very confusing if they try to incorporate it by reference to the earlier file and if you just take it, Xerox it and send it back in for inclusion in this file, I guess it's in the file.

3. **RICHARD HAGAN:** (Rep. Carl Johnson)– Proposed Site Plan Amendment to convert an existing apartment building to a multi-family condominium, Tax Map U06, Lot 10, located at 6 Waukegan Street, in the Residential District.
4. **RICHARD HAGAN** – Proposed subdivision of a multi-family use into condo ownership, Tax Map U06, Lot 10, located at 6 Waukegan Street in the Residential District.

The applicant proposes to convert to condominium ownership an existing 3-unit multi-family structure located on Waukegan Street. The existing 3-unit, multi-family structure has received site plan approval on May 24, 2005. The application for subdivision by virtue of the condominium form of ownership and site plan amendment, plans and abutters list are on file, filing fees have been paid, I would recommend that both applications (1) the subdivision application and (2) the site plan amendment application be accepted as complete for purposes of proceeding to public hearing this evening.

Sorell moved, Bayard seconded, I MOVE THAT WE ACCEPT THE APPLICATIONS FOR SUBDIVISION AND SITE PLAN AMENDMENT FOR RICHARD HAGEN FOR A MULTI-FAMILY CONDOMINIUM. Voted unanimously.

## **PUBLIC HEARINGS**

1. There are two applications before you and I'd like to do just one presentation. You can act on them separately but basically it's the same package. In John's staff review, he did a brief history of the project but basically what has happened is this is a rental property on Waukegan Street that received a variance and a special exception from the Zoning

Board of Adjustment to be a 3-unit rental apartment building and we came before the Board and received site plan approval for that application so this is an approved site plan that's on file with the Town. Mr. Hagan is simply converting the ownership form of this building from rental to condominium use. No change in units. Very few changes to the site plan. The modifications largely deal with some of the issues associated with a condominium's limited common areas and things of that nature. As the crow flies over this project, you're not going to see many differences. Hopefully, as we've spoken before, with the ownership issue being a condominium form of ownership instead of a rental. Generally the hopes are that the property will be maintained and there are elements in the condominium documents that provide for that. In this particular instance, because this is an existing situation, we already have 3 units and we already have 3 occupied units, many of the details are not as critical in the condominium documents as would be a condominium that's starting from scratch. We have filed with the packet individual floor plans for the units which give you a taste of what's there. That was something that really wasn't addressed in the previous site plan approval. Floor plans are one of the things that are required with a condominium filing so you have a sense of the number of bedrooms and where things are laid out on the site. I went over briefly with John some of the issues associated with the location of those units. One thing that's come up is Bob Hill has reviewed the project with regard to the water and sewer hookups and he wants to further investigate and speak with Mr. Hagan about how the services are going to be handled in terms of a billing situation. I think that's something that probably can be handled administratively with Mr. Hill. John can be reviewing that, if there's anything significant that pops up, we may have to come back for that, but I would doubt that would happen. Mr. Hagan is here to answer any particular questions you have about the project. Other than that, what we're really doing is just changing the ownership. Instead of having a lease and renting one of the units, you will have a deed and own one of the units. There are six (6) parking spaces shown. There are some limited common areas that are associated with the units for storage of items. They are fenced areas. There's one limited common area that's dealing with the entryway to one of the units which is exclusive to that unit, the rest of the land essentially will be held other than the limited common areas, will be held in common by the three members of the condominium association. Bliss – Do we have the condominium documents. I don't see them in our packet. I'm a little concerned because of the up and down of the two apartments as opposed to one unit, two units, I feel that possibly someone buying a unit may not necessarily get a wonderful neighbor on top or on bottom either way and I would like to make sure that the condominium documents at least address that in some form. Edgar – The applicant did file a set of declarations. I have reviewed them and have discussed them with Frank Michel who authored them. As I've indicated in the staff review, there are a series of clarifications and some

edits and some typos that need to get cleaned up, none of which affect the viability of it. Sometimes there's boiler plating that's done and sometimes there's carryovers from the prior projects that weren't deleted and some things like that that have to be cleaned up. I have gone through them thoroughly. I could enumerate some of the issues but effectively it's just cleanup type of stuff. There are provisions that are pretty typical of these documents relative to behavior so as not to constitute a nuisance and be disruptive for the quality of life of the people living in the condominium. There are clauses to that effect in the documents for whatever it's worth. I think you run that risk anytime you have more than one family in a building, you're always going to have a level of risk, but there are provisions in there in the documents that do speak to that standard and provide for the enforcement of those covenants amongst the 3 unit owners. Touhey – Carl, the entrances to Units 1 and 2, are they that wide staircase that says Unit 3? Johnson – Actually if you look at the floor plans, this entryway that's a limited common area for Unit 1 is an entryway only and then that goes directly upstairs to the unit. If you look on the floor plan. Touhey – Off the parking area? Johnson – On the floor plans if you look at the floor plan that says upper level floor plan Unit 6C, 6C is Unit 1, that's the upper level and you can see off to the side there's the main level entry so you come in off of the street into the entryway which is essentially just a little bit above the parking lot level and then you go directly upstairs so what's hatched in blue is not part of Unit 6C. All of that is upstairs. And then if you look at the other floor plan which is the floor plan for Unit 6B, you can see that the blue hatching that's on that floor plan is the entrance for Unit 1 which isn't part of this particular unit because that goes in and goes upstairs so this unit is below Unit 1. So the entrance for Units 2 and 3 are both over here to the left. Vadney – Is this effectively the same layout that's been used as a rental for the last year. We hired an architect to go in and to take the measurements to produce the floor plans of the existing rental units that will be used to file for the condominium filing. Bliss – It may be helpful when you finally get through if you put upstairs and downstairs or bottom floor and top floor that may clarify that. Johnson – What I had done for the condo building that we are in is just that, I put Unit 1 up and down and Unit 2 down and I think that would clarify it. I would be happy to make that note. Edgar – Along that line of thinking, Mr. Chairman, we should be consistent with the site plan, the floor plans and the condo docs. Unit 1, 2, 3, we have 6A, 6B more from a street numbering point of view so we should minimize that type of confusion, we should probably as much as we can try to standardize that. We will make that terminology consistent between the 3 documents. Touhey – I drove by the site today and it appears that this paved parking area pretty much covers quite a bit of area there. There are quite a few vehicles that are parked there right now and there's a large dumpster there. What kind of a setback do we have from those parking spaces to the next lot line? What I'm getting at is no storage for what seems to be a

very large parking area. Johnson – All I can say to that is the parking lot size is not changing as a result of this application. There's actually one more space delineated but I don't believe it's any bigger in terms of the lot coverage and my understanding is that the snow is plowed to the front of those spaces and has been in the past, so there will be no difference as a result of what we're doing in terms of the snow storage. Edgar – Mr. Chairman, for better or for worse, essentially with the exception of that one additional parking space, this is the site plan approved by the Board back in May so they are not changing the use, they are really not going any closer so, Ed, I think you're right on the money if this was a brand new application we'd be looking at it with a little bit of a different point of view. The fact of the matter is there have been 3 units there for a matter of time and certainly 2 units there for a fair amount of time and I think we after the fact got the variances and then came and got the site plan squared away and I think the Board had required some fencing and a couple other things at the time. Essentially, with the exception of that one additional parking space, the one closest to the bottom right-hand corner of the drawing, with that exception, and we have the file here of the approved plan, it is the approved plan. There needs to be some care obviously to make sure they don't plow snow into their neighbors or plow it back out into the street or that kind of thing and like all projects that have tight quarters, at the end of the day if they have to truck it off the site, that's the next alternative. That's kind of what happens in the downtown on a lot of sites so I think you're right on the money that it's an issue but in the historical context of this application, it's really not if that makes any sense. Touhey – With that plan that was approved, John, was there some provision for an outside dumpster or not? Edgar – I don't believe so and that is one of the questions I have when I get into my review is to see what are the provisions for dumpsters because that's one area where if the condominium is going to be responsible for trash removal, that needs to be stated and anticipated as a responsibility of the condominium and particularly shown on the site plan. At this point, there's nothing on the site plan and so on my laundry list of things to review with the attorney is to clarify how it is conceived that solid waste and recyclables will be handled because either they need to provide for it as part of the condo or they need to make it clear that it's not part of the condo and it's up to each individual property owner to keep their trash inside their house and take it to the dump when it's appropriate. That does need to be clarified, Carl, is there anything you can share with us on that one? Johnson – I think Mr. Hagan can offer some information on that if appropriate. Hagan – The dumpster that's there now, I'm doing work on the property, it's there for only a week for the refuse and stuff they are doing around the property. Every Thursday there's a waste pickup and they put their trash right out on the side of the road, that's how it's being handled now. Edgar – Rick, is that how it will be handled when it's a condominium? Hagan – Yes. Edgar – So it would be fair then to have the documents clarify that the

trash pickup will be the responsibility of the condominium and not providing for storage but just for weekly pickup. Johnson – Mr. Chairman, we could also put a note on the plan that there would be no dumpster on the site except for temporary construction dumpsters. Edgar – I spoke with Mike Faller regarding the Driveway Permit. He does not see any issues with respect to the driveway or the change of use. He would, however, just like to get a permit on file so in his map and lot jacket, he's got something that verifies that there are 3 units there and it's permitted in the context of the condominium so I would ask that that be considered as a condition of approval but certainly not to infer in any way shape or fashion that there's an issue of concern with Mike. He made it clear that there is none. With respect to the legal documents, I have had a chance to discuss with Attorney Michel some of the inconsistencies, some of the holdover language from other projects that need to be cleaned up and he and I plan to be meeting very shortly to go through it with a fine tooth comb and to do what needs to be done to get them in a final form. Basically, there would be two ways to handle that. If you were so inclined to conditionally approve the project tonight, you could make it subject to a compliance hearing and then the work that we do would come back at a subsequent noticed public hearing or you could ask me to sign off on it administratively and not require the public hearing. So if you have an inclination that your discretion should be employed to view the final draft, I have no objection to a compliance hearing. On the other hand, if it's not something that you feel, given the relative simplicity of this proposal, it's something you want to delegate to staff, we certainly can do it. If for some reason we had a standoff on some issue, we'd bring it back to you. Bayard – Just a clarification. Is there discussion of snow removal in their condominium documents. Edgar – There is a discussion on winter maintenance, but I can review that to make sure we insert something for snow removal if necessary. Bayard – I don't think it would be a bad idea, they are switching the form of ownership and it would just clarify it. It is somewhat sensitive here and I don't think.. Johnson – Mr. Chairman, can I just interrupt, but it does say that the maintenance of the parking area shall include without limitations, sanding, plowing, snow removal, striping and the cost of lighting, repaving and sealing so it does talk about plowing separately from removal so it does include removal. Bob Flanders – Have Bill and Chuck reviewed this plan? There are code differences that kick in with this change of ownership. Edgar – Mr. Chairman, I can speak to that. I specifically asked that question of Bill and Chuck and the response was when they added the third unit and we went through this catch up phase last year, they had gone through and imposed all the necessary upgrades and requirements so they made it clear to me that they are all set from a code point of view. The one exception, Bob, and this is one of the things I'll be working on with Frank, Chuck is fairly particular that he wants to make sure all the alarms are considered common area so that in the event there is an alarm malfunction or

something that has to be addressed from an alarm point of view, we don't have to chase around property owners to gain access to the condominium, as well as the lock box for the keys to be able to get in so he likes to have assurances that there's provisions in the common area descriptions that make it clear what the responsibilities are of the Board of Directors in that regard so we'll be working that into the documents as necessary, but with respect to codes, my understanding is that they are all set. Carpenter – Is this 6 Waukegan Street. My parents live next door. Their driveway literally is 5 feet from our living room window and there's been an ongoing problem of noise where tenants there have been playing their music so loud that it's disturbing to all the neighbors and been very completely inconsiderate so as this goes to condos, our concern is that this is going to foster maybe more of a vacationing type of person who would be up for vacation to have a good time and again more noise. I'd like to see some sort of sound barrier fence between our home and this set of units. Vadney – The change in ownership subjectively I suspect, you may have better neighbors if it becomes owners. I don't know how to speak to the fact that they could become summer rentals I suppose. The question of the fence is a difficult one technically. Johnson – Just briefly, one of the advantages in a condominium form of ownership vs. a rental is if one of the members of a rental unit right now is playing their music too loud, it probably not only bothers Mr. Carpenter's family, but the other people that are renting in the building. With the condominium form of ownership, there's enforcement through the condominium association and the other two unit members can actually enact through their condominium association to rectify that. The other thing is that this is an approved site plan and any type of use that's inconsistent with the Site Plan Regulations can be called back before the Board. Unfortunately, loud music and that type of behavior normally is a civil matter, not a Board matter. You can get bad neighbors in any form of ownership so really the condominium conversion hopefully and by my experience tends to lead to more care and better use of the property more consistent with a neighborhood atmosphere. It's not always true, but that's my experience. Vadney – I know it's extremely difficult to try to stop noise with a thin fence. It sounds like a good idea but it doesn't work. Bliss – Mr. Chairman, the owner doesn't have to answer this, but his may help clear some of the abutters' concerns. Are any of the tenants, who are living there already, planning on purchasing any of the units? Hagan – They are not, they are moving out. Edgar – Mr. Chairman, one of the condominium documents addresses use limitations and it reads as follows: "Everyone will be expected to exercise extreme care to avoid unnecessary noise and at no time are equipment, musical instruments, radios, phonographs or TV's to be so loud as to disturb others." We could expand upon that and say "to disturb residents or neighbors" for a little clarification. There's no silver bullet here. As a practical matter, whether it's an apartment or a condominium if someone is that arrogant and obnoxious to cause a

problem, at least in the condominium context, one unit owner can enforce it upon another if it got so bad that it had to be a civil matter. I think there may be some noise ordinances in the Town type of thing that maybe if it got that bad, the PD could look at them. I'm not really up to speed on that, but that's another avenue short of Planning Board approval. Flanders – There is a noise ordinance but it requires measuring the decibels of sound at certain distances and so forth so technically there is one, practically it's just about impossible to enforce. In fact, I think I remember some dialogue that occurred over this same property a few years ago and that was pretty much the problem, being able to prove the decibel level when you got to court. Vadney – I feel for your problem, but it's extremely difficult to put up a fence that would do anything on that. Scott Carpenter – If the current people are going to be moving out, then we're happy as can be. No one could be worse. Hearing closed at 7:35 p.m.

Bliss moved, Bayard seconded, MR. CHAIRMAN, I MOVE THAT WE APPROVE RICHARD HAGAN'S PROPOSED SITE PLAN AMENDMENT TO CONVERT AN EXISTING APARTMENT BUILDING TO A MULTI-FAMILY CONDOMINIUM, TAX MAP U06, LOT 10, LOCATED AT 6 WAUKEWAN STREET IN THE RESIDENTIAL DISTRICT; SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) ANY APPROVAL IS SUBJECT TO BOB HILL'S SIGNING OFF ON THE FINAL PLANS AS FAR AS METERING AND SEPARATE SERVICE LINES;
- (2) THE DPW DRIVEWAY PERMIT BE CROSS REFERENCED ON THE FINAL PLANS;
- (3) THE DRAFT DECLARATIONS OF CONDOMINIUM BE REVIEWED ADMINISTRATIVELY AND THE TOWN PLANNER SIGN OFF ON THE FINAL DECLARATON DOCUMENTS;
- (4) THE PLANNING BOARD RESERVES THE RIGHT TO REVIEW AND AMEND ANY SITE PLAN APPROVAL AS PROVIDED FOR IN THE SITE PLAN REVIEW REGULATIONS NOS. 7 & 17.

Voted 7-0 in favor of the motion.

Bliss moved, Bayard seconded, I MOVE THAT WE APPROVE RICHARD HAGAN'S PROPOSED SUBDIVISION OF A MULTI-FAMILY USE INTO A CONDOMINIUM OWNERSHIP, TAX MAP U06, LOT 10, LOCATED AT 6 WAUKEWAN STREET, SUBJECT TO THE SAME CONDITIONS LISTED ABOVE. Voted 7-0 in favor of the motion.

3. **JIM GOVE OF ENVIRONMENTAL SERVICES AND BLAKE CULLIMORE OF MUNICIPAL RESOURCES, INC.** – Pre-Application Conceptual Consultation to discuss possible subdivision of Tax Map R04, Lot 5, located on Pease Road in the Forestry/Rural District.

Jim Gove – The first thing is, I'm thoroughly impressed with this facility. I just have to say that after spending the time over at the Police Station, this is really very nice. I'm not having to park in a ditch someplace and it's really a great facility. Despite the fact that we may not have a high easel here, I still really appreciate this facility. The second accolades I want to pass on is the fact that we are looking essentially at a cluster subdivision here and we've met with John 4 or 5 times and John has been incredibly helpful in terms of getting us to the point we are today. We certainly recognize that there are some issues with regard to the cluster, some things that aren't clearly defined, but we believe that John has done an absolutely wonderful job of taking us in a very reasonable and good direction including to the point of actually looking at it not just from the standpoint of what the soils and slopes would support but also what an actual conceptual yield plan would support so we think that has been a really, not only just a good exercise in terms of getting to where we are today, but we also think it's a really good planning process that we have been involved in here. With regard to what we did out here, we're looking here at essentially a 169 acre parcel off Pease Road and it has areas which are essentially sloping, some steep slopes not very many, we have a lot of wetland seepages coming off this hillside that lead down to the bottom of the hill which is essentially flattened out and has the majority of the wetlands. So the issue is we have Pease Road over in here and this is really the height of land and this is draining down in this fashion. We have some stream channels in here, not a lot; again a lot of these are these seepage areas. We have a field up on this area here. There's been some cutting that's taken place out here but I wouldn't actually say clear-cutting. Kahn – Could you point out where your frontage is on Pease Road. Gove – We actually have a 50' frontage right here on Pease Road. We also actually do have a couple other lots under control that aren't part of the whole parcel where we could also get frontage through. In essence, as I was saying, this is kind of the drainage as we come down across this, this is the lower area and this is the upper area and we've got a big field up in here. We have had some cutting that's taken place out here but there's a lot of this lower area that's still been maintained pretty much in forest. Probably it was called a selective cut, but in all truth the selection was probably for the biggest and best trees and they kind of left the, you know, that's kind of that kind of selective cut. We've identified and flagged all the wetlands on site. We've done the soils mapping on site and the conversions over to your ordinance and essentially we have a really good handle on the natural resources that we have out here and so that's been my firm's initial involvement in getting this started. I'm going to introduce Blake Cullimore and he's working with Municipal Resources, Inc. and he is going to sort of take you through the site in a little bit more detail, some of the zoning issues and that sort of thing and I'd like to come back and take you through how and the reasons why this makes good

ecological sense to go with a cluster on this particular site. Blake Cullimore with Municipal Resources – I'm going to sort of take you through the major pieces of this handout that I gave you just so you'll know what you're looking at. Starting on the first page.. Vadney – To make sure we're oriented, the immediate south is what, the golf course? Cullimore – Yes, there's a small (inaudible) and the golf course is right here. Vadney – How far is your driveway north of the golf course driveway? Cullimore – A couple hundred yards north of the golf course driveway and then I believe we also have this lot here. Sorell – Was that the campground? Cullimore – The campground is right here. The green is the wetlands, the pink are slopes over 25%, the small dots of purple that's where there's a wetland and a steep slope together so very little of that, but primarily what the (inaudible) focus on slopes over 25% and Jim's going to provide more detail to that as we get into that discussion. Just quickly, I have a design team on the first page. This project is through 1<sup>st</sup> T Development which is owned by Don Jutton. He is also a principle at Muncipal Resources and the goal really of this is to design a quality residential development, really embracing some of the principles of conservation design and focusing on some of those environmental factors and preserving those and that's how we get to the cluster. Also on our team is Traffic Engineer Steve Pernaw. You will find a letter from him in your packet talking about sight distance views which is a concern and he's addressed that at this early level. We also have MHF Design, Mark Gross, who some of you may be familiar with, he did some of the work here on the Mobil across from Meredith Bay Village. He was the engineer on that. The team itself has probably been working together for about 20 years. Municipal Resources, Steve Pernaw, Mark Gross and Jim Gove so it's a good team in terms of people and a lot of communication. Just to move through it real quick, on Page 3 you'll see a quick property description. On Page 4 just a quick map. This is tax parcel R04, Lot 5, it's about 170 acres, 75 acres of those a significant portion are wetlands, but the steep slopes portion is very minimal. Do we have slopes in that range from 0 – 15%, yes that's a significant portion of the site. It's 25% and the rest of it's flat, we have some slopes but the ones we're really concerned with their limitations are these ones right here. The land slopes basically from east to west and from 970' here on the top of the site down to about 650' at the bottom end of the site. As Jim has noted already, there has been a fair amount of cutting, but it has also opened up a lot of trails on the site. There's still quite a few stands of mixed hard woods and some smaller stands of white pine and eastern hemlock. This site is in the Forestry/Rural District. I won't get into too much of the details of that right at this moment, other than to say that we believe this site fits well within the intent and purpose of that district when we looked at that in greater detail. The proposal that I'm putting forth here essentially is going to be, we're hoping in the final result, a small development in this area of the site. This is a 100-scale version of that area. We have Pease Road here

and the development is all south of this segment of this wetland here. Given what we've focused on in the development really is some of the aspects that as we went through the Community Plan, we thought were important. One of those being making sure it's low impact and fits into the established rural community in Meredith and in particular in this larger neighborhood in this area. We believe the layout and the type of vernacular architecture we're doing fits into that meaning that we're looking at putting in some areas where we already have some clearings, opening them up and making them meadows and connecting the wetlands and the forested areas to create that farmland vernacular landscape between house, meadow and forest is the character we're shooting for. I think one of the things you'll find is and again going along with the Community Plan is I think we're shooting for being good stewards of the landscape where we're protecting approximately 75% of the entire site when we get back to this site here. This is the portion that we're looking at developing in the end, this is the portion that will remain in a protected status in perpetuity. Again, I think the way we've done this that this keeps this wildlife corridor in an unfragmented state, it creates a nice walkable pedestrian oriented small community in here, yet has access to not only the golf course which we're open to work with in terms of access there, but close access to the road. Vadney – What is the upper crooked line there? Cullinan – We'll get into that later. This is the yield plan that we went through. We went through a process of saying if we're going to develop this in a traditional manner, how many sites could we fit on there, where would the roads go, what will the configuration be, what is a reasonable number of lots that we put on there and that number is used when we get to how many units do we want to put in the cluster plan. That's something that we'll have some discussion over as part of the complete process. I think what we're doing is trying to work closely with John on what is the right process for the Board to follow in this knowing there's some gray areas, knowing that's not a requirement yet. These are roads, these are lot lines. Again, the housing that we envision here would be condominiums limited to two bedrooms and right now we're looking at age-targeted housing, looking at I believe the +50 age group at this point is the concept that we're looking at. Again, the decision is going to be driven somewhat by market, but that's sort of the general idea so it's going to have a limited impact on municipal resources in the community we believe and it's going to again have very low impact on the natural resources on the site, hence, in a greater context. I'm not going to go too much into the zoning ordinance. I think we've discussed that in passing in terms of we believe this fits well within the Forestry/Rural District. Each of these parcels here is a 3-acre parcel and fits within the scope of the zoning ordinance as it stands, hence, going through your plan process here, we believe that we have 34 buildings here and we can get to 34 buildings here and on that note I think what I'll do is pass this on to Jim to be able to discuss a little bit of the relationship of the natural resource

inventory that we've tried to work with in the process that we're going through. Gove – It's tough to be called one of those age-targeted people. One of the things that we took a look at right off the bat and that we wanted, I mean when you get down to it, you have to say to yourself OK, you can take the whole site and you can divide it by 3 and you come up with 56 buildings, but that's not really realistic. Obviously, because you haven't taken out your steep slopes and you haven't taken out the wetlands and you haven't taken out the ROW so if you do then the analysis and you say OK, let's knock off the wetlands, let's knock off the ROW, let's knock off the steep slopes and let's take a look at the actual soils that we have out there in the uplands which in this case are Woodbridge soils, which is essentially on a B slope, it's like 60,000 sq. ft. You essentially come up with 43 buildings, but even that is not realistic because if you think about it, it's one of those things where you have to be able to get there from here. In other words, if you have some uplands, you know if the majority of the uplands happen to sit across on the other side on a bog and you know that you haven't got a prayer of ever getting a Wetlands Bureau permit to reach over there, it's a little bit disingenuous to kind of say that while I've got my 43 units and I'm going to stuff them into this little corner here of upland, but because I've got all this other upland over there, but I know I can't ever get to it and so really that was an argument that John made to us early on and it's a valid argument. If you look at it from a rational perspective and I know you've had some mixed issues with clusters in the past here, but it's a rational argument to then say OK, let's take a look at a conventional yield plan to see what we could actually do out here and the thing is that we didn't want to go through a full engineered plan. That's where the real money comes in, that's where you're going to get, whether it's the guy I work for, my client, or any other client, they are going to say, OK if you go ahead and you do a completely engineered yield plan, that's a lot of dough, but it has to be reasonable. We have to be able to say that the size of the lots work, that we can actually literally get from here to there and I have a fair amount of experience in terms of wetland permitting so I have a sense as to what wetlands we can cross and what wetlands we can't cross and we have to make sure that when we take a look at a lot, the houses are sitting in uplands and not in wetlands and that it respects the buffers. In essence, from 43 that the soils would support, what we're looking at here is a yield plan with and essentially we're utilizing that lot right there, we're utilizing this spot on the road over here and essentially what you can see (inaudible). They aren't just 3-acre lots, but that's the smallest. They've got lots here that are well over 3 acres, but this is a reasonable layout. We know that the road can be built from an engineering standpoint. We ran it by the engineer and said could you actually design a road here? Yes, we can design a road here. Can we actually get the wetland crossing? There are certainly more wetland crossings than I'd like to get

on a subdivision, I mean when you're looking at 8 wetland crossings, but can you get them, will the Wetlands Bureau allow it? Yes, they would allow it. So, in essence, you know we're looking at like 34 buildings here down from that original 56, down to 43 and now we're down to 34 and that's really and we didn't consider any 10% bonus or penalty depending on how you read that in the ordinance so essentially we're looking at just the 34. Now you're going to say, we understand why you picked that particular spot to put the cluster. First off, it's nice and close to where the entrance is over here, it's the biggest hunk of upland over here, but there are some other issues that also went into our planning of this as a good location. Based upon what we saw out in the field for wildlife habitat use, based on what we saw in the field for the functional value of the wetlands and also making good use of the natural resource inventory that fit in pretty well with what we saw on the site, that helped us to define where we were looking at actually protecting here. So from the standpoint, first off the agricultural lands. Now this area even though we see there's a fair amount of wetlands here, that Woodbridge is in fact still considered to be a resource from the standpoint of being one of the statewide important agricultural areas and in particular, the area that was identified was the field area that was all cleared up in here as being one the areas that are considered to be one of the best agricultural lands and so obviously, we like the aspect of the fact that the field area provides some view scapes from Pease Road and other people in through here and so we're kind of looking at this area here and stand away from that. The other various overlays that you had done also fit into this. We're looking at this as being good forestlands and the good forest lands were identified primarily down in this area through here and contiguous is a lot of forest lands on the other side and so essentially we're looking more to this area. From the standpoint of critical view shed resources, this is an area that's been identified as a critical view shed area right along this road and I'm going to let Blake get a little bit more into the way he designed it making sure that we put the units in without opening up another huge field. In other words, we don't want to have this shining like a beacon out there so that when you drive along you're going to see this mass of open area. We think the field is fine and it should stay as it is, but we aren't looking for this massive open area that's out there that's going to disrupt that view shed. From the standpoint of water resources and water supply, this is not an area that has been identified and that's not surprising because essentially we're looking at these Woodbridge soils, they are glacial till soils. They aren't the sand and gravels that we're looking at for aquifer areas and so it's not surprising that these haven't really been identified as water resource areas. We also looked, there's always that discussion of critical wetland areas, but we also took a look at the upland wildlife habitat. This has been identified specifically in this lower section to here as being not only a deer yard, but a valuable upland wildlife habitat and what we actually observed was that this field was actually part of and utilized by the wildlife corridor.

We know we have a wildlife corridor coming right on down through here, but we also found a secondary corridor coming up into this field area. Obviously, that field area's got ecotones basically that change from forest to field and provide an edge effect that we always like to see. The field itself if you go out there, especially in the early spring, you see a lot of bedding areas where the deer have been up there. They have been up there feeding and so leaving that open provides that (inaudible) area that we're looking to maintain so from a lot of perspectives, it makes a lot of sense to kind of bring that over close to the golf course area and essentially utilize that particular spot. So I think that it provides a lot of other benefits besides just the typical ones that you hear about for cluster, like cutting down on the road length and we're going to keep some open space open, but it's good open space that's the point. In other words, it does have ecological value to have that kind of open space. Blake, why don't you just kind of go through the specifics that we tried to build into the cluster with regard to the road layout, we're trying to maintain as many trees as possible here so we don't end up spoiling any kind of view shed to this area. Blake – Basically, one of the critical pieces from the development standpoint of this property is the fact that the views to the west here are absolutely gorgeous and obviously we want to take advantage of that. At the same time, we're very considerate of the idea nobody wants to look back at this and see a huge cut up development. It's not the character that we're shooting for; it's not the character that the Town is shooting for so to help mitigate that and reduce that visual impact, the way we've designed this really is creating bands of trees running through. Not only does that help provide greater buffer to the wetlands, but one of the goals in this cluster was to create pockets so within the cluster itself, we've also clustered homes together to create areas here and though they're really graced by the landscape here represented by the trees, but if you think about the landscaping here, it really adds even to this greater natural resource area that Jim has focused on down here. By the same token, what we've done with this road is try to meander it in here and make it more of that rural road so by limiting the amount of straight cut heavily engineered roads, you're in to things that jump out in your mind and as you're driving down the road when you see something so the different characteristics of this that we're shooting for, hopefully, and I believe it will be played, really protect the view shed from a distance while at the same time getting southern solar gain to the homes and providing small areas for the homes and provide the homes with a greater view shed to the west and I think we can make that balance between those two things. I think that's what the design aspect of the layout really begins to focus on and by doing that we're able to expand really the whole natural resource and wildlife corridors right into the community and vice versa have an area here that is not just a cut out of the larger parcel or the larger area, but something that fits into and is integrated into the larger landscape and into the view shed of the community. That's really, I

guess, the design intent behind this layout. Edgar – Blake, could you point out, it's hard to see it from here, could you point out the general layout of the road loop? It's kind of hard to see it from a distance and distinguish the driveways from the roadways. Blake – Here's Pease Road entrance right here. The road comes in the entrance to the loop here and then it meanders this way coming down the slope. Kahn – Would you point out the wetland crossings as you go? Blake – There is a wetland crossing at the entrance right here, then the road comes down this way and there's another wetland crossing here (#2) on this road coming in here there's a wetland crossing here (#3), the road then continues into the southern corner of the site down here and then bends up and the last wetland crossing is right here (#4) as the road exits the site. This type of loop layout allows us to even create the one-way road and internal to this, the thoughts that we've been having will be to create a little path for bikes and pedestrians, one area here and another area here and you can sort of come in long/meadow types of areas and the idea is that they are informal in nature but gives each area here some open space, yet borders each unit and home onto some forest land. Vadney – In rough terms, how many acres are you encompassing in that cluster? Gove – Right here we figure there's about 25 acres of area that we're impacting in here. Vadney – The current number is 34 houses? Blake – Yes. Touhey – Those are single-family, 34 single-family units? Gove – No, in both the yield plan we were doing 34 duplexes and the same thing with the cluster, we're looking at 34 duplexes so that would be 68 units. Vadney – You're looking at 68 units? Kahn – Mr. Chairman, at the appropriate time I'll speak to this at length, but I have a real problem in terms of interpreting the zoning ordinance to get to 68 units. I don't think it's justifiable. Gove – Well, obviously that's.. Kahn – I know the arguments, I know that our zoning ordinance could be better written, but I don't think you get to 68. I think if you do duplexes, you've got 34 units. You can go single-family or you can go 34 apartments or 34 single-family but no 68. Gove – All I can do is come from an environmental perspective and certainly as we look at the various zoning ordinances and various land use ordinances, you really are looking at it from the standpoint are you in fact protecting the environmental integrity of in this case, it would be the groundwater resources out there and so if you actually look at it from that perspective, we're essentially talking the same number of bedrooms. Kahn – But you're talking a different number of kitchens and a different number of cars. Gove – If I may, the situation you're looking at is essentially the same number of bedrooms and you're also looking at something more than that because if you take a look at it, you recognize that under a 4-bedroom scenario, you're actually and you know when I throw this out, this is a census data and so it sort of sounds ludicrous, but you're always talking about in this case in a 4-bedroom scenario in the State of New Hampshire, you're looking at 2.7 people. It means you have kids in there and so the situation is that in essence when you're looking at

age-targeted, you're not going to be looking at the scenario where, for instance, you might have some situation where you have a whole bunch of kids pushed into essentially this two-bedroom unit. You're not going to have that particular scenario so in essence from the standpoint of looking at it not just from a bedroom standpoint, but also from a people standpoint, you're actually probably going to end up with less environmental impact because you're going to have a lesser number of people than you would in a conventional 4-bedroom scenario. So I guess what I'm looking at here is, yes, I think there is an area that is not clear within the zoning, but from the standpoint of the environmental impact because I'm the wetland and soil guy, I'm looking at it from an environmental standpoint, it's absolutely from the standpoint of making sure that you're groundwater resources are protected because that is the full basis under which we're talking about densities. Bliss – I was just going to say that I think as a Board, this is a pre-application review and it almost sounds like we're getting into some of the debate and we know we're probably going to meet 4, 5, 6, 7 times on this. We've already talked 45 minutes on it, we have a lot of long meetings, I would like to keep it to the nitty gritty parts of it and put it out there, let us know what you're planning and let it fall there. Vadney – I agree, Pam. They did say though they were wondering how much money to spend on detailed engineering and I would think the tone of the Board might be, don't spend a whole lot yet. Edgar – Mr. Chairman, I think it would be helpful to think of this in maybe two different dimensions. The first is looking at the land capability from the yield and I think the way we left it at our last meeting, there's probably 34 somethings that we might be able to get to relative to land capability for 34 structures, recognizing that there is some question as to how the ordinance may apply to a duplex condominium so that's kind of where we had left it last time we met so with respect to the process of just for the sake of argument, let's assume it to be 34 single-family homes. Just for the sake of argument, would the process that they've gone through in terms of looking at the detailed topography, the detailed wetlands, the functional aspects of the wetlands and trying to go through a logic based upon a lot of detailed information on the property to get to a number and just for the sake of argument, let's assume it's 34 single-family homes. That's kind of one question. The process that we've gotten hung up on on some other applications in terms of the question as to what could get on the property if you did a conventional subdivision and to be able to demonstrate with a straight face that you're not getting some windfall as a result of cluster and so based upon all those debates and prior applications that's kind of what led us to that process so I think that's one thing that we should try to give them some feedback on. The second thing is the zoning question. I know that Bill has met with the development team and I asked him today what his sense of it is, he hasn't had a formal request made of him, but the readout that I got from him was that the zoning ordinance did not anticipate duplex clusters. I haven't quizzed him on it in terms of what he

read to come to that conclusion, but he explained to me that he's expressed that to you guys in your meeting. If that were to hold up as a formal administrative decision on his part, that would necessitate a variance. Secondly, we have the issue of the special exception for the cluster just kind of on its face and then the next special exception depending on whether or not the variance is granted would be whether or not to have more or less a blanket special exception for duplex if the variance were granted. That's not been done before either, but basically that was his initial read to me today in anticipation of tonight's meeting. He hasn't made a formal decision at this point, clearly there has to be one that these guys can benefit from and everybody else understands the reading, but his initial thoughts were that the ordinance didn't anticipate a duplex. There may be arguments that these folks can make to the ZBA, but his initial read was that it probably was not anticipated in the ordinance and probably would require a variance so that was his initial take, but I think we can offer our constructive analysis of the ordinance, but at the end of the day, Bill has to make the call and then it becomes an appealable administrative decision at that point. Vadney – Let me add something to this. Those that know me know I like to integrate between 0 and infinity and see how things diverge as they go. Using this same reasoning since it will handle 34 4-bedroom places, you could put on 68 2-bedroom places, I would suggest why didn't you try 1-bedroom ones and go for 136 and after you've done that since they are privately owned condos, have each homeowner ask for an accessory apartment, you might be able to get 272. I say that facetiously but that's the same reasoning you're using that I don't think Bill Edney would go far if he tried to say that was a good reading of the ordinance. Kahn – I think we don't really have to get into that kind of abstract reasoning and neither do we have to deal with the gentleman's environmental arguments, I think we've got an ordinance and if we read the ordinance, the ordinance is screwed up there's no question about it, but I think if you read the ordinance, you cannot rationally come to the conclusion that in this district you can take 34 single-family units and turn it into 68 duplex units. You certainly can't do that in the three districts where we have the greatest density which is the Route 3 South, the Central Business and the Meredith Center because on those I think it's pretty crystal clear, a single-family unit is a single-family unit and you can call it a duplex apartment, you can call it whatever you want to call it, but you cannot multiply by a factor of 2 and I will grant that in the other districts including this district, the ordinance is kind of screwed up, but I do not think and I'm the guy here that's had the legal training, I don't think you can read the ordinance to say that there are 68 duplex units permitted in this district. Vadney – I will add one thing to that. The reason I think you would have a hard time selling it to me with that reasoning of doubling the units is and it may make eminent sense on this piece of land, but if we used that as a precedent, if we use that as good reasoning and set a precedent that that's what our ordinance means, I

can't imagine how many other units would quickly be condo'd and subdivided and multiplied so I'm a little worried at how we would be changing the overall philosophy of the Town so that's really my concern. One of my major concerns is I don't want to do something here that might make good ecological sense on 169 acres and open the Town up to some real problems, people would come out of the woodwork on this to find ways to subdivide land that was never intended to be. Gove – I certainly appreciate your concern about opening a floodgate and we certainly aren't here to try to open a floodgate and I certainly also would like to get the actual readout that Bill has on it and I guess what we do, John essentially petitions Bill to give us a formal readout or whatever, but I guess at least if we could and I guess I want to do the something things again. We've got 34 somethings here and whatever those somethings are, let's say we do have the 34 somethings, is this Board comfortable, whatever those somethings are, is this Board comfortable with the way we got to the 34 somethings because to us I think it's important that we be able to say all right we started off with 56, we did the soils and slopes and ROW reduction and all that stuff and we got to 43 and we agreed with John with the fact that 43 doesn't really necessarily mean you've got 43 and now we're looking at essentially what we went through and again, alright you can twist this 5 or 6 different ways, maybe you could get 36 of it, but anyway I guess what I'd like to say is the rationale of getting there seems like the way to go. Vadney – The rationale certainly is appropriate, I think and indeed when we looked at this same 170 acres or so a year or so ago under a different proposal, it had some very odd driveways reaching some of those outer pieces of land so I think you're reasoning here is conservative and reasonable. Edgar – Mr. Chairman, could I ask for some clarification. I think this would be helpful on things that I'm aware of that everybody else may not be aware of. Could you Blake or Jim kind of review, one of the issues that we spoke of at length was to make sure (1) you met 3 acres, (2) you had 50' of frontage, (3) you had buildable envelopes and we weren't going to be putting pressure on the buffers. In other words, we didn't want to site a whole bunch of houses and the lots would meet, on a standalone basis, soils and slopes because we had the benefit of the detailed soils information. Whether or not someone would build a road that long or those kinds of things and we also talked about the feasibility of access to make sure that we're not playing games with respect to the suitability of access onto Pease Road so if you could speak to those characteristics. You haven't really touched on that but that's probably reflected on that overlay that reflects the work that you've done in each of those areas and I think that may help a little bit because I know Ralph's probably waiting to ask some questions on some wetlands and I think if you can speak to some of those issues that might help. Gove – I think one of the things as we looked at this, we recognized the fact that first off we didn't want to have a huge amount of roadway and, let's face it, we're not going to build a huge amount of roadway to get to these various

parcels. You're not going to in a real honest to god plan, you're not going to take a road and move it way down here and all the way up around here just to get to those parcels. The other thing you're not going to do here is you're not going to put that road through extensive amounts of wetlands because it doesn't meet the straight faced test of saying, can I get there from here? That's really kind of the issue that you have to look at. Can I get it permitted? So the actual road layout is a road layout that we know we can get permitted if we had to. We don't want to, but can it be permitted? The next thing we looked at was looking at some of these lots, we know we can site a house here and we know it kind of meets the criteria, but it really doesn't make a lot of sense because they are really, really tight and so what happened was, I can't recall you at one time were working with like 37 or 38 or something like that.. Blake – We got up to about 38 and probably quite frankly could have pushed it more and the end goal was to come up with something that, but we went through it to get the right amount of buildable envelope to make something that was, if we wanted to put this into an application form and submit it to you, that we could do that with, that's where this is at. This would be the first conceptual if we didn't want to do this at all. Are there other variations on this, there sure are. There's a couple of different ways to get here, but we believe this fits the intent as far as the rule. Gove – So what we did was, we looked at those and there were 4 questionable lots from our perspective. In other words, either they were really long driveways or they really didn't look like they would really fit a house on them or the numbers just didn't work and so basically 4 of those lots just went away. From the standpoint of this particular yield plan, I can't tell that we're down to the point where we know where every single retention basin's going to be, no that's not where we're at and in terms of all the grading, no, I can't tell you we're all there in terms of that, but can it fit, yes, it can fit so that's how we got to the 34. Bliss – Mr. Chairman, I would just like to say you talk about 34 somethings and I would just like to say you've talked a little bit about the environment, I would have to say does it fit with the neighborhood and I don't believe it does and I think that's going to be your biggest obstacle. If you look in the history of this Planning Board and some of the plans that have come before this Planning Board, you think we're tough, they are going to be even tougher and I just don't think 34 whatevers out there work. Vadney – Indeed, I appreciate the environmental aspect of it and the overall construction aspect of it, but we'd be authorizing here if we went with your plan a real density if you went to 68 units and on 22 or 25 acres of land, that would be a density that would actually exceed most of our downtown, our village kind of density. We've gotten beat up pretty badly on a couple of issues here and I think we'd really get bloodied on that one if we... Gove – Can I ask though if it was, in fact, let's put it in the context as John put it. In other words if we talk about 34 single families and just say 34 single families, is the rationale that we went through good? Vadney – Yeah, I think that's the rationale that we've used on many

projects, subtract out the wetlands, the ordinance covers it and the logic, your own construction costs say don't do too much to go pick up that last lot. That's just common sense. I don't think anybody would argue with that part. Kahn – I just want to agree that if you were talking 34 single-family units, I think you've done a real workman like job in terms of getting to that number and in terms of siting. It's difficult to see at this range exactly where the particular buildings are sited, where the particular wetland crossings are and whether or not the thing could be tweaked one way or another to make it better. How the folks living along Pease Road are going to react to 34 single-family dwellings, probably the reaction is not going to be great, but on the other hand there are certain things you are entitled to do and my guess is that if you proceeded with 34 single-family dwellings, you're going to be able to do it one way or another given the amount of land you have and the way you've worked down to sort of the nut of what's buildable and what's not buildable so while I might have some things I would want to tweak in terms of how you've located them or something like that, I think you've done a very good job in coming to the number of 34. I just can't get the 68 on the law and it's not a philosophical issue, it's not an environmental issue, I just don't think that the ordinance justifies 68. Ralph Pisapia – Is this a road? Vadney – That is a make believe road that would be there if they went to single-family homes. Pisapia – Where is the access of that road out to Pease Road? According to this, you don't own that property. Blake – We actually own two lots and the other lot is this lot right here where it comes out. The other possibility that we get into here is there is an access point here. We did another version where we could actually tap in off that, but again, at a yield level this is very conceptual and very fluid in that role. Edgar – I discourage showing the connection to Skyview Circle because there's private property owned by somebody else between their land and the Town's ROW. Vadney – We looked at that on the previous application. Kahn – I think you ought to also bear in mind that Skyview Circle is up there. I don't know how many homes are in that subdivision, but that subdivision is there so if you are talking about what fits with the neighborhood, there is a very large subdivision there that I think an older one and it's very well hidden. Pisapia – I guess another question I would have is in their yield plan, does the building envelope include septic and well sites so they could actually build on every one of those lots. That's a question as far as getting this yield plan, my understanding is they would have to go in for a subdivision plan first and the subdivision would have to be approved. If they came in with this as a plan, the Board would have to act on a subdivision plan correct? Is it reasonable to assume that the Board is going to approve that number of lots on that parcel? Vadney – The short answer is probably yes. Pisapia – I believe that if we go out and look at this site and look at the number of wetland crossings and the number of wetland fills that are going to be necessary, the Conservation Commission certainly is going to have a number of major objections to approving a

subdivision of that size on this parcel and I would venture to say that we would make strong arguments to the DES that they not grant permits for a number of those crossings and wetland fills so I question whether or not they have a yield plan that's even valid here. The other thing is that Mr. Gove mentioned that they've done environmental work and wetlands work, I would ask that we be provided a copy of that so we could get a jump on just where we are. Edgar – Mr. Chairman, I think as somebody indicated there will be a lot more meetings as this whole thing plays out and I think Ralph is speaking for the Commission but this is his first view of this and I think it would probably be a really good idea if in some kind of a workshop fashion maybe you met with them as well to get into some of the details with the Conservation Commission. As I've indicated to you guys in my office, the Con Com will participate in these hearings, they will be advisory to the Zoning Board of Adjustment by ordinance and they will be advisory to the State so the Conservation Commission is a key player. The applicant had asked that the Conservation Commission be notified for the purpose of this meeting, hence, my call to you Ralph so they fully understand that dialogue and that working relationship has to proceed so that might be a separate track and it might also be appropriate to walk it jointly. We can look at that map, you look at all that green and you kind of want to close your eyes, but I think as a practical matter, there are gradations of value if you will and just because as we've seen on a lot of projects, just because something is technically wet doesn't necessarily mean it's more important than a piece of upland for that matter so I think walking it and maybe even jointly walking it with the Con Com like we did on the Atteberry property, I think that was very productive and I think that might bring perspectives more in line however they evolve over time and I think if we walked it together that might be a good thing and have some follow-up with the Con Com on the functional values and how things have been minimized and the like might be a productive next step. Gove – And I really think too that the point is a lot of times, our client basically not only was he not thrilled by the way we flagged it, but also he argued vociferously that these areas of seepages were not in fact wetlands. Well, despite the fact that they might not look like wetlands from his perspective, the fact of the matter is and the fact that they are on some steeper slopes and you wouldn't necessarily expect the seepage wetlands on the steeper slopes, they did meet the 3 parameter criteria so a lot of times we had situations where he walked right over the site and we had to tell him he was standing in a wetland right here and he's saying it looks no different than over there and we understand, but then we have to go through the whole deal about please look at the tree canopy, please look at the shrub layer, please look at the herbaceous layer, here is the soils profile, you can see this is hydric and therefore this is in fact a jurisdictional area. Admittedly, that occurs on these kinds of sites. Once we got down into the bottom portion of this land, those questions weren't there because in a couple places there, you jump from hummock to hummock, but in essence

on the steep sloping areas up through here, you essentially are looking at stuff that may not at first glance appear to be wetlands so again from a functional standpoint, we're looking at a lot of seepage stuff out there and we would welcome the ability to go out for a joint site walk at any time that you would like to set it up. Bayard – I really think the 36 as presented is a stretch if we're going to be going through that I think there's about a half dozen of those that are practically solid wetland crossings or building a house in the wetland unless you go 100' or so through a wetland. That being said, you could probably switch things around and maybe pick up 3 of the 6 or something by just redrawing the thing. You get around it by coming into a cluster and I see that as making a little bit of sense. You get a little leeway because you are putting all the wetlands and everything into protected areas, but then you go and double it and that's my concern. You come up with a number maybe a stretch, but every developer wants to maximize the amount he can get for his land. They don't tend to want to minimize it unless they are living on it, but it's doubled and I think that's another issue and I also just want to say your yield calculation, the math in the beginning of it was a little bit off so you might want to just check that. Your conclusions and everything as you go on is OK, it's just the first one I think you have some multiples in there or something that don't make sense. Kahn – We're dealing here with Forestry/Rural which is 3-acre zoning and when you carve the parcel up into 34 lots, you're ending up with an average of 5 acres a lot or something like that and in the last Ducharme go round, we kind of came to the conclusion that you didn't have to sort of engineer each lot because there was enough land there that you were going to be able to site a house and put in a septic somewhere on that lot. I think when you start getting into lots of about 5 acres, you're probably getting to that, I think your problem is going to be here in terms of justifying the yield, how many wetland crossings you need for your roads and how many wetland crossings you need for your driveways and are they really justifiable. What kind of wetlands are we talking about and how purple does Ralph turn when the number is suggested. I think you suggested there were 8 just for the roads alone in that iteration, but maybe the thing to do is to set up a session with the Conservation Commission and such members of the Planning Board as would care to attend and go over your conventional subdivision plan and see whether or not that is really a realistic plan without having to get you into the engineering because if it is a realistic plan to say that you're coming up with 34 units on 169 acres is certainly crazy, maybe it's not 34, maybe it's 30, maybe it's 38, but I think you're probably somewhere in the realm of reasonableness in terms of single-family units and your real problem is wetland crossings because you probably have enough light in every lot that you can find someplace to put a septic field. Gove – And the reality is that the Wetlands Bureau is very much, in a residential subdivision, the Wetlands Bureau will work with you a lot to get you to those viable upland areas because essentially it's by right. You have a

right to cross to get to viable upland areas. The rub comes if you go and then say and by the way, I want to fill a little bit of wetland for my tennis court or by the way, I want to fill a little bit of wetland for the edge of my house. Now you're getting into a realm where the Wetlands Bureau in a residential subdivision is going to say forget it. Not a prayer, you're never going to put your house in the wetland, you're never going to put your septic system in a wetland and you're never going to put your tennis court in the wetland. But from the standpoint of access, whether it's a driveway or whether it's a road crossing as long as you can say OK I'm crossing at the narrowest point to get to that other piece of upland that I need to get to, pretty much the Wetlands Bureau will go along with it and I think we've seen that over and over again that the Wetlands Bureau will go along with it as long as you demonstrate the minimization aspect of saying OK I'm going to cross at the narrowest point. Bayard – Isn't that pretty much established lots. You don't want to necessarily create something that required 10 wetland crossings of a stream in order to get to the upland and say since we established this funny looking lot, the Wetland Board now has to bear with it and put the driveway through. So just because on established lots people are given some discretion doesn't mean we want to establish lots that require a lot of discretion. Gove – I guess what I'm trying to say to you is in my experience of wetlands permitting which has been a little while, essentially what I'm telling you is this is what they are looking for. In other words, I have seen nothing more than like 18 houses and they've had 12 crossings in order to get there. It was mine I'm glad to say but it was permitted and the rationale was, they've got uplands up there, they've got to cross wetlands over here and we're going to give you access to that because you can't demonstrate there's any other way to come in. They did say to this applicant, OK try to buy that other lot over there on that other road so you can come in and the applicant made an effort to do that but still they did allow the crossings after the applicant demonstrated that he couldn't have an alternate access. Edgar – Mr. Chairman, could I make a suggestion, I know the Wetland Bureau favors preliminary meetings and maybe that's a follow-up from a conceptual workshop with the Commission is to jointly participate with the state because at the end of the day, the recommendations going to the Zoning Board and the recommendations relative to the Dredge & Fill permits have to dovetail, we can't have ZBA permitting one thing and DES fighting that or vice versa so that might be another extension of meeting with the Con Com is to have a preliminary meeting with DES on the reasonableness because they also as you've drilled into my head over the years, the issues of avoidance and so what is reasonable. What is the cumulative effect of the crossings etc., etc., but I'd also like to spend time by myself on behalf of this Board to look at the layout a little bit. I know you guys have done some work in terms of the white areas. We don't have time tonight to get into all that detail, but the viability of those building sites is fairly critical. For example, the one at the end on the bottom left, it looks

like you have to cross the most significant wetland bottom left to get to a building site. That may be a throw away, that may not be one that has ready access to it without a huge wetland crossing for lot development not just the road, but that's a major driveway crossing, so is it reasonable in the context of avoidance and have we tried to minimize the cumulative effects under a yield plan so that there's a confidence in that that we can then without engineering the whole thing extrapolate that to a cluster. Vadney – In the interest of the evening here, your reasoning is, I can't follow your reasoning, I think you've made an honest attempt there, we're certainly not going to question your wetlands credentials. We do have the Ralph Pisapia's over here who will be walking this site. We'll walk the site too so all that can be worked out. Whether the final answer is 25 houses or 40 houses is just a minor detail to a large degree. I think any attempt, whatever that number is, to multiply it by 2 is going to run into a buzz saw so I won't say it's impossible if you can really come up with some good reasoning, but because of the policy issues for the Town, the policy issues of the Code Enforcement Officer, for the general perception of the Town, it would be a real tough one for us to push. I think we've beaten that one pretty well. Is there anything else that is on your agenda that you would like to ask us. Gove – I think basically what we wanted to do is make sure that there was at least some comfort level with the way we're approaching this and as far as having the discussions with the Conservation Commission as far as going down and having a pre-app meeting with the Wetlands Bureau, we'd welcome all of that. I don't see any of that as being issues we would have a problem with at all. Vadney – I think your question for the developer now is kind of assume you can get at least 25 and maybe up to 40 or something like that. Is this a viable construction project using either method, but don't plan on multiplying it by 2. Gove – And that's what we have to take back to them. I do appreciate the fact that you agree with the rationale that we've taken here to get to this point. Sorell – Did you say that the top road which isn't a road, you said you own the land beyond that because there's somebody else's land between you. The same owner of this owns the lot here. Vadney – If you have questions on some aspect of it or even this, but I think we've beaten that one pretty well, but if you have other questions that you've come upon that you want any kind of pre-app kind of guidance.. Edgar – How do you want to handle the site inspection side of it or do you want to wait to get feedback from the Con Com on your availability to pull some folks together? Pisapia – Name a date and we'll be there. Vadney – It makes no difference to me, I'll walk it anytime. Kahn – Why don't we hold off until we get a preliminary read on what we're really talking about, that this is a realistic thing in terms of conventional subdivision and that we're really talking a number of units that the developer is at all interested in pursuing. Vadney – Conventional subdivision and/or a follow on cluster just not the one times 2. Kahn – I'm assuming that the cluster will follow on, but that we're going to run into a buzz saw if people say you're using the cluster to

justify and amount of density that you couldn't get on a conventional basis. We have run into that enough times this year I think and I'd just soon avoid it again. Gove – Quite frankly, just please keep in mind it is 169 acres so there may be a situation here where you're not going to necessarily want to walk every inch of it. Vadney – If that's copasetic we'll leave it at that for further scheduling. Blake – I think it makes sense as John was saying, we need to go back and discuss with the owner where we're at and what we've got and then probably get back with John and talk about what the next steps would be. Blake - The next steps would be meeting with the Con Com, doing a site walk and figuring out where we are. That's what I'm getting out of it is those are really our next steps to move it forward. I appreciate your time this evening. Pisapia – Is the flagging still in place? So if we walk out there, we could see where the wetlands and crossings are? Gove – There are portions of it that didn't survive last winter, but we reflagged some areas. Touhey – The further we get into this, the more time that's put in by you John and by the Con Com and other groups, this is all pre-application. Is there any fee that the Town requires that is paid for these services being rendered? Edgar – No. This is what I do, this is what we do. This is the service that we provide and the only thing that we push for the reimbursement side is primarily when we get into the engineering side because we typically don't bill out our staff time when we staff applications and so forth, but if we have to bring in outside resources, those are what are picked up by the applicant. Vadney – Think of it this way, that land's been sitting out there paying taxes to support John and the Planning Department. You can work all of the scheduling with the Con Com and with John or whatever and we'll be happy to assist any way we can.

### **CORRESPONDENCE**

The Johnson & Dix Gas Station on Route 25 was sold. It's no longer a Mobil, it was sold to Irving. Irving has submitted a Sign Permit to Bill to switch out some of the signs. Their plan is to paint the building what they refer to as a Colonial yellow, originally it was lemon drop yellow so we're working that program a little. I've asked them to submit some colors of what Colonial yellow is and they pointed to a couple buildings that they have already switched over. You'll see in the colored photographs there's a bright yellow gable that is not what's proposed for the Meredith site, it's the less dramatic tone of yellow that's on the siding, not the gable but the siding. It's probably what you see in some of the residential houses that are painted around town. Vadney – Let me point out that it appears to be the exact same color of the Irving Station where the little hand truck is located. They are working within or less than on the square footage of the signs that were already permitted. They are switching out the sign plate on the front of the ground sign, maybe putting some signs on the ends of the gables of the existing canopy as opposed to the small little gables that

Mobil had permits for. They would be putting signs on the ends of the building. They call it Blue Canoe. Instead of Mobil on the Run, it's Blue Canoe. They are switching out the pumps to whatever that vendor uses. They are putting one sign in the front gable of the building, the entrance, and looking to paint the building Colonial yellow. They've asked in the cover letter and I asked them to submit the letter because I wanted to get a readout from you guys as to whether or not that rose to the level of architectural review. They are not changing the buildings, they are not changing rooflines, they are not changing any of the structures and they are largely switching out signage with some adjustments in terms of how the numbers are allocated and going from the white to Colonial yellow with white trim. They are asking for direction on that one and that's the purpose of the correspondence item and if we're able to give them some direction, I can relay that back to them. Flanders – I think at a very minimum, we need (inaudible). Edgar – it's on their plan. It's on record in the sense that it's referenced in their correspondence and in an attachment that the Board's reviewing, a spreadsheet like this. Flanders (inaudible-no mike). Edgar – I have the original plans from Irving (Mobil). I think when it was proposed as a white building, the color in essence was a non-issue. There were some issues that we were massaging primarily some of the building details and the sign architecture, but I don't believe we really got into color primarily because it was really not a big issue in that sense. Kahn – Colonial yellow, maybe they want to put in a paint chip or something because I can tell you that the trim on my house is painted Colonial yellow and it isn't this yellow so Colonial is just some yellow. Bliss – The other thing is in their letter in the first paragraph, the last sentence says, "All painting and siding will be the color of the building walls as shown on the photo supplies" so even though you just told us it wasn't going to be that... Edgar – It's also clarified in here that there is a piece of it that's not included, the gable, as indicated here so these gables are not what's proposed for Meredith and that's covered in the letter. Bliss – But that kind of contradicts. Kahn – Why don't we just go on the basis of the yellows in the photographs. Bayard – Has Bill looked at the sign? They are changing the signage around a lot, is that going to meet with his.. I know he's looked at it, I know he hasn't issued a permit on it. How far he's gotten into crunching every one of the numbers, but I know he's had dialogue with these folks and that's when it got to him initially and then he sent it to me and I put a hold on the thing until I had a chance to review it. So at the end of the day, no matter what you do with respect to the color issue, the signage is going to have to work within our ordinance, but the way it's eluded to in the cover letter, I think they're actually working with less square footage than what was previously approved. Bayard –It wasn't clear in the letter and we just got it. As long as Bill's looking at it, that's fine with me. Bliss – Mr. Chairman, you were absent from this part and I didn't realize it, but I would agree with Lou that I would at least, yes we do have the photos, but I would like to see actual paint chips from

them because this is a situation where they are changing the major portion of the building and for us to just look at a picture and say that's great, I would rather see the paint chips they are going to use. We have gotten burned on this at Golden View, some of the different colors that have come through and I would feel more comfortable if we saw an actual chip. Vadney – I've always resisted the idea that we get too detailed about paint colors. That is a part of our architectural design review. Vadney – Well, read the actual clause. I don't think we could argue that as long as they don't come up with some horrible color that it wouldn't be in keeping with the neighborhood. Bliss – How do we know that if we don't see it? Vadney – I was happy to go with the picture. We were told it was a lighter color, they've already painted, maybe it was done originally under their rules, the one, Rosie's. Touhey – Actually, you've really got 3 colors of yellow. Vadney – John just said, this is not the one. This is just the difference in shading. We could tie it up longer but my guess is that it's going to get approved anyway, but I'll defer to you guys. Edgar – There are a series of criteria that we call building criteria and these are the general criteria that the designers work towards. Item F – Materials, texture and color. Exterior building materials, texture and color should be treated as significant design elements that help define the appearance of a structure and create visual interest. The use of traditional materials that are consistent with Meredith's vernacular or indigenous architecture or materials having the same visual affect are strongly encouraged. Consideration should be given to materials, textures and colors used in the neighborhood. They are basically seeking guidance as to whether we are OK with that at this level or not or do they need a formal application to present what you've got here. Flanders – I just want to interject whatever action we take should be specifically detailed enough so 10 or 15 years from now if this issue comes up, people can look at the record and determine what we decided. A classic example is MacDonald's. When they started painting their building white, yellow and red, because of the language (inaudible). Edgar – Whichever way you decide to handle it whether you just come to a conclusion that it doesn't rise to the level of needing the public hearing or the results of the formal review, whichever way the Board would handle it, we'd put it in the file jacket that goes with the map and lot so there's a record that can be found. Vadney – Their application says to be Colonial yellow. Now granted that can vary a bit by company, but any Colonial yellow is probably going to be adequate. They are not going to come in with some bizarre, modern lime yellow or something. It's not a colonial color.

Kahn moved, Worsman seconded, I MOVE THAT WE APPROVE THE REPAINTING OF THE FORMER MOBIL ON THE RUN, NOW IRVING, SUBSTANTIALLY AS SHOWN IN THE PHOTOGRAPHS SUBMITTED AND THAT THE PAINT CHIPS TO BE SUBMITTED TO THE TOWN PLANNER SHALL NOT BE SUBSTANTIALLY DIFFERENT FROM THE

COLOR SHOWN IN THE PHOTOGRAPH. ALL COLORS SHALL BE SUBSTANTIALLY THE SAME AS THE COLORS SHOWN IN THE PHOTOGRAPH. Voted 6-2 in favor of the motion.

### **TOWN PLANNER'S REPORT**

Edgar – Mr. Chairman, just briefly we do have one mylar for signature tonight for the Knisely two-lot subdivision. There is one item that will be brought before the Selectmen, that's the acceptance of the deeds for additional ROW. This is a two-lot subdivision that you approved last summer on Birch Hill Road so they've got their permits and approvals and they will be posting a Letter of Credit and the like so we'll sign the mylar and hold it until the other pieces get out of the way.

A couple dates I just want to bring to the Board's attention. We have a public officials informational meeting on the Route 3 and Route 106 intersection, the roundabout, and that's going to be at the Selectmen's meeting on Monday, the 5<sup>th</sup> at 6:45 for anybody who's interested in that. It's kind of an update on the design and timeline on the project. We have received notice that there are going to be DES hearings on two prime wetland applications, one is the Police Station project and the second one is the Boardwalk between the Community Center and Prescott Park. That's going to be on May 31 at 11:45 a.m. The hearing is in Concord, Room 110, and they are both scheduled within 15 minutes of each other.

The Lakes Region Planning Commission is having its Annual Meeting in Wolfeboro on June 26<sup>th</sup>. You might want to mark your calendars on that. It's on a Monday and is a dinner meeting with a Guest Speaker typically. The Town will pick anybody's registration if you're interested in attending.

Meeting adjourned at 9:35 p.m.

Respectfully submitted,

Mary Lee Harvey  
Secretary  
Planning/Zoning Department

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

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William Bayard, Secretary

