

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

Finer moved, Bayard seconded, THAT WE APPROVE THE MINUTES OF MAY 23, 2006, AS PRESENTED. Voted unanimously.

APPLICATION SUBMISSIONS

1. **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.

On this one I'm going to pass it off to John Edgar because there's been a wrinkle in this particular issue and John will speak to that at this time.

Edgar – In a communication received from Attorney Baldwin on the 12th of June, it was suggested that abutters were not notified of the application submission before the Board this evening. In reviewing the matter I've determined that my office had assumed that the prior notice to abutters was sufficient for this evening's proceeding given that the application had been rescheduled for submission this evening, similar to how we would handle a hearing that is continued to a date specific and in fact abutters were not notified of tonight's meeting for that reason. In discussion with our legal counsel, the clause in the statute and regulations deal with the continuation of public hearings to a date specific and does not apply to application submissions, therefore, we have not sufficiently notified abutters in order for us to proceed this evening. I have contacted the applicant and their attorney to advise them of this defect and that there would be no action on the submission this evening. We will reschedule the application for submission to the Planning Board on the 27th of June with notification to abutters. I appreciate Attorney Baldwin bringing this to our attention and my apologies to the Ducharmes for any inconvenience that may have resulted from the mistake in my office. Vadney – So that is it this evening as far as the Ducharme property goes. That issue will not come up again this evening.

2. **ROBYN VANLANDINGHAM FOR TRINITY EPISCOPAL CHURCH** - Proposed Site Plan Amendment to establish a Montessori Preschool Program, Tax Map U15, Lot 10, located at 93 NH Route 25 in the Central Business and Residential Districts.

The applicant proposes a change in use to establish a Montessori pre-school program for ages 3-6 years old in the lower level of the Trinity

Episcopal Church. The pre-school program would be licensed by the State of New Hampshire as a group child care facility. The pre-school program would occupy the same space that has previously been occupied by the Senior Center until their recent relocation to this building. The program would have a maximum of 20 children and staff and there are no changes proposed for either the site or the building. The application and abutters list are on file. Filing fees have been paid. The applicant has requested that the formal site plan requirements be waived under the circumstances previously noted. I would recommend that the waiver be granted for purposes of completeness, that the application be accepted as complete and we proceed to public hearing.

Finer moved, Sorell seconded, I MOVE THAT WE ACCEPT THE APPLICATION OF ROBYN VANLANDINGHAM FOR TRINITY EPISCOPAL CHURCH WITH THE REQUESTED WAIVER FOR PUBLIC HEARING THIS EVENING. Voted unanimously.

3. **MICHAEL SPINALE** – Proposed subdivision of a two-family residence into condominium ownership, Tax Map U06, Lot 124, located at 5 Stevens Avenue in the Residential District.

Applicant proposes to subdivide an existing two-unit building into condominium ownership. All conditions and uses are existing. The site is located on Stevens Avenue in Meredith Village. Application, subdivision plan and abutters list are on file. Filing fees have been paid. I recommend the application be accepted as complete for purposes of proceeding to public hearing.

Finer moved, Kahn seconded, I MOVE THAT WE ACCEPT THE APPLICATION OF MICHAEL SPINALE FOR PUBLIC HEARING THIS EVENING. Voted unanimously.

4. **SHAWN ENGLAND d/b/a SUNSHINE & PA'S** – Proposed Site Plan Amendment to increase the number of seats, Tax Map U07, Lot 66, located at 11 Main Street in the Central Business District.*

The applicant runs the Sunshine and Pa's breakfast eatery on the corner of Main and Plymouth Streets. He proposes to add 8 seats to the restaurant. There are no changes to the building and no proposed site work. The application and abutters list are on file. The applicant has asked for a waiver to formal site plan requirements based upon the fact that the proposed additional seating is minimal, is internal to the building and there are no external improvements proposed. Filing fees have been paid. I'd

recommend the waiver be granted and the application be accepted as complete for purposes of proceeding to public hearing.

Finer moved, Sorell seconded, I MOVE THAT WE ACCEPT THE APPLICATION OF SHAWN ENGLAND FOR PUBLIC HEARING THIS EVENING. Voted unanimously.

PUBLIC HEARINGS

1. HENMOR DEVELOPMENT, LLC. (Brian Moriarty)

My name's Brian Moriarty and I'm a member of Henmor Development, LLC. My partner, Doug Hentz, is in the audience and legal counsel, Don Gartrell. I do have some information for the Board. This is all information that you've received in your packet. I just wanted to make sure that each member had it in front of them tonight. One of them being a letter from DES and new specimen deeds based on John Edgar's staff notes which dealt with building height. We flip-flopped some words and didn't say how the building height was defined in the Town so we changed that one word in here. Vadney – John, you have this already. Edgar - No I don't. Basically the staff comment just identified how we measure building heights and we just wanted there to be consistency in the deed and I think what Brian is indicating is that that change has been made. Vadney – He has it highlighted here 32' above the lowest grade, that was the thing you pointed out earlier. Moriarty – I'll just run down through all of the conditions if that's what you'd like, Mr. Chairman, one at a time. The first one was a requirement for 350 sq. ft. per building lot on the Chemung Road piece of property plus adequate turnaround space. On the plan it is noted as 1,100 sq. ft. of parking space and turnaround space and we have supplied a video for everyone to watch with 4 full-size vehicles pulling onto the lot, all turning around, backing in so they can pull out onto Chemung Road and not have to back out. We can watch that now or we can watch it at the end. Vadney – I think we might as well cover each as we go so let's watch it now. Moriarty – So that's #1 on the list. Vadney – Why don't we discuss them one at a time as we go. John, do you have any comments to that from a staff standpoint. To the Board, any discussion as far as the activity and parking? Finer – They've shown it can be done. Edgar – Mr. Chairman, there were two requirements in the original decision. One was that there be 350 sq. ft. of parking space per lot and the plan stamped by Carl indicates approximate 1,100 sq. ft. and the approval also required sufficient space that vehicles would not need to back out into the traffic lanes on Chemung Road. Vadney – Anybody from the public want to comment whether that is an adequate application of the parking requirement? Attorney Elizabeth McCormack – I'm here in Jim Kennedy's stead on behalf of Lake Wicwas

Association. First, I would like to renew our original objection to the subdivision on Bryant Island, but for the purposes of tonight's hearing, I'm here to demonstrate that the applicant has failed to satisfy the condition for sufficient maneuvering space on the access piece. The limited size of this parcel is certain to cause off-site impacts in addition to off-site parking. The efficiency and practicality of keeping the cars off Chemung Road and out of danger of the cars passing by on Chemung Road is unlikely and it's unrealistic to assume that cars will not be forced to park and/or idle along the road while cars are entering and exiting the parcel. What wasn't made apparent on the video was that while the first car was attempting to make it's multiple point turn in order to situate itself in the absolute perfect tight spot it had to be in in order to accommodate the other cars was that the 3 remaining cars, because of the short amount of space to access the circular parking area, were waiting along Chemung Road, be it on the side of the road, perhaps on the road itself. It's unapparent from the video, but it seems a likely situation that cars, multiple cars will attempt to parking on this parcel at one time and the video also doesn't take into consideration the fact that a car may attempt to exit while another is entering and clearly there's not sufficient space for both cars to pass by at the same point in time. Furthermore, it clearly takes time for these cars to park which doesn't speak to the efficiency of the situation on the parcel and is also impractical that each car will fit into those particular 4 spaces each and every time they do their multiple point turns in order to fit 4 cars appropriately in the spot. In order for them to be able to ingress and egress and for them to exit quickly and efficiently onto the road to avoid public safety risks which was the concern and condition you imposed. Also, the lack of parking beyond the 4 spaces on this parcel that are allotted for the 2 cars per lot owner indicates there's not parking for guests and relatives other than on the side of Chemung Road so additional vehicles will still be forced to park along the side of the road which fails to abate the Board's concerns over the parking and public safety risks along Chemung Road so for the foregoing reasons, we feel there wasn't sufficiency in not only the safety risks along the road, but also the maneuvering space along the access parcel. Attorney Donald Gartrell, representing the applicant – Just in response to the remarks by counsel, I would point out that this demonstration was to show that 4 parking spaces could be used without interference. There is turning room so the cars could park on the lot and could exit. The remarks you just heard were on the assumption that all 4 of these vehicles would be arriving and departing at approximately the same time. I think the condition that was defined by the Board is the one that's been satisfied here. The primary reason as we understand it was that you wanted to assure that people coming to these lots or using these lots would not have to park on Chemung Road. The use of Chemung Road is no different by these vehicles than any other vehicle on the public highway entering and exiting and I think we

have satisfied the condition as you defined it. Dean Dexter of Meredith and Concord – I think realistically speaking a number of us would wonder how people are going to get from this parcel out to the island. I would assume since we all are from around here, we'd want to use a boat. I'd assume that these buildings are going to be perhaps year-round so maybe a boat is not needed in the winter, but it probably would be in the summer unless they were going to swim over which brings a larger question, where are the boat trailers going to be stored for two buildings housing people who could be living there year-round and what would be your conditions in regard to that and has the Board thought through those ancillary aspects of people maybe bringing boats in, maybe two boats, maybe some storage of canoes or something, you know how people live gets complicated so I would like to bring that question and issue before the Board. Vadney – We're not here today to widen the requirements on this applicant, we're here to see if he met the conditions as we set them and any issues of boat trailers, I have to admit I've seen around the Town over the past many years, some fairly creative ways to store boat trailers because nobody has the space for them. I suspect these folks will hang them from a tree or whatever, but it's really not my business, I'm sorry. Any other comments based on the defined compliance item. Tom Crane – Just on the issue of compliance with Shoreland Protection was there any verification of what was done. It looked on the video like that lot had been cleared to a large degree and I think virtually all of that lot is within the Shoreland Protection Act and I felt like that was one issue that the Board should have looked at for compliance, it was an issue I would have raised had we had the chance when you set these conditions, but we were never given a second chance to do that and I think that is an issue here. Vadney – There will be a couple of DES issues coming up in a few minutes, not the specific one you're talking of, but the item you are referring to I would have to say was not one of the conditions. Edgar – That's correct, Mr. Chairman. The Board had asked that the, I think one of the last conditions deal with the issue whether or not there are any pending violations with respect to the Wetlands Bureau and we'll be speaking to that a little later. The issue of whether or not the mainland property is in violation of the shoreline protection statute I don't believe is something that was brought up given the hours of testimony that we went through and I'm not aware of the particular violation, but nor have I asked that question. Vadney – By the way, this isn't the final determinant on shoreland protection violations. If you should encounter some at any time, call the State because they are on watch for that kind of thing. Moriarty – The second requirement for compliance was specific language as far as the ownership and transferability of the interest in the Chemung Road piece of property being tied to the interests of the lots on the island. The deeds are very specific as to that language. We met with John Edgar and went over this and made sure that the language that was used was very close to the

language that was put in as a condition. It is also noted on the plan that these lots cannot be transferred separately. That is note #3 on the plan. Edgar – I draw the Board's attention to Page 65 of the marked packet which you'll get into the specimen deed, that's where you would see the language. The first full paragraph on Page 65 and plan note #3 as indicated reinforces that. Vadney – The Board's read that in both forms. No public comment. Moriarty – The third one dealt with the 75' woodland buffer zone that is on approximately 2/3 of the island on the east side and around the north end. That zone was lengthened with the shoreline people that it be lengthened and the Board asked us to lengthen it and we did that and it's shown on the plan. The 75' woodland buffer is also specific as to what can be done in that zone, no construction, no encroaching on wetlands, no building in the wetland setbacks and the only thing that can be cut in that woodland buffer is dead and diseased trees. That is noted in the deed and also #8 on the plan. Also in #3 was a building height restriction of 32'. That is noted on the plan and also noted in the deed and the new deeds that I handed to the Chairman this evening just makes it specific from the lowest point of grade to meet the ordinance. Edgar – Mr. Chairman, it's pretty straightforward. The provisions in the deed would be on Page 64 of your packet in the specimen deed. That would be at the bottom of the Page, 4th paragraph down. Bayard – The section you referenced us to has not yet been corrected, right? Edgar – The point that I brought to the Board's attention relative to the building height was that the original specimen deed referred to a 32' height from grade. From a zoning point of view, our ordinance from a methodology point of view measures from the lowest point of grade so if you had a walkout basement, it's at the lowest point of grade to the ridge, that's how we measure height and I had suggested to the Board that we consider consistency between the two so we don't have confusion relative to one of your conditions of approval that potentially could be in conflict with our zoning. I haven't reviewed it yet but I believe Brian has indicated that he submitted a revised draft deed that makes that correction. No public comment. Moriarty – Mr. Chairman, are you comfortable with the language that was changed in the specimen deed that was submitted this evening. Vadney – Yes, 32' above the lowest grade and that's straightforward. Moriarty – The 4th condition was referring to the Loon Preservation Committee's request of June 2005. There is also in your packet a correspondence from them recently of May 2006 where I went and spoke with Kate Taylor for a little over an hour one day and clarified the 6 points that she had originally put in her letter and she has submitted a return letter to you folks saying that I was there and she understands that the limitations on number of boats would not be realistic living on an island and that the construction time for any disturbance of the shoreline only would be May 15th thru June 15th during the nesting season and that doesn't mean that you couldn't pound a hammer or make noise on the island that it was only

disturbance of the shoreline so that's in your packet. All of those conditions are also noted on the plan so that everyone's aware of the conditions. It's not in the deed, it's just on the plan so that the world knows there are conditions. Kate Taylor's been at the Loon Center for 11 years and out of all of the letters that she's ever written requesting certain people do things, she's never had anyone go and talk to her about one of her letters. She was a little taken back when I called her up and asked if I could sit with her.

Edgar – Mr. Chairman, in the Board's packet I've excerpted a quote from the letter that Brian had spoken to and Ms. Taylor concludes in that letter that: "We also recognize and appreciate the extra effort made to address our concerns and incorporate designs that are sensitive to the needs of loons on this lake." Moriarty – The 5th one was that the septic approval numbers be noted on the plan and the individual septic numbers are in the register at the top left-hand portion of the plan. Edgar- Mr. Chairman, Brian's gone through the Notice of Decision. The way the staff review is written is initially focusing on the compliance issues. I can speak to the administrative matters at the end if you'd like but the main thrust of the hearing really isn't to go over every one of the permits other than really focus on the 4 or 5 conditions that necessitated a compliance hearing.

Moriarty – I'll run through the ones that really don't go with the compliance hearing but just touch on them so that you know that they are there. The Electrical Power Excavation Permit is noted in the register. I also gave John and the office a copy of that Permit. There's also in the folder a copy of the DOT Permit for boring underneath Route 104 to put the power cable into the lake and that's noted on the plan. The Dock Notification approval numbers, all 3 of them, one on the mainland and two on the island are noted on the plan. A construction access permit approval number and the date and the date is also on the register. That's the access plan with the Selectmen to use the launch ramp. The plan and the deed refer to the requirement for a monitored and maintained fire alarm system to be installed in each dwelling and approved by the Fire Chief prior to issuance of occupancy permits. That's noted on the plan and in the deed. Also in the deed and on the plan mentions the hold harmless language which the Board had asked for and we tried to use the language as close to a Class VI road agreement that would be applicable to the island. Vadney – I don't think any of those require a lot of comment at this time. The next one that is part of the compliance is the deed and the plan reference to outward and upward lighting, plan note #10 and it's also in the deed which makes everyone aware if they buy the property, there is a requirement and the language that we used is what John Gartrell and myself thought would be appropriate and that is to refer to cutoff lighting because that's what the industry knows as lighting to make the light go downward so that's the language we used. No public comment. Moriarty - #11 – In my note to the Board, I put in there that a letter had been sent down to DES requesting a letter back from them

if there were any pending issues with the Chemung Road piece of property or anything on the island. They did send a letter back which I gave all of you members tonight that says there is nothing pending and Bill Edney called down and spoke to Darlene Forst and he's also issued a letter saying there are no pending wetlands issues or shoreland protection issues. Mr. Crane's comment about trees being cut. Shoreland protection says that you can cut up to 50% of the trees within the shoreland protection area within the 50'. A total of 7 trees were taken off of that property, 3 of them were lightning damaged and you couldn't park in the driveway coming in because they were overhanging when we first bought it. Those are the only trees that have been cut other than what NH Electric Co-op went down through in April and cleared out it looks about 40' wide, the whole side of the road, so it doesn't look like there's many trees left on that piece near the road, but that was not our doing, that was NH Electric Co-Op. There are no issues with DES. Vadney – I do have in my hand the letter to Mr. Moriarty from D. Forst, Shoreland Section Supervisor, and it says in it, the Wetlands Bureau is not investigating any issues relative to the property at this time. The Bureau has not received any conclusive evidence that a violation has occurred at the site, therefore, the season dock notification has been accepted and the file has been closed. Any questions, call their office. That was dated June 7th. To Mr. Crane, I guess it was who asked that question, of course, any violations you should encounter you can still report those at any time, but at this time the State. Crane – I have no ability to go on that property to see what was cut whether in addition to that there's to be no earth movement within 50' of the shore and it clearly states in the Shoreline Protection Act that the municipality has authority over that. Admittedly, DES is the final thing, but the municipality has and I think it would be the responsibility of the Board to at least check what's been done there. I can't go on that property. There's a No Trespassing sign. I can't go there to verify what was done and what wasn't. That's up to I believe the Board, the Code Enforcement Officer and the... Vadney – I do believe that that Bill has looked at that hasn't he John? Edgar – I can't say that he has or hasn't, but I'm taking notes here tonight and I'll certainly bring it to his attention. Crane – I think at least somebody should look at it from Code Enforcement is fine or a representative of the Board, but I think somebody should look to see if there's been any earth moved within 50' of the shoreline and it does seem there are a lot of trees cut down from there. I don't know who did what, but just looking at it, there's a lot of trees cut. No public comment. Vadney – Does that complete the... Moriarty – I would like to say that Mr. Edney, Code Enforcement Officer, has been on the property on two different occasions and has parked in the driveway and one of the times was when someone called and said that we were doing something that we weren't supposed to be doing and that was not the case. Vadney – I know Bill has had a lot of involvement, but I don't know how

many times he's actually been there. Moriarty – The last one is the requirement that the pins be set and the pins have been set. Edgar – Mr. Chairman, we have received 3 correspondence items. Vadney – I think the Board has seen all these letters. To the public, I have 3 letters in my hand here to the Planning Board. The first signed by Richard L. Harris, the second L.G. Harris and the 3rd by Janet Haley Harris (see attached).

Vadney – For the most part they do express concerns that we heard during the various public hearings, but don't speak directly to the conditions that were put on the conditional approval. Those are now part of the record and will be kept with it. Now I'll turn to the Board for further thoughts as far as the sufficiency of these conditions. No public input. John, do you want to make any comments on the administrative conditions. They've been covered briefly by the applicant. Edgar – All the administrative conditions have been addressed. The Board required State subdivision approval that was granted on the 9th of January. The Board required State septic designs which is not always a requirement, but the Board took that step in this case. The State septic design approvals were granted also in January. The maintenance agreement requirement for septic has been incorporated in the deed and noted on the plan (note #5). The State has issued the Dredge & Fill for purposes of bringing in the electrical power to the island. It's noted on the plan and in the Permit Register. The deeds make reference to the necessity of a shared utility line once it gets up on the island. There has been a DOT Excavation Permit for the electrical service that's within the ROW in order to get to the shoreline on Bryant Island. The Permit Register includes the cross-reference to the Permit by Notification requirement that is required for the docks and that's included on the Register. The Selectmen had approved a construction access plan back in November which is noted on the plan. The erosion control requirement prior to earth disturbing activity is also noted on the plan as note #6 and the pins have been set so from my point of view all the administrative conditions have been met. Bayard – I think it's fairly obvious that with the possible exception of #1, all the conditions have been met. The only issue I guess raised would be the adequacy of #1. I think it's probably adequate, it does appear that it can support 4 vehicles. I guess that's really up to us to make the decision on but I think other than that there's no issues of compliance as far as this hearing goes.

Finer moved, Sorell seconded, MR. CHAIRMAN, I MAKE A MOTION THAT WE FIND THAT THE APPLICANT HAS MET ALL CONDITIONS THAT WERE ESTABLISHED IN THE NOTICE OF DECISION OF OCTOBER 25, 2005, AND GRANT HIIM FULL APPROVAL. Voted 7-0 in favor of the motion.

Vadney – Trust me, not all of us wanted to see it either, but I think there are some things that, I think the applicant has worked with us and this is as good a negotiated position as we would be able to reach. Dean Dexter – I want to thank the Board for the time you've taken. I know you've heard a lot of testimony repetitively and probably and probably felt some aggravation from hearing some of the same arguments over and over again over the last few months and as a taxpayer I want to say you guys did a great job working this through. I don't agree with the decision, but I want to thank you for going the extra mile and having extra hearings. We are going to have to continue this in another venue.

2. **ROBERT L. AND AIMEE S. GREER:** (Rep. Dean Clark) 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. Application accepted May 23, 2006.

This is a two-lot subdivision, a 17-acre and 23-acre lots that we're working with. We've had the wetlands mapped out there by Irene Garvey. There was a comment from John requesting that we put the designation and the date on when she did the wetlands mapping. It was done in March and for some reason we omitted that even though she stamped the plans that we had submitted. The utilities on the site, there is a transformer pad, there's a power drop that starts at the beginning of Meadow Lane and there's three transformer pads that run out along our side of the road that are power transformers that we'll be tying into. The closest one being, we have added it to a plan but it's not on the plan that you have there is about 120' from the lot in the ROW. It's a dual transformer pad, there's only one transformer on it right now. Adjacent to those transformer pads are the telephone and cable TV setups. They are both right adjacent to it and we're adding that onto the final plan. The other comment was that we will be required to get a driveway permit which is standard procedure for the access point at the end of Meadow Lane. John requested that we number the test pits. David Ames didn't give me the specific numbers, he gave me the test pit boring information but he didn't give me the specific numbers of which one went with what and that's on those plans and we will add that into the final plans. Edgar – As Dean has indicated, this is in the scheme of things fairly straightforward. We have a large piece of land that's being cut in half. The half on Livingston Road is pretty much all existing conditions, house, driveway, septic and some outbuildings. The back half, a little over 17 acres, would be accessed off Meadow Lane which is a Class V town road. I've reviewed the frontage area with Mike Faller and he doesn't see any particular issues with respect to issuing a driveway permit. One thing I just would want to point out and make as a matter of record that the action tonight if the Board were to grant subdivision approval is for a house on a lot

and if any road extensions or commercial use or anything other than a house and accessory uses that go with a residence, anything beyond that in terms of a commercial use or any road extensions or further subdivisions are not part of this review and would flop or fly on their own merits at some other point in time. I just wanted to make that clear that we only have 70' of frontage and we're working with a driveway to 17 acres for a lot. Other than that Mr. Chairman, the conditions as I suggested in the staff report are all relatively minor. Vadney – Point out to me here just where's the driveway getting in there, it's not clear to me? Clark – That's the end of Meadow Lane. As you come up the street, that's the cul-de-sac, which is just sort of a small hammerhead. Vadney – Those trails, are those the trails that were just like woodland.. Clark – Those are horse trails that Mr. Greer's used his horses on over the years and apparently that are purchasing this are going to put a horse ranch there as well so there's going to still be utilizing those trails as horse trails. Worsman – Those aren't roads? It just appears to be the same size as your driveway coming in so it makes it appear as though.. Clark – They've cleared the trees back so that when you're riding on a horse they're not running into trees with the horses. Vadney – I couldn't quite make out on the small scale where that driveway was going. No public comments. Touhey – Mr. Chairman, this small plan it's rather difficult to determine how much frontage there actually is on Meadow Lane. Dean Clark – There's actually 64.31 and there's another little L5 right adjacent to it. It's L1 plus L5, you add those two together. Vadney – L5 makes a turn. Clark – L5 goes around the corner so it's L1, L5 so it's 69' and some change. Edgar – 50' is required by ordinance.

Bayard moved, Finer seconded, I MOVE THAT WE APPROVE THE PROPOSED MAJOR SUBDIVISION OF TAX MAP R05, LOT 9, INTO TWO LOTS (17121 AC. AND 23.018 AC.) LOCATED ON LIVINGSTON ROAD IN THE RESIDENTIAL DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) FINAL PLANS SHALL INDICATE WHEN THE FIELD WORK WAS PERFORMED AND THE DELINEATION STANDARDS THAT WERE FOLLOWED;
- (2) THE TEST PIT LOCATIONS SHALL BE NUMBERED SO AS TO BE CONSISTENT WITH THE TEST PIT LOGS;
- (3) FINAL PLANS SHALL INDICATE EXISTING UTILITY LOCATIONS AND PROPOSED SERVICE TO LOT 1;
- (4) DRIVEWAY PERMIT FROM DPW SHALL BE CROSS REFERENCED ON FINAL PLANS WHEN IT'S APPROVED;
- (5) WRITTEN EVIDENCE THAT THE CORNERS AND ANGLE POINTS ASSOCIATED WITH THE SUBDIVISION HAVE BEEN SET SHALL BE PROVIDED PRIOR TO RECORDING OF THE MYLAR.

Voted 7-0 in favor of the motion.

3. **ROBYN VANLANDINGHAM FOR TRINITY EPISCOPAL CHURCH**

I'm appealing to the Board to ask to run a Montessori Pre-school out of the existing space at 93 NH Route 25, Trinity Episcopal Church, here in Meredith. I will be utilizing a portion of the space for this Montessori Pre-school. This is where the Senior Center has vacated. It does not require anything additional to the building itself. I am licensing as a child care from the State of New Hampshire and this is part of the licensing process for both the Zoning and Planning. Edgar – The licensing requirements as I understand it from the State of New Hampshire because of the age groups qualify this as a child care facility. In a zoning context, child care is allowed by Special Exception and I believe this Thursday the Zoning Board will be addressing the issue provided that there's a conditional approval this evening. We do more or less as a matter of record keeping, but nonetheless the change of use needs to get picked up in an amended DOT driveway. The site is accessed from the State highway. The issue of off-street parking, we had spoken to make sure there are assurances between the school and the church that we don't have a collision of sorts between the church being in full operation and the school and I believe you have incorporated those agreements with the church so in other words, this is a day program and typically there isn't a conflict with the church but in the event there was a funeral or some kind of event of that sort, I think arrangements have been made to take the show on the road if you will to allow for the church to conduct its affairs if and when that were to happen. Is that a fair statement? Robyn – That is fair, yes that's correct. I was at a social event not Town related and an abutter asked me what was going on. He's one of you abutters and he does not object to the property but he wanted me to point out that he asked if there was going to be outside activity and his concern was that there is a lot of poison ivy in the fields up there. Robyn – Yes, I'm aware of that. Edgar – And if there were to be outside activity, there would be not only the poison ivy issue, but there would just need to be the management of that so that the kids are safe obviously. That's it, Mr. Chairman, other than review and amend language. Touhey – I really just want to raise a concern that I have. It is a safety concern for the Board to reflect on this. That particular stretch of Route 25 has undergone a number of changes quite recently. Some of the changes have certainly led to an increase of entrance/egress in an area of probably 300 yards in length. Some of the changes to the highway have been good with the addition of turning lanes which was part of the Meredith Bay Village development, however, we do have and I think we have to be aware, we do have much more traffic entering Route 25 along that stretch than we did a

few years ago. A few years ago we had the High School and Elementary School, we had the gas station and the gas station now is a much larger operation with the Convenience Store. Meredith Bay Village is getting bigger, there's a greater volume there and we now have a new retail establishment in one of the homes right next to the gas station that we approved about a year ago so that I think we just have to be aware that that is an area where trucks try to pick up speed in order to make it up high school hill, there are also trucks that are coming down that hill and are having to down shift in order to make the curve safely. I think we have to keep all of this in mind if we're going to increase the number of children being dropped off. I checked the site, I was not familiar with the Trinity entrance there. I see that one entrance is one way going in and then the other is one-way going out so I felt more comfortable with that arrangement, but I just think we have to think about it. I'm not sure what the speed limit is right there. We don't set speed limits, but it certainly is something that we have to think of as a Planning Board. Vadney – I would assume this being truly a child care even though it's called a school, it would not qualify and would never receive school zone type of markings. Worsman – No, I am hearing what you're saying, I guess I'm looking at the whole picture for the purpose of Meredith. I think it's a good use of that building and it gives us something that is positive for the community, though it is high traffic. It's the adults that are driving. Robyn – The long-term hours of operation will be about 8:30 to 4:00 although I would like to be out somewhere between 8:30 and 2:30 would be a full day program. Vadney – I would point out that the last many years, that has been the Senior Center feeding area, but that was the middle of the day kind of thing and this will have the possibility of being slightly more of an impact on rush hour traffic, particularly the morning so it may be something that could pose a problem and I would assume that we'll have a review and amend clause on this and hopefully it will be no problem, but it would be something that could crop up and could cause complaints and we would look at it again. Good luck with your endeavor!

Worsman moved, Finer seconded, I MAKE A MOTION THAT WE APPROVE ROBYN VANLANDINGHAM FOR TRINITY EPISCOPAL CHURCH FOR A PROPOSED SITE PLAN AMENDMENT TO ESTABLISH A MONTESSORI PRE-SCHOOL PROGRAM, TAX MAP U15, LOT 10, LOCATED AT 93 NH ROUTE 25 IN THE CENTRAL BUSINESS AND RESIDENTIAL DISTRICTS, SUBJECT TO A SPECIAL EXCEPTION FROM THE ZONING BOARD OF ADJUSTMENT, AN AMENDED NHDOT DRIVEWAY PERMIT AND THE USUAL RIGHT TO REVIEW AND AMEND. Voted 7-0 in favor of the motion.

4. **MICHAEL SPINALE:** (Rep. Kristen Gardiner) Proposed subdivision of a two-family residence into condominium ownership, Tax Map U06, Lot 124, located at 5 Stevens Avenue in the Residential District.

Applicant has an existing duplex that is non-conforming in a couple of respects that I think Mr. Edgar has pointed out in his staff report, but again it is existing and we're just asking for conversion to a two-unit condominium. In terms of the plans, everything on those plans is existing with the exception of a small triangular proposed deck that is within building outline so that would not require any variances or special exceptions. Other than that, everything on that plan is existing. With respect to Mr. Edgar's staff report, one of the issues that he's raised is that it is existing non-conforming with respect to the 75' brook setback and he's requesting that the final plans should label this and we are amenable to doing that. It's a 75' setback from Corliss Brook and the building is actually 54'+/- from the brook and he would like that labeled on the plan and that is certainly something that we can do. One of the other things that Mr. Edgar has suggested is the stipulation that there be no further encroachment into the brook setback. Approximately two (2') feet from the building there's actually a steep slope that goes down to the brook and I have reviewed this with my client and he would be willing to add a stipulation to the plan and the condo documents that there would be no further encroachments in that brook setback area and that would be left in its natural vegetative state. With respect to the utilities, there is existing municipal service, sewer and water. The water at this point is not separately metered, but he has talked to the Water Department and he is willing to do that. In terms of the electric, cable and telephone, each individual unit is separately metered. Mr. Edgar has also requested there are two existing curb cuts. The driveway on the left-hand side would go to Unit 1 and it would be for the exclusive use of Unit 1 and that unit owner would be responsible for the maintenance and repair of that driveway. By the same token, the driveway on the right-hand side, which is existing, would also be for the exclusive use of Unit 2 and the owner of Unit 2 would be responsible for the maintenance and repair of that driveway and that is included in the condominium documents. Mr. Edgar is recommending that separate driveway permits be issued for each condo unit and referenced on the final plans and the applicant is willing to do that. With respect to the fuel supply, each unit has its own separate heating source and separate fuel lines. Unit 2 has the propane tank that is on the left-hand side of the property. Unit 1 has some oil tanks underneath the porch area which are reflected on the second or third page of the plans. One of the things that Mr. Edgar has raised is that the existing LP tank location may need to be moved to be conforming and we will certainly talk to the Fire Chief about that and make whatever changes need to be made to be conforming. On the plan, there is a site for solid waste. It is not labeled as such but to the

left of Unit 1, there's a small enclosure where the garbage facilities are kept. Part of the condo documents talk about no trash receptacles shall be in the public view and we can certainly label that trash receptacle location on the plan. With respect to the legal comments and the documents, we are willing to revise the documents to list all the zoning nonconformities as to the lot line setbacks, the dwelling unit density and the building location with respect to the brook setback and again this is an existing structure, we are not asking to do any additional changes to the structure. The second item that Mr. Edgar has broached is the front of the building and some of the landscaping actually encroaches into the road ROW and this has been existing for quite some time. He has requested that we include some hold harmless language in the documents indicating that if for some reason the city plows or trucks or something damage these items that the unit owners would be responsible for that damage. They would hold the Town harmless from those types of damages. With respect to the solid waste, the association would be responsible for the removal of solid waste and as I indicated earlier, we will note on the plan where the solid waste receptacles will be located. Again, the fuel and propane are separately metered. If in the future, Unit 1 wanted to use the propane tank instead of the, if they wanted to convert, we have confirmed that we could put separate meters on the propane tank so they could share the tank, but actually would be separately metered. We can delineate that in the condo documents. I think I've already addressed the fact that we would be willing to put in some use restrictions as to the common area because of the steep slopes leading to the brook there really is no intended use of that property other than just keeping it in its natural vegetative state. There is a provision in there for future professional, these are residential units but we have provided for an opportunity if a condo unit owner wanted to have an in-home business. I believe that the condo documents do say that it's subject to all governmental approvals, but I will certainly add some additional language to make it clear as Mr. Edgar feels that was not specifically indicated, but it would be subject to any state or local government approval. If the boundaries were adjusted between the condo units or further subdivided, it would be subject to all local and state governmental approvals. With respect to #8, if there are some provisions in the declarations that the Planning Board felt needed to go for Planning Board approval prior to the documents being amended, we would be happy to include that in our condo documents as well. Mr. Edgar is correct that there was not a specific reference to the subdivision plan in our legal Exhibit A and I have corrected that and will submit a revised Exhibit A. Comment #10 I think we've already discussed that we will designate the trash receptacle location on the plan. With comment #11 regarding the limiting of the number of boats or RV's to one per unit, we are going to change the condo docs to provide that any boats or RV's must be located in the driveway or garage areas and they

cannot be located in the common areas so Unit 1 really only has 2 parking spaces so if they wanted to have a boat or an RV, they could only have one plus one vehicle so there wouldn't be any option for him to have 2 cars and an RV or 2 cars and a boat. We are willing to amend the noise disturbance clause to extend to neighbors and as to Comment #13, I guess we still need to talk to the Fire Chief. At this point in time, the units are hardwired for alarms and it's my understanding that the Fire Chief may require a central box location with maybe a key pad with keys inside allowing entrance into the two units in case there was any problem with the alarms going off or any type of fire and we are willing to discuss this with the Fire Chief and add whatever language is appropriate to the plan and the condo docs to address these issues. The pins, he's recommending that the corner pin shall be set prior to the recording of the mylar and that will be taken care of. At this point I guess we would ask that the Board consider our application for approval subject to these conditions and a noticed compliance hearing and if the Board has any questions, the applicant is here and we'd be happy to answer any questions that you have. Vadney – I have one just for clarification. At the west corner of this building, there's a deck that's called limited common area, Unit 2. What do you mean by common area if it's designated for Unit 2? The common areas are areas that are going to be maintained by the association. The limited common area designated is explained in the declaration and the limited common area means that the exclusive use of that area is to the unit owner, Unit 2 in this particular case so each of the decks, the association would be responsible for because you want consistency with condos, the condo association would be responsible for the repair and maintenance provided it wasn't caused by one of the unit owners, but it would be limited to the use, the exclusive use of that particular unit and his guests and licenses. Vadney – I wasn't sure how those words fit together but you've made it clear now. Edgar (inaudible) Gardiner – There is the one triangular area I believe that is going to be common area because there are two exits, there's an exit for Unit 1 and an exit for Unit 2 so we've labeled that common area, but the rest of the decks, patios, porches, etc., are going to be limited common area. Vadney – Limited to a unit? I don't know if you need to, but that might be worth putting on there. Only the one is marked that way now. Gardiner – OK, we will take another look at it. I was under the impression that all of the decks were designated as limited common area except for that one portion that was common area. Vadney – It may be clear in the notes. Gardiner – We'll take another look at it and if we need to amend the plan, we certainly can do that. Edgar – That's a good summary of my summary. The only thing I want to point out and I've been all over the map on this one with you. The proposed triangular deck area, the extension of that deck in and of itself is within the setbacks and I told you today that I thought that it was just a building permit only. The qualifier is that the building itself is non-conforming and I just

would ask that you revisit that issue with Bill Edney, the building inspector, to make sure that it falls within the guidelines for building permits as opposed to special exception. It's not my end of the horse and I'm not as conversant in that part of the zoning as I might otherwise be so if it does require zoning relief, either take it off the plan or get the relief before we so it can be an either/or kind of thing, I just want to make sure we double check with Bill as to whether or not it falls within some of our parameters for building permits. Gardiner – I believe the applicant has already talked with him, but I certainly will confirm that. Vadney – I have a comment about the fire alarm and this is as much for John probably as it is for the applicant. The idea that we'd have a fire alarm and require the key to be available, we've done that for buildings with six or ten or some number of units, but it seems getting it down to two is almost getting... Edgar – I haven't represented that in fact the Chief's going to require the key box, what he doesn't want to see is that we have unit owners maintaining separate alarm systems in the building. There should be a continuity with an alarm system. We have significant problems with some of the older properties where this is the case and so he wants and we've done this on almost all the other projects an acknowledgement of what the responsibilities of the association are is to maintain those systems and to be able to provide access to the units in the event something has to happen, we don't want to have multiple maintenance companies having a piece of an alarm system. It's a nightmare for the Fire Department. In this case, I don't know for a fact that he is requiring the keyless entry or not, the bigger concern was just having multiple entities responsible for pieces of an alarm system. When we have the false alarms, who do we go to? Who's responsible for what? We'd like to see the association documents making it clear that the association is responsible for the maintenance of that system, not the unit owners and that through the association, one can gain access to the units in the event that we had to. That's all. Kahn – I just have a question. John, you mentioned this to me before, but in a two-unit condo in an older building, how do we avoid a situation of deadlock on maintenance of the building where the building needs a new roof or a building needs a paint job or something like that. One owner is willing to go and the other owner is not willing to go. Are we condemning this building to decline? Edgar – I'm going to defer to the attorney. I do know there are provisions in the documents that do speak to the need to have unanimity between the two unit owners in order to proceed. That doesn't necessarily answer your question, but I think it is perhaps something that the attorney can speak to better than I. Gardiner – It was very difficult drafting these documents because of the fact that it is two units. Obviously, it would have been easier if it were three, but there is an arbitration, there's a deadlock article, it's Article XIV and it's on Page 35 of the condo docs that were submitted and it basically says "in the event of a deadlock with respect to a determination of the need for repairs or

improvements, the determination of any amount necessary to accomplish any repairs or improvements, the enforcement of any provision of the condo decks or the by-laws or the assessment or collection of any amounts voted by the members or resulting from the decision of an arbitrator(s), any unit owner may require that such deadlock be resolved by submitted the same to arbitration” and then it goes into how you pick the arbitrators and if you can’t pick one, you go to the Court, etc., so there is a provision in there if for some reason something that is required to be done, the members just can’t agree. Vadney – There are a number of conditions that need to be attached, I think you all know them.

Bayard moved, Finer seconded, I MOVE THAT WE APPROVE MICHAEL SPINALE’S PROPOSED SUBDIVISION OF A TWO-FAMILY RESIDENCE INTO CONDOMINIUM OWNERSHIP, TAX MAP U06, LOT 124, LOCATED AT 5 STEVENS AVENUE IN THE RESIDENTIAL DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) THAT THE FINAL PLANS SHALL LABEL THE SETBACK TO THE BROOK AND THAT IT BE NOTED THERE WILL BE NO FURTHER ENCROACHMENT INTO THE BROOK SETBACK;
- (2) THAT FINAL PLANS AND DOCUMENTS BE SUBJECT TO BOB HILL’S SIGN OFF;
- (3) THAT SEPARATE DRIVEWAY PERMITS SHALL BE ISSUED FOR EACH CONDO UNIT AND REFERENCED ON FINAL PLANS;
- (4) THE FIRE CHIEF SHALL SIGN OFF ON FINAL PLANS TO BRING THE PROPERTY INTO COMPLIANCE REGARDING THE LP TANK AND THAT THE FIRE CHIEF ALSO LOOK AT THE ISSUE OF THE FIRE ALARM SYSTEM;
- (5) THAT THE ISSUES RAISED REGARDING THE CONDOMINIUM DOCUMENTS WILL BE ADDRESSED AND THAT THE FINAL LEGAL DOCUMENTS SHALL BE SUBMITTED TO THE BOARD FOR CONSIDERATION AT A NOTICED COMPLIANCE HEARING; AND
- (6) WRITTEN EVIDENCE THAT THE CORNER PIN HAS BEEN SET SHALL BE PROVIDED PRIOR TO RECORDING OF THE MYLAR.

Voted 7-0 in favor of the motion.

5. **SHAWN ENGLAND d/b/a SUNSHINE & PA’S** – Proposed Site Plan Amendment to increase the number of seats, Tax Map U07, Lot 66, located at 11 Main Street in the Central Business District.

We are basically asking for 8 seats, 4 seats for each of the first two rooms. We plan on putting in booths instead of our regular table tops and that’s how we would fit the extra 4 seats in each room. We’re asking that the additional

parking spaces be waived because of all the walking traffic and everything like that. We get so many people there and there's such a line this time of year so that's pretty much all I'm asking for. The bottom section's not going to change as of right now. I talked to Chuck Palm and he agreed with everything, he's comfortable with 4 seats for the first two rooms. Vadney – Before we go any further I think what I'm going to do is step down on this issue, not that I have any problem with it but I am an officer of the Legion which abuts this and it would probably be inappropriate of me to continue on it so I'll step down and turn it over to Mr. Sorell, the Vice-Chairman. England – Basically what we're going to be doing is in the first section, we're going to be putting in 3 booths, 5' wide basically brings us to 15' and puts 4 more seats in the first room. Then in the second room, we plan on putting in two 6-seaters for booths instead of the 2-top that we have there now. That's basically all the changes we plan on doing. There's no structure changes besides the booths going in. We're just asking that the 2.6 parking spots to be waived because of all the foot traffic and all the public parking around and everything like that. We do currently share, I'm not exactly sure how many spots there are, but we share parking with the Legion and Mame's right now. That whole parking lot is a shared parking lot. Edgar – We had received a communication from the Fire Chief with respect to the seating. Our baseline that we're starting from I believe is 50 and we're looking to add 8 seats to the 50. The 8 additional seats in theory would constitute an additional demand of 2.6 parking spaces and the applicant has asked that the 2.6 be waived. The Fire Department issues permits that are called Place of Public Assembly Permits and that has to deal with how much square footage is necessary in a place of public assembly for people to safely be able to navigate in the event of an emergency to be able to exit a building. Chuck has all his permitting requirements for that. When we staff something like this, we try to make sure that what the Board's looking at in terms of seats and parking at the end of the day jive with the Fire Chief or at least he knows what restrictions you may have placed on a property and that we try not to have a situation where we would approve more seats from our point of view that would then not comply with his assembly permit requirements so that's part of what we do when we staff seating requests. Chuck has indicated that according to his records and notes that he thinks the building could have a total of 57 seats which is one less than what is being asked for. I'm not going to be able to resolve that here tonight, that's kind of a Chuck and a Shawn issue. If the Board were amenable to granting the waiver for what I would say up to 8 additional seats, then you could approve up to a 58 seating capacity with the difference of the one seat in question being something that could be worked out with the fire Chief based upon his permit requirements. In other words, what I'm trying to say is that if you're generally OK with the project, we don't need to get hung up on the one additional seat. It's a fraction of a parking space that we're talking and

if you're OK with waiving 2.6 then what's the difference with 2.3, not a whole lot so that's what I've suggested is that if the Board is OK with it, I've provided language on Page 50 that might help you work through that so we don't have to try to resolve Chuck's permit requirements here tonight for the 58th seat. Bayard – No question, just saying that I think his resolution makes sense. Obviously, it's up to the Fire Chief as to how many are ultimately allowed. Worsman – Not so much with seating, but everything else will be, bathrooms are all set, all the other pieces are going to be adequate if we increase this number? England – Yes, we're not adding any bathrooms or taking anything away. Worsman – You don't find that there's lines when you ultra busy, that's going to be OK. No public comment.

Kahn moved, Bayard seconded, I MOVE WITH RESPECT TO SHAWN ENGLAND d/b/a SUNSHINE & PA'S SITE PLAN AMENDMENT, TAX MAP U07, LOT 66, THAT WE APPROVE A SITE PLAN AMENDMENT THAT WOULD INCREASE SEATING FROM 50 UP TO 58, THAT WE WAIVE ADDITIONAL PARKING, THAT THE NUMBER OF ADDITIONAL SEATS BE WORKED OUT, UP TO 8 ADDITIONAL SEATS, WITH THE FIRE CHIEF APPROVING THE NUMBER AND SUBJECT TO THE RIGHT TO REVIEW AND AMEND. Voted 7-0 in favor of the motion.

5. **DAVID M. DOLAN, LLS** - Pre-application Conceptual Consultation to discuss possible Site Plan for Tax Map S17, Lots 17D and 17E, located on Northview Drive in the Commercial Route 3 South and Shoreline Districts. Both of these properties, Tax Map S17D and 17E, are located on Northview Drive which is about 500' feet south and parallel to Mile Point Drive. It runs up between Energysavers and Meredith Square. There's a cell tower at the top of the hill that I think everyone has seen. If they don't know exactly where it's located, it's on this property next to an existing building. The piece that's outlined in yellow was developed and improved back in 2001. There was a Site Plan approval and the existing building was expanded. Additional parking was added which is to the rear or the east side of the building and as part of that approval, the issue we're going to discuss is parking. As part of that approval, 63 parking spaces were required, 61 were approved with a waiver for 2. Currently, if you go up there at any given time between 15 and 25 spaces are empty. The business on the site is getting to the point where they've grown and they need more space and they looked at the abutting parcel which is Lot 17D, which right now is vacant and possibly putting a building on that site and trying to put parking on there and because of the location of Northview Drive and the configuration of the lot, it's pretty cramped between the building setback so what we're looking at is another option here which is to build a building on what's shown as a gravel parking area to the rear of the site which actually it was proposed as gravel. It's actually paved now but it's usually vacant so there contemplating

building a building on that site, merging these two parcels together to use Lot 17D for parking and the best it looks like we can come up with for parking is about 88 spaces based on the size of the proposed two-story wooden building and doubling the number of employees which is around 20 to up to near 40 which would require, depending on the actual square footage, about 115-118 spaces and we're looking at 85 or so parking spaces which is.. There's a gap there. Vadney – You're saying the square footage of the total building proposed will require 118 spaces. Dolan – The total developed site including the existing building square footage, the proposed building, based on the square footage, we'd need I think it comes out to 77-78 spaces for professional office space which is one space for 200 sq. ft. of gross floor area and for this particular use on the site, which is a financial management and mortgage company, they need that and if you go up there on any given day, you can count, I've counted 25 empty spaces. When I'm in the area count empty spaces. Vadney – I thought I heard you use a number like 118 or something. Dolan – That's just the square footage. Square footage would be 77 spaces or so. In addition to that you have to have one space for every employee so that comes out to the 118 spaces required and it looks like we can probably get about 88, obviously there's a gap there that would have to be lessened and the real issue I'm here tonight for is to see if it's even conceivable to come to any sort of medium ground, what the Board's feeling might be on that, pigeon holing a specific use to this lot which if someone else came in to use the site, they might require more parking and not be allowed to if the Board was ever to consider reducing the parking requirement. The other issues as far as stormwater management, sewer, water supply, those I think can all be addressed but it's really an issue of trying to see what the Board may be willing to look at as far as parking. There is no other parking available. There's no public parking in the area. The users of that site go to that site to park on-site, they are not walking. Vadney – Is there any lot coverage problem? Dolan – No. It's the Central Business zone, I think it's 65% maximum and this would be well within that. Vadney – John, we'd still have, assuming under current usage there would be no problem at all with parking, we're really looking downstream, what do we approve that things could change that we wouldn't have any control over. If it was a significant change of use, it would come before us and we would have the right to review amend. Edgar – Right, and I spoke with Dave briefly about this earlier today and I think that you're on the right track. It's one thing to be flexible and there certainly may be room for flexibility here, but on the other hand you're approving a site that may very well not be a low-impact mortgage company. You're approving it as professional office space and that could just as easily be a law office or perhaps a medical office or something so I don't think you want to cut it so tight that you'd create a problem and at this point I don't know if going to 85 would be problematic or

not. It doesn't appear to be, but in other smaller scale circumstances, you've built some stipulations into the approval relative to more of a low-impact use. You don't want to have to do that in every instance though. A couple of other things on the parking, Mike had asked that apparently according to DPW's point of view there's been historically parking in the ROW, particularly in the winter months at the cul-de-sac and that has interfered with plowing so if we can get parking off the street that works and I'm just relaying this, he'd be happy to see that. Looking at the plan, we have a fair amount of the proposed parking in the setback and that would necessitate ZBA review and I think at the end of the day, when we had talked a month or so back, Dave, about this concept, maybe not this exact building configuration, but the parking needs to be in a reasonable proximity to the offices in order for people to use it and I would just want to make sure, I don't know looking at the plan what the distance is from the left-hand parking lot, but we can show and build the parking, but I think it needs to be within a reasonably close proximity to the offices such that people park there and not in the cul-de-sac. I agree that the existing parking lot that's out there is under utilized for the current mortgage business. There's no question about that. Dolan – I'm aware that we would, if we were to go forward, need the Special Exception for any parking within the setback and I know the comment about parking in the cul-de-sac, I know that came up about 4 years ago when we were in for site plan review and I hadn't heard it again. I wasn't aware if it was still an issue or not, but obviously it's something we would have to try to remedy if it still is an issue. Flanders – Mr. Chairman, I have a question for Dave, he's talking about number of parking spaces that are available there and the ones he can get, are these full size under the ordinance as it exists today? Edgar - I believe they are 10' x 20' with a 24' aisle for right-angle parking, 64' module. I was just curious because this building or what's up there now has been there quite a while and it might have been done when it was 9' x 18'. I just want to make sure we're talking about full-size spaces and not some of these spaces being undersized by our ordinance today. Dolan – Whatever we would ultimately come in with, we'd make sure they met the definition under the ordinance today. I know the parking spaces in front of the building or to the west of the existing building, those were the original parking spaces that basically blended into the cul-de-sac. You really can't tell the difference from the cul-de-sac and the parking a lot of times up there, other than the stripes. Edgar – Mr. Chairman, I have a question if I could. Dave, when you come in off the end of the cul-de-sac and on my plan it's purple where we show existing paving up towards the tower, is that area used for parking currently? Dolan – Yes, it is. Edgar – So if we were to tie in the proposed parking lot into that area, it looks like we might lost a few spaces in order to open that up and make that parking expanded, is that fair to say? Is that factored into your numbers? Dolan – Yes, it is. And we also, when this

was approved, this parking area was to be constructed if necessary. They actually went ahead and built it at the time of doing the construction of this parking lot so there were two spaces that got netted out because of the alley cut in here. Those numbers were all reflected on the site plan that was approved and we considered what we'd lose here and try to reconfigure parking in here to offset whatever we're losing. Edgar – Needless to say storm water management would be a big issue and we obviously aren't yet to the point where you've got a topo plan, but do you see any particular challenges with respect to storm water management and grading knowing that the property slopes off pretty good there. Mark Moser was the engineer that worked on this initially and he's looked at the site and what we're looking at doing now and he's reacquainted himself with what took place as far as discussions with Lou Caron and trying to address storm water and one of the considerations was digging some test pits and seeing if it would be possible to retain any water under the parking lot as an option, but if it went forward, he would hope to speak to Lou and just try to get some input as to which direction to go initially before designing the whole thing. Edgar – It might be a good project to come back in with a design review when you've got some of the topo and a little more of the preliminary engineering before you go the full 10 yards on things just for an update. Vadney – As I recall this from 5 or 6 years ago whenever we changed that, wasn't there a point and it may be where that is now, there was a point where it broke over, it went down chopped off into a sharp grade. Dolan – Probably right around this area here, in fact, in order to get this on the site and build a driveway, the owners went through a Boundary Line Adjustment with the abutting property to add this area in. It starts to slope down right about the back edge of the parking. This was all fill in here which is now in place. Vadney – Would that require additional filling to put a building.. Dolan – That's something we've recently done the topography, I say recently, it was today in this area just to get an as-built definition of what's out there now and whether it would support the building. Vadney – What is currently on the other side of Northview Drive? Dolan – Vacant lots down to Energysavers and there's one vacant lot between this property and Meredith Square. Vadney – There's a couple or 3 along this side? Dolan – I believe there's 3 lots on the southerly or right-hand side of Northview Drive as you go up past Energysavers. Vadney – The note here says that's located in the Commercial Route 3 South and Shoreline Districts. Dolan – I believe it's Central Business. Vadney – It's called Route 3 South. Flanders (inaudible).