

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary;
Touhey; Kahn; Bliss; Edgar, Town Planner; Harvey, Clerk

Sorell moved, Bliss seconded, THAT THE MINUTES OF MAY 24, 2005, BE APPROVED AS PRESENTED. Voted unanimously.

APPLICATION SUBMISSIONS

1. **JANELLE FITCH VAAL AND SACHEL REALTY TRUST** – Proposed Boundary Line Adjustment between Tax Map R07, Lots 44 and 55, located on Sanctuary Lane in the Shoreline District.

Application, Boundary Line Adjustment plan and abutters list are on file. Filing fees have been paid. The features of the proposal that necessitated two variances in order for this application to comply with the ordinance have been eliminated. Recommend application be accepted as complete for purposes of proceeding to public hearing.

Bliss moved, Bayard seconded, THAT WE ACCEPT THE APPLICATION OF JANELLE FITCH VAAL AND SACHEL REALTY TRUST FOR A BOUNDARY LINE ADJUSTMENT. Voted unanimously.

2. **JONATHAN D. HALSEY, PAMELA MELONE AND FITZGERALD INVESTMENTS** – Proposed Boundary Line Adjustment between Tax Map S01, Lot 4, and Tax Map 4, Lot 52 (Center Harbor), located at 89 Tuttle Road in the Forestry/Rural District. **WITHDRAWN AT APPLICANT'S REQUEST.**

Applicant's agent submitted a written request to withdraw this application.

3. **ORRIS AND DEBORAH BLAKE REVOCABLE TRUST AND CHERYL JOHNSON REVOCABLE TRUST** – Proposed Boundary Line Adjustment between Tax Map R22, Lots 11 & 11A, located on Edgerly School Road in the Forestry/Conservation District.

Application, Boundary Line Adjustment plan and abutters list are on file. Filing fees have been paid. Recommend application be accepted as complete for purposes of proceeding to public hearing. (Bayard stepped down)

Sorell moved, Bliss seconded, THAT WE ACCEPT THE APPLICATION OF ORRIS AND DEBORAH BLAKE REVOCABLE TRUST AND CHERYL JOHNSON REVOCABLE TRUST FOR A PROPOSED BOUNDARY LINE ADJUSTMENT. Voted unanimously.

4. **EDWARD P. AND CAROL Y. MICKUS** – Proposed Boundary Line Adjustment between Tax Map U08, Lots 1A-2 and 1A-3, located off Red Gate Lane in the Residential District.
5. **EDWARD P. AND CAROL Y. MICKUS** – Proposed Site Plan to construct a 3-unit, multi-family building with related site improvements, Tax Map U08, Lot 1A-3, located off Red Gate Lane in the Residential District.
6. **EDWARD P. AND CAROL Y. MICKUS** – Architectural Design Review of a proposed 3-unit, multi-family building, Tax Map U08, Lot 1A-3, located off Red Gate Lane in the Residential District.

The above three applications for Mickus are on hold until engineering is received.

PUBLIC HEARINGS

1. **EDNA SWANK:** (Rep. Carl Johnson, Jr.) Continuation of a public hearing held on May 10, 2005 for a proposed minor subdivision of Tax Map R10, Lot 22, into two (2) lots (1.76 ac. and 1.82 ac.), located on Bryant Island in the Shoreline District. Application accepted May 10, 2005.

This project was presented to the Board before when John was absent and I did an explanation of the situation and how the island was mapped, how the soils were mapped and some of the calculations used to determine lot sizing and because of John's absence, we continued the hearing. For the benefit of the members of the public that are here this evening that weren't here previously, I would like to do a brief presentation to explain exactly what the situation is on the island and how this came about to divide it. Bryant Island is located in Lake Wicwas which is 327 acres in size. Bryant Island is a little over 3 acres in size. Randy Shuey from Gove Environmental services performed a site specific soils map of the island. Associated Surveyors provided the perimeter of the island and the 2' topography and Mr. Shuey prepared a soils overlay based on his soils analysis and his and his auger tests he took on the island, a site specific soils map. This is a mapping standard that is greater than what the zoning ordinance normally requires for subdivision for parcels that are of a more sensitive nature or when the soil type that's indicated on the Belknap County soil map may not indicate the actual soil conditions on the ground. Mr. Shuey, who is a certified soil scientist and a certified wetland scientist, performed a site specific soils map and some of the gray lines in here which are a little bit hard to distinguish if you're are far away are the soil mapping units that he used to determine the boundaries of the moderately well-drained soils, the poorly drained soils, the very poorly drained soils and some

of the very stony sandy loams and other soil types. The process in Meredith is to then take these soil units and convert them into the soil standard chart that's in the ordinance to a Town of Meredith equivalent for soil type and then each one of those soil types has a minimum lot size associated with it so depending on how good the soil is determines how big a lot has to be in order to meet a subdivision standard by the Town. The area of each one of these units is calculated, the wetlands, the ledge and some of the other soil types which are not permitted to be counted towards a lot size are netted out and we had just over two lots available of land area of soil type that's suitable for subdivision on the island so my first line drawn was a line which roughly separated the island in half because we were only going to have two lots on the island. During John's original staff review, it was suggested that each one of the individual lots stand on its own with 1.0 lot units and so I did do a revision of the lot line here and I did do a breakdown of each of the lots so that each one of these now has a minimum of 1.0 lot standards. As you can see, the 65' setback from the lake is put on the plan. There is a 30' setback from the interior line which divides the island. There are four wetland areas that were identified during the soil mapping and those wetlands have setbacks that are 50' for any disturbance within that area for driveways, houses, tennis courts or any types of disturbance of the area and then a 75' setback which is a setback for septic systems. There were test pits conducted on the island. David Ames of Ames Associates has designed septic systems for each one of the lots based on soil profile of these test pits and as you can see, the 4K area and the test pits for the island are on the interior of the island, more than the adequate statutory distance away from the lake for a septic system. We are also showing two possible house locations which meet the setbacks both from the lakeshore itself and from the wetlands and keep in mind that the State of New Hampshire under the Shoreline Protection Act of 1992 has a standard which is less than the Town of Meredith's standard, the reference line for the State is 50'. The peculiarity of the shoreline of the island is such that Lake Wicwas is actually a dammed lake and the State of NH determines for water bodies greater than 10 acres what the natural mean high water of a lake is. In almost all instances of a dammed water body, the dammed level of the lake is higher than the natural mean high water. That's true for Waukegan and Squam, the level at which the lake is maintained is actually higher than the State's jurisdictional mean high water. The level of the lake is kept higher than what the mean high water is. In most instances, we try to produce a line which is more restrictive than the natural mean high water line and that's because the practical application of a setback from the lake is such that you want to be measuring from where the water normally is and where the water normally is in a fairly full situation. The level of Wicwas this spring was about 18" to 2' below the top of the dam which is located on Meredith Center Road. The statutory mean high water as established by the Water Resources Division of the State of New Hampshire says that the natural mean high water of Wicwas is 6' 3" below the top of the dam so the State's jurisdictional limit would mean you would

have to drop about 4' of water out of Lake Wicwas and then determine where that line would be. If we represented that line from a setback line, you can imagine that the line showing where the mean high water of the lake is based on the State would be considerably outside of this level. We did some soundings for the possible power line and we were quite a ways away from the island in the North direction before we got 4' of water so as you can see the line that we're representing as the shore of the lake and shore of the island is a much more restrictive line from a setback standpoint. In other words, it would be possible in its strictest interpretation if the line, the mean high water line, was 30' out beyond what we are showing to construct a dwelling that was 35' from what the colloquial shoreline of the lake would be. Vadney – You're saying if that dam was totally demolished, Wicwas would be up to 6' lower than it is on a normal basis? Johnson – That's what the interpretation is. I didn't say that, what I said was the State of New Hampshire has determined that the natural mean high water level of Lake Wicwas, as determined since 1967, is 6' 3" below the top of the dam. Whether or not if you blew that dam out, that water level would be the result, I can't tell you that so I can't make that statement. In theory, that's what they are trying to get at with a natural mean high water level. When we're in a situation where we are producing a line on the plan, we have the ability to look at the data and if the data says it's 6' 3" below the dam, we could measure the top of the dam and transfer the elevation to the island and we could show a line which would be where the water level was at 6' 3" below the dam. From a realistic standpoint, we have an interpretation of this line based on the water level on the rocks and based on the topography, there are several areas where the topography is steeper into the lake than others so what we try to do is represent a line whereby on most days if you went out and measured the distance from something to the water, it would meet or exceed the Town standards and it would certainly meet or exceed the State standards. Unfortunately, in this situation if you had 10 different surveyors going, you may get 10 slightly different representations as to where the shoreline is, but that's the nature of an artificially leveled pond. The other thing to keep in mind is that is not a static situation, that's a dynamic situation, the level can go up or down depending on things that happen. I also know there's some discussion about the replacement of that dam because of it's condition and when that happens, I can't tell you what the water level will be then and whether or not the State will change what it's jurisdiction is. Vadney – We're talking of an island property here. Do the same rules apply for mainland property as far as where the shoreline goes? Johnson – Absolutely. Lake Winnepesaukee is a little bit different in that the statutory level of Lake Winnepesaukee, the jurisdiction is determined by elevation 504.32 so we can take off from a number of different benchmarks and establish the level 504.32, the lake may be 10' away or it may be 3' higher, but we determine 504.32 and most instances that's where we say the jurisdiction of the lake is and most subdivision plans you see on the lake, on Winnepesaukee, it will show a line 504.32 as the reference line. That's where the

State measures from and that's where the Town of Meredith measures from. Vadney – But that's within 8 or 10 inches of where the lake normally is anyway. Johnson – Actually, in Winnepesaukee you're right, the lake is not normally that high, it's normally lower. This year has been about 1/10th above that for quite some time based on the Weirs gauge. Normally Winnepesaukee's not that high, it's a little bit lower so it's kind of a reverse of this in that normally this lake's higher than what is statutory and I think the people on the lake are glad it's kept higher than the statutory mean high water because people might have to be having 100' docks to launch their boats. At any rate that's how the line was determined for the shoreline of the island, it's a much more restrictive standard than might otherwise be placed on there, but in many places in the ordinance when there are standards that conflict, the most restrictive standard always takes precedence. If you went out and measured from a point that I have on this island to where I'm showing where the shoreline is, on most days you will be at the water. Vadney – Off the top of your head, do you know of any other lakes in the area that have that big of a delta, the 6' from what's normal water to what is statutory. Johnson – Squam, I just happen to have a list of the lakes in the area. Bayard – I think it might be a wetland in that case... Johnson – It would not effect lot sizing in that the soil type that's underneath that would be considered to be not countable for lot sizing so it does not effect the lot sizing, it would not allow you to create more lots, but it would serve to aid in a much less restrictive setback. Edgar - It could create additional wetland setback. Johnson – If the setback from this is 65' and if it were to turn into a wetland, it would revert to 50' or 75' depending on the level of the wetland. I think what we are driving at here is where is the water most of the time, where is the shoreline of the lake and that's what we've represented on the plan? The Town of Meredith Zoning Ordinance as adopted says that the shoreline shall be the shoreline which exists when the surface of water is at the mean high water level. The other elements of the plan are that we have four wetland areas, setbacks are shown so that you have neither the dwelling nor the test pits, 4K areas and septic systems within those setbacks. Obviously, there will be docks. The Town of Meredith does not control where the docks are. That's an application that goes before the State of New Hampshire, Department of Environmental Services, Wetlands Bureau. John asked that unless we have approvals for docks that we not show them on the plan so we removed them from the plan. There is no requirement that a shorefront lot have a dock so, therefore, we just took them off the plan. Whether it's an island or mainland parcel, there is no requirement to have a dock. Vadney – Even if there is, it's independent of the Planning Board at the DES. Johnson – DES has no requirement that you have a dock. If you wish to have a parcel of land on an island without a dock, that's your right. I don't believe there's going to be somebody that's going to construct a house on an island or a house on the shoreline of any other lake in the State and not have a dock, but since we did not have the actual dock locations approved, we did not show them on the plan. That's a separate application. The lots meet all the

other standards of the subdivision requirements, not only in size but in depth and frontage and all of the other elements that allow you to create a lot. As you can see, if I were to superimpose the lots here, you can see that there are some lots in here that are smaller and some which are larger and on the southern portion of Wicwas on Wicwood Shores Road, the great majority of lots that are on here are significantly smaller in size than the lots we are creating on the island. The other thing that I will mention is that the Town of Meredith's methodology for having a site specific soils map done and then reverting back to the Belknap County units is a little bit quirky in that we have certified soil scientists do this map and then because the zoning ordinance has not been revised yet to reflect the lot sizing units that are associated with these mapping units, we go to the Belknap County units and the Belknap County units are almost always bigger than if you use the units associated with these new lots especially on "C" slopes so when you have a "C" slope that's 90,000 sq. ft., most of the new mapping standards say that the minimum lot size for those standards should be 50-60,000 sq. ft. so it's about a third more generous in terms of the lot sizes so we're going kind of two steps forward and one step back in the lot mapping. It gives you a much better idea of what's out there for soils, there's no question about that. These mapping units are very small, some of them are as little as a few hundred square feet, whereas, the Belknap County mapping units are large acres in size and the Belknap County soils unit for the island may be one unit so that's not a realistic representation of what the soils are. That's why the Certified Soils Scientist spends a day out here doing the soil mapping to determine these individual units and he's taking soil profiles and he's measuring seasonal high water table, he's looking at vegetation, depth to ledge and a lot of other elements to ensure that the lots are of suitable size to support a septic system. That's why towns have soils-based lot sizing, that's the nut of it is whether or not a lot can support a septic system. David Ames, who is the septic system designer that's involved in the project, has indicated from a lot loading standpoint which is not the same as a subdivision standard but just in terms of how many bedrooms you could have on the island, the soil conditions on the island and the size of the island are sufficient to support 20 bedrooms so if somebody wanted to build one house out there and have 20 bedrooms, they could theoretically get an approval for a septic system from the State of New Hampshire for 20 bedrooms. That's not going to happen. The nature of the pond and the nature of the lake is such that the houses that are going to be constructed out here will be of much smaller size. You're not going to be drawing people in that have a 38' BaJa that want to go tubing and water skiing on Wicwas. They are going to be looking at many of the same elements as the people who already own property on Wicwas and the houses are going to be very reasonable in size and because of the restrictions that the Town of Meredith has and because of the restrictions that the State of New Hampshire Shoreline Protection Act has, the amount of cutting that's allowed and the location of the houses and septic systems and other elements of the lot are going to be

considerably further away from and much more restrictive than most of the lots or at least some of the lots that are already on the lake. That's just an improvement in the way things are done so basically, right now without any subdivision approval from the Town of Meredith, without anything except a Building Permit, a person could come out here and with a State approved septic system, pull a Building Permit and construct a house. They have an existing lot of record. This parcel of land, the island, was purchased separately from a previous owner from Mrs. Chase. It was purchased by separate deed by itself so it's a freestanding lot of record not attached to anything by anything and they would be allowed to pull a Building Permit and build a house. There is also no requirement in the State of New Hampshire or the Town of Meredith that you have access to the lake in order to have island property. There is none. The theory is that every lake greater than 10 acres in size is open to the public and there has to be public access to the lake and so there is no requirement that the Town has as to where the people are going to park, where they are going to launch their boat, it's not an element that enters into the subdivision regulations. Once again, we have Lot 1 of 1.87 acres and Lot 2 of 1.7 acres. John has a couple of comments in the staff review that he's probably going to want to go over, I'll let him do that and then after that I will be happy to entertain questions from the Board or the public. Edgar – Back in May when our process started, I brought to the Board's attention that the initial wetland mapping was done in January with the snow cover and we had asked the Certified Soil Scientist and the Certified Wetland Scientist, one in the same individuals, to go back to the island and double check the mapping to make sure that nothing was missed by virtue of the snow cover. Part of the concern there was that the gross area calculations for the lot calcs as Carl was talking about provided for 2.011 lots. There's not a lot of margin in terms of land area so if wetlands were mis-mapped or the soil types not just right, there would be an issue we would have to look at. There is a letter in your packet from the Soil Scientist and he went back out in May and revisited the property based upon the Board's direction and the long and short of it is there's nothing that needs to be re-delineated. There were two minor adjustments made. One was an upland soil that was corrected but did not effect lot calculations, just a correction of soil type and within a wetland, there was a pocket of very poorly drained wetland so it was a different soil type wetland within the wetland that was further clarified. Here again, our requirements require that all wetlands be deducted from the lot calcs and so because it was a wetland within a wetland, it was already deducted so the two adjustments that were made have no effect on the lot calcs. In terms of the margins that are unintentionally built into our older data, we also net out all wetlands from lot size calculations and some of the more modern era lot sizing do give you a lot size benefit for poorly drained wetland soil so there is a level of conservatism built into the Meredith regulations in that all wetlands are deducted from the lot calcs. With respect to density, density is a numeric calculation which does not involve land capability, but it's just one of the zoning requirements in this

case, the density is 40,000 sq. ft. in the Shoreline District with on-site septic and well. I raised the question as to the elevation used for purposes of determining the shoreline and maybe an interesting situation would be and one of the questions for the applicant to consider is maybe, we would hate it if this were to get approved and then someone came back and claimed a different reference line after we've approved this and claim a line out in the lake and developed in a manner that was inconsistent with what everybody expected the case to be. It would be a question for the applicant to consider and maybe some acknowledgement for the Board to consider that for purposes of this approval, these lines are reference lines based upon... Something I brought to the Board's attention is that our zoning ordinance requires that all waterfront development lots of record that are being developed at our waterfront are subject to provisions of our Erosion and Control Ordinance which requires an erosion control plan to be approved by the Zoning Administrator as a function of the building permit so if and when either of these lots are, assuming they are created in the first place, developed there would be an erosion control plan developed with the building permit process. I have suggested that final plans to the extent the Board would have approved the project, flag the fact that the development of these properties are also subject to the Shoreline Protection Act which does regulate the cutting and a few other issues that the Town does not. With respect to sewer and septic, we do have the test pit data which has been submitted because of the lot sizes. There will also be a review of the proposed subdivision by the State of New Hampshire, Department of Environmental Services. There is a permit required from that State Agency and that permit should be cross-referenced on the final plans. The plan indicates a well site which at a minimum needs to be done for purposes of the septic review and the State subdivision review, but it does raise an interesting question as to whether or not someone will actually put a well on an island. I think we do need to know what the thinking is in terms of potable water sources. That's not to say that you can't legally draft from the lake, I'm not sure if you would want to. We do show a well radius that are 75' from the septic, but as a practical matter I don't know if you would be able to get a drill rig out there. With respect to the electrical, cable and telephone utilities, the plan notes that a power line is being proposed coming from the mainland. I'm not familiar with that as a matter of course, it's not something we deal with regularly so I just raise the question as to whether or not this is feasible, has the power company been contacted and is the subdivision dependent on this power source? Do they need any easements to gain access and are Dredge & Fill Permits required? My understanding would be that it would be imbedded in the lake, but maybe Carl can speak as opposed to overhead? As Carl has indicated, the ordinance does not require mainland access to be a function of the subdivision, but as a practical matter, it still is a fair question to ask so the Board gets a better understanding where it will be accessed from. Typically, on the mainland when an island is being developed, marine contractors have access through marinas typically for

construction staging and so forth and one of the abutters had raised a fair question as to whether or not they would be using the Town's ramp on Chemung Road, would they be using their own land, are either sites suitable for construction activity, etc. I think we need to at least think through the ability to gain access to the property for purposes of construction. As Carl indicated, the prior plan indicated two docks, presumably for illustration purposes. The docks have been eliminated from this plan, however, that is not to say that a future property owner may not apply for docks at some point in the future. This may sound like knit picking on my part, but this plan is going to get recorded and if it's not something that has been permitted or constructed, it might imply something other than what is approved. I believe one of the abutter letters indicated that there may be a loon nesting site in the area. I have followed up on that with a call to the Loon Preservation Society. This afternoon I received a correspondence from John Cooley who is a staff biologist and he's copied me on a nesting map that shows 2002, 2003, 2004 nest sites on the lake relative to the project. Edgar and Carl Johnson pointed out the nesting sites on the subdivision map. Mr. Thorpe - There was a 2005 site as well that was abandoned two weeks ago. Mr. Cooley's letter was paraphrased into the record. One mitigating consideration is if we Maybe from a dock and a boating activity, maybe that can be directed on the island more towards Route 104 away from the eastern cove and away from the more sensitive conservation areas. One of the negotiated resolutions to a two-lot condominium on Meredith Neck which is also relative to this, remember the dock locations are partly driven by the abutter, but also the sensitivity of Black Cove which was a loon nesting site. We've received approximately 22 letters from abutters. Excerpts of these letters include comments such as:

- Precedent for other lakes
- Power lines
- Sewer disposal
- Distance from the lake
- Ruining the views for people living around the lake
- Increase in property values will change the character of the lake
- Opening the island to development/water quality
- Many existing conservation properties nearby
- Bestowing riches on a very few
- Destruction of the beauty and peace of the lake
- Convert to conservation land
- Developers have made a mess of the mainland access on Chemung Road
- The launch site for construction conflicts with the use of the beach by local residents
- Approach the Conservation Commission
- Lake Wicwas is something special
- Construction on a small island in a small body of water is abhorred

- Inconvenient for those attempting to reside there
- Would impose on the peace and beauty of the lake
- A crime to start the destruction of such a unique place
- What about setback rules from the water and cutting near the lake
- You have to protect all of us, think of the future, what do we want for our kids in years to come?

Some of the letters are boilerplates in terms of individuals objecting to the subdivision of this or any other island in the lake and some of them are more in depth. Kahn – It looks to me like you are using 2' contours. Johnson – Correct. Kahn – I backed down from one of your benchmarks and it looks to me like you are putting the shoreline at about 505' above sea level. Johnson – It's a local datum, it's not a USGS datum. We assumed an elevation. Kahn – You assumed an elevation for your benchmark. It doesn't tie to USGS. Kahn – We don't know what the elevation is for the shoreline. You are operating at a number that's somewhat less than you feel you're entitled to. Johnson – Somewhat more restrictive than what we're entitled to. The USGS datum is insignificant for determining shoreline with the exception of those mean high water tables that are tied to it, for instance, Winnepesaukee. The mean high water for Wicwas Lake has no USGS navigational datum based on it, it's based on the height of the dam. Kahn – If the State says that the natural high water mark is 6' 3" below the dam, how many feet below the top of the dam are you operating at? Johnson – Approximately 2. I measured the level of the water from the top of the dam at the point in time which we measured the shoreline of the island. We could measure the top of the dam, put the USGS elevation on the top of the dam, measure down to the water, transfer that elevation to the island and put an elevation on the shots that we took on the shoreline. Normally if you're looking at things like the water line, the water marks that are on the rocks, the significant dark line that goes around the lake, if you were to take 100 elevations around that lake, I would be surprised if they are more than an inch difference. Fairly reproducible, visible obvious line of where the water is a lot of the time. What I'm saying is the significant jurisdictional limit of that lake is far outside this side of the line we are showing. The 2' contours on the island are used to determine the slope category for the soils mapping. In terms of the wells, it's a requirement for State of New Hampshire subdivision approval whether or not you're even going to have a house on a lot to show a well with a 75' well radius. You have to show a 4K area even if you are not going to have a septic system. There is no requirement when you subdivide this lot for the purchaser of this lot to do anything, draw water, build a house, drill a well, even go there so some of this information is there because it's required to be there whether or not there's a well drilled or the water's taken from the lake is subject to things other than the Town of Meredith's Planning Board. In terms of the reference line, I would be very willing to represent on the owner's behalf that we will put a note on this plan that somehow as John mentioned, that

the reference we are using for the purposes of this subdivision is the reference line from now on down the road that will have to be used for the setback unless such time as somebody determines a standard that's stricter. In other words, if the Town of Meredith comes along in five years and says we now have a 75' setback from the lake, then it will be 10' from our reference line. In terms of the power and the Conservation Commission, the power to the lake will be an underground cable, it will be coming from Route 104, a State-owned ROW, essentially what happened is Old Route 104 used to go like this down here and the State of NH, Department of Transportation, filled a portion of the lake and this is all filled in, this is all made land so it's all State of NH ROW and there are no private easements necessary to get into the lake. We did soundings going out to the lake from that point of access for a cable. It is a State of NH, Department of Environmental Services, Wetland Bureau application to come onto the island. Because of that the Conservation Commission is notified, they actually sign the application before it's forwarded to Concord. The Conservation Commission does not get notified for any other application here because there are no wetlands applications. Vadney – You mentioned the black line on the rock around the lake varies less than an inch around the entire lake. How does that line relate to the elevation at the top of the dam, is it slightly higher, lower or the same? Johnson – I didn't look at the line on the dam. I measured down from the top of the dam to the level of the water. I did not notice a black line on the dam. I measured the top of the dam after ice was out and right after the period when we had significant rain and the water was flowing through the dam and I measured it at 24" below the top of the dam so my guess would be that it was fairly high. Touhey – Can you speak on what the access is from the mainland? Johnson – The previous owners and the current owners purchased two tracts of land. One tract is Bryant Island, the other tract is this piece of land on Chemung Road. The theory was that the previous owners purchased this point of land so that they could get to Bryant Island. Vadney – However, this subdivision is not tied to that separate piece of land. Johnson – In no way, shape or form. Kahn – Am I correct that the piece on the south is not buildable? Johnson – I would not at this instant make that claim. I don't have the data to support that one way or the other. Kahn – When it was for sale, the real estate agent was representing that it was not buildable. Johnson – This is an independent, separate lot of record. If somebody wanted to show up and put a structure on there, go to the Zoning Board and attempt to get a variance because they were too close to the lake, go to the State of New Hampshire to get a variance from the Shoreline Protection Act, I'm not saying that could not happen. I'm almost positive there would be a zoning application involved in pulling a building permit for that. Vadney – Before we go too deep into that, I want to make sure everybody's very clear that lot has no bearing on this island. They could be linked in some way, but right now they have no link. Johnson – They could sell that lot independently. Touhey – People who own island property there, there's no marina on Wicwas so when they are not on their island property, where do they

keep their boats? Johnson – There’s nothing on the islands. This would be the first improvement on any island in Wicwas. Gabe Thorpe - A little bit of clarification on the water level. I’m the one who pulls the boards and puts them back in that dam most of the time. Bob Hill is responsible, but I do it for him to try and keep the water even for the loon nesting. In 1983, the Board of Selectmen established 27” below the top of the dam as the level we would try to maintain. It is a very small spillway. It’s a scale bolted to the concrete of that dam that I put there 10 years ago “0” being at 27” below so if the State mean water level is 6’ down from the top of the dam, we’re trying to maintain 27” below the top of the dam. Brooks Banker speaking on behalf of Mary Ann & Joe Morse - Letter from Mary Ann Morse expressing great concern. As an initial matter, the reason that everyone is here today is because Mary Ann Morse and I discovered by accident from a real estate broker that the island had been sold. Mary Ann Morse prepared 160 letters and sent them all out. Having looked at the application today, it is procedurally defective in that it lists abutters as “0”. There are no abutters listed in the application. The sole name that appears on the abutter’s list is Carl Johnson and therefore had it not been for Mary Ann Morse and her diligent efforts working with these good people, there would be no one here today and therefore all of these people would have been deprived due process. They are entitled under not only the Constitution, but under New Hampshire law as it would affect their property and I think that defect which I am officially voicing today, I think renders this entire application void and therefore the process must begin anew because we cannot be sure that people were properly notified. Ms. Morse having sent out letters by ordinary mail should not be viewed as sufficient notice when the Town ordinarily sends out certified letters. Ms. Morse obtained a list from the Lake Wicwas Owner’s Association and used that list. I should also point out that if there was going to be one party named, it would be the Lake Wicwas Association, but it was not named and we spoke to the Lake Wicwas Association who were astonished. I have to point out differently that the Master Plan for the Town of Meredith which is viewable on line states specific objectives which are totally at odds with this. You cannot reconcile the Meredith Town Plan. Vadney – Did you identify yourself? Yes, my name is Brooks Banker. Vadney – Are you an attorney representing the group? Banker – No, I am an attorney, but I’m appearing here differently, I’m a New York attorney. I am very much concerned about this as well and Mary Ann and I had sought to purchase Bryant Island solely to conserve it. Having read the Master Plan, I see that this application which, if approved, would start the process to have the first house ever built on an island in Lake Wicwas would violate the Master Plan. This island is one of the smaller ones in the lake. One of the larger ones in the lake is Sheep Island and totals 26 acres. Using this as a precedent, we can look forward to having 26 homes there in the future. The Zoning Board is entitled to defer to, actually it should defer to the Master Plan as it was promulgated and as it appears on the web site in 2002. I do note that having done some legal research, I saw that the Town of Meredith

Planning Board has fought applications like this in the past. I would hope that Lake Wicwas being actually a pond of 326 acres is not given less protection, less scrutiny by the Board and less conservation protection than Lake Winnepesaukee.

Bayard – You mentioned something about the notice to the abutters. Banker – There were no abutters listed. The list of abutters contained only Carol Johnson, no one else. All these people came here purely by happenstance so no abutters have been notified whatsoever.

Vadney – John, do you have any comment on the abutters on an island property.

Edgar – (1) The responsibility of the abutters list is that of the applicant and not the Planning Department, (2) I believe the definition is anybody who shares a lot line or is across the street or stream and it would be the applicant's interpretation as it applies to this hearing.

Johnson – There are two methods of abutter notification. One is a state definition, one is the Town of Meredith definition. They are very similar. As John mentioned, the properties have to abut to be considered to be an abutter. The reason I'm on the list is New Hampshire State Law requires any professional that has a stamp on a plan be notified by certified mail. Since the parcel of land, Tax Map R10, Lot 22, does not touch any other pieces of land, there are no abutters by the state definition or the Town definition. There is an additional notification requirement that the Town has which is to post the application in a newspaper and in places of public notice and that was done in accordance with the law. There is no other requirement and I'm certainly not a constitutional expert, but I don't know of any other requirement to notify abutters when there are no parcels of land that touch an island. Sometimes when there's an island property and there are additional owners on the island, there would be an abutter notification.

Edgar – It would be prudent for us to check with Counsel.

Banker – Mr. Chairman, Mr. Johnson's view of abutters is different from his view of the size of the island. If indeed the natural level of the island was 6' below that, I think there's substantial reason to believe that there would actually be land touching, that this would not be an island and this is an island by virtue of that. This is extremely shallow here so to assume that there would be no abutters...

Marjorie Thorpe – I am concerned about the maintenance of the septic systems that would be on that island. How would you get a barge or something like that to pump out the systems.

Vadney – They could do them in the winter, there are ways to do that. We have other island properties that have septic systems.

Bob Dietz – My family has had a summer camp on Lake Wicwas in excess of 40 years. I would like to express a couple of comments and the focus of what I want to talk about is really discretion, judgment and good planning because you people are all here not to decide whether or not all of the check marks go next to the list of requirements and not simply to decide if all the pegs are placed into the hole, but I would like to think that you are here to exercise on behalf of the community whether or not a particular project is in the public interest and look at the question of public health, safety and welfare. I would like to think that you have enough discretion to be able to exercise some judgment as to whether or not a particular project in the end is going to be beneficial to this

community. If it's going to cause such problems and things that need to be addressed down the road, the project shouldn't be approved. With respect to the notification process, aside from the constitutionality of the existing law whether it's constitutional or not, what kind of process do we have that the abutters are not defined under the current Meredith regulations or State law to include people who may be within a certain distance of an island or within viewing distance of an island. There ought to be some standard as to what is an appropriate distance in circumstances when that notification ought to occur. When you look at whether or not that statute is constitutional or not, have people here been prejudiced by the failure to give that notice? Absolutely. Look at the crowd that's here tonight and there could be more if we had more notice, but we didn't have it. We weren't all at the first hearing. We haven't had a month or two months to react to this, get our own experts to look at what is being presented. We certainly have all been hurt by that. What is the impact on public health, safety and welfare? That includes the affect on the lake in my judgment as well as the affect on the community, both of those things are within your parameters to consider. If we don't exercise good judgment and good planning, we end up with.... The considerations here and there's a lot of different ones on health, safety and welfare and welfare being a broader concept in terms of what's for the benefit of the community, fire protection. This is Lake Wicwas, if there's a fire on that island who's going to get out there to save the people who bought the houses that are there or anybody else or the spread of that fire. I venture to say I can't imagine how we're going to do that. On Winnepesaukee, they've got fire boats. We don't have anything like that here. I can't imagine how long it would take to get fire equipment out there and you have ambulance issues, somebody's injured, what's going to happen to get somebody out there? Public health, the septic system, how is it going to be pumped? You've got a problem with the septic system, it's July, are we going to wait until the ice freezes over to get a pump out there, are we going to have overflow into the lake? That's a legitimate consideration in my judgment for this Board to consider. What if you have any problems out there and it's near ice out or it's the beginning of ice in, how are you going to do it? We have issues about silting in the lake. Somebody's got to get to the property if it's going to be used and you are going to have to get there in some way, construction, the barges, is this within the parameter of this Planning Board or are we are going to stick our heads in the silt that's going to be created and not do something about it? Public welfare, the public has invested time, effort and town money in the Hamlin Conservation Area and other areas around that lake. The purpose is to make and keep Lake Wicwas the way it is. Building on islands is going to negate the investment that this community has made for that purpose. The reason people are here is because we know what putting a house or two on those islands will do to that lake and what it looks like and then all of the site problems we are talking about. We've got light pollution, now instead of looking down the lake and having it dark, especially looking towards the Hamlin Recreation Area, we are now going to have lights. I

don't know whether this Board has considered whether or not it's going to approve this application, any restrictions that the lights need to be shielded, any protection to limit that now? That's certainly within your purview to put those restrictions on and it certainly would be appropriate if and when you are going to approve this. The same thing with the trees, the Shoreline Protection Act does certain things. Some things it doesn't do. If we cut the limbs off all of those trees right up to the top if we want to and expose again for the view and for the lights, the rest of the lake what is on that island. You have the authority to put reasonable restrictions and limitations on the way the trees are handled. You could create a tree buffer between the lake and the buildings. Again, if we are going to have a situation with this development on this island, let's try to limit its impact. I'm sure there are issues that I haven't even thought of in terms of the impact here, but I would urge you to exercise the judgment that I believe you have in trying to decide whether this is an appropriate project and if in fact you decide that it is, and you shouldn't, but if you decide it is, put some limitations on it to lessen the impact. Vadney – I want to make sure that you are all clear that even the Planning Board wouldn't have been notified. As I recall that property sat on the market the last two summers for \$270,000. Whoever owned it could have built one house out there and even we wouldn't have been notified, that is a given right now so I wanted to make sure that is clear. Bankers – You should also note that if there were a house out there, that builder would be subject to liability to all the people who own around that so the reality being that were someone to have built there, he could have been slapped with 160 lawsuits so he needs the protection of a Planning Board decision in order to diminish the chance of a lawsuit. Dean Dexter – I have been on Wicwas for a number of years and live in Laconia, I really don't want to repeat what people have said already, I would just like to say that this is a small island and I respect Mr. Johnson, I know his family, he's a well-intentioned person and so are you guys. You guys have done well to keep a cap on what's been happening in the Lakes Region for the last 30 years, which has escalated in the last 5 maybe. As Mark Twain said, invest in land, it's the one thing they're not making any more. I think people in Meredith and the Lakes Region know that investing in lakefront property because it's at a premium. Wicwas, frankly, as most of us know here, has escaped a lot of the celebrity building until recently. The focus has been on Squam Lake and Winnepesaukee and other places and now because of the interest in the real estate market in general and the interest in lakefront properties, these little towns, these little ponds, these little lakes are now under heavy pressure. I would like to make mention there is a difference between a nesting place for loons and where they like to hang out. (Several places were pointed out on the map.) They are resilient creatures because I've seen boats go around and the loons will duck underneath within seconds before the boat goes by so they are resilient, but the point is, I think what people have been saying here is we're going down a new road at Wicwas and part of the thing is there has been a balance of reasonable shoreline development. Some people don't even like that, but let's

face it, people have to live and we're not going to close off development to human beings, we can't do that, but it has been balanced and the thing that has kept Wicwas high quality has been the pristine nature of those islands and we're here frankly, I think, as a public trust. There are not going to be a lot of people who can afford lakefront property and maybe in hindsight maybe we could have gotten together and tried to get a conservation organization or some philanthropic organization, somebody like Rawson Wood to put in some money to buy that island. Hindsight is gone, but we have to do everything we can within the law and within people's rights to preserve that island and other islands in other lakes and the last great hope we have is people like you, people who serve as volunteers and as Mr. Deitz says, what we have here is a quality of life for the future, it's a trust and we know, back in the early 90's this Board did grant permission for one humble building lot on that island and perhaps it would be humble enough to look kind of like my cottage, but now I see we're going down a new road and I would just ask you folks to tread really carefully here and I won't be as vehement about it, but I do have 672:3 and there is a question about the abutters. Abutter means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. This is not a stream between Bryant (Chase) Island and my cottage, but it's less than 1,000 feet and I've lived there since the 50's and I've never seen it low enough to walk across that little place that Mr. Banker is talking about. I've seen it pretty low and all of that area, when you think about it, here's Hamlin and you have a very modest building set way back in the woods here that's been there since the late 60's and from here out, you have pristine island land and whether or not that's a precedent, maybe the present stewards of Sheep Island are going to take a different approach, but we are starting down a road that we just can't go back to and I respectfully ask the Board to take that into consideration. Johnson – I think all the comments are great and I'm glad there's such a passion for Lake Wicwas. I'm somewhat familiar with the loons, I've floated many a loon raft and I think also that the areas of the island here that may be suitable loon habitat, I think the developers will be very willing to talk to the Loon Preservation Committee and their Biologists in terms of their potential dock locations to get the locations as far away from potential loon habitat as possible. There are some areas that might make that category. There are other parts of the island because of its steepness and ledge which probably are not. In terms of 160 lawsuits to pull a Building Permit for an existing lot of record, I'm not so sure that I could see where that would be going, but this is a separate, individual tax map deeded lot of record. Henmore Development, LLC has invested enough money into this project already where regardless of the status of this subdivision, there probably will be a dwelling on this island and I know it pains a lot of people to think that it's the first, but there was a first dwelling in this cove, there was a first dwelling on Meredith Neck, there was a first dwelling on Bear Island, there was a first of a lot of things. The Town of Meredith in their Master Plan directs the Planning Board and Zoning Board to

create the Zoning Ordinance and the Subdivision Regulations to ensure that the elements are being met. Those elements include a significant setback from the shoreline, the 65' setback is greater than many towns. They have lot sizing standards as John mentioned that are probably conservative in many aspects in terms of making lots big enough to sustain a dwelling. There's no getting around the umbilical attachment that many people have to this area. I have the same thing to my parent's homestead on Meredith Neck and I've seen that go from a very pristine, not developed area to basically a starter mansion every 200'. That pains me as well and I'm not unsympathetic to many of their comments. I think what the Board has to realize is that there is a great deal of care that's been taken by the applicant to make sure that it's being done in compliance with the zoning ordinance and the subdivision regulations. This is not a go out here and throw some lines on the paper and say we're going to buy the island. It was not a case where the developer said how many lots can we get on the island. This was an investigative study to determine whether or not there could be two homes placed on the island and based on the work we've done, that meets or exceeds the Subdivision Regulations of the Town. The Town Planning Board has that as their guide. In terms of the greater public interest and threat to health and welfare, and a brand new State of New Hampshire approved septic system design with the technologies that are out there today, I would be very surprised if maintenance was an issue with these septic systems. You have to remember that many of the systems that are on the lake now are not up to today's standards. Many of them are substandard and because they are going to be at the interior of the island and whether it's a small island or big island is somewhat subjective. It's a small island in terms of Bear Island, it's a big island in terms of Loon Island. There are houses on both. I do appreciate a lot of the abutters' comments and this is an antagonistic situation, it's a situation where somebody has finally developed land by right in accordance with the rules and regulations that the Planning Board sets forth. Edgar – With respect to the suggestion that if somebody pulls a Building Permit there could be 160 lawsuits. That's not the way we conduct our business. We never have, maybe it's conducted that way in other jurisdictions but that's not the benchmark that we've ever established for ourselves. We try to focus on the merits and whether or not someone wants to sue the community, that's their prerogative, but it's not under the threat of duress or that kind of suggestion that you should conduct yourselves. With respect to the comparisons to examples in Laconia or Tilton, here again, I think they were to illustrate what could happen when there's bad planning but as you pointed out, this is neither Tilton nor Laconia. Our standards are not the same as the folks in Tilton and Laconia. I think there are some fair points that have been raised that the Board needs to carefully consider. One on the procedural side, clearly if there is a procedural defect, we'll have to deal with that head-on and I think we need to double check from a legal point of view on that. With respect to the issue of possibly using the Master Plan to help guide discretion, I know that's been written about but I would

like to get a sense from a legal point of view as to how far you can go with that. The Master Plan is not a law, it's not adopted by Town Meeting. It's a guide so I don't think you can use it as a law. As a practical matter to the extent that discretion is warranted, it may be helpful to use that as a tool to provide... For example, one of the statements in the plan does acknowledge the fact that some of the better land is developed and we should anticipate a lot more pressure and extensive research. However, in this particular case, we're not looking for ZBA relief, we are not looking at a variance, we are not even looking at a wetland buffer. I think it's an interesting question, it does have legal connotations as to the use of the Master Plan to guide discretionary judgment and fundamentally as Mr. Dietz suggests, he would suggest and it's his position that we go very far or at least very significantly into the use of discretion. I suggest we continue this application for a period of time. Vadney – Although I've closed the public portion of the hearing, I did ask Mr. Johnson to make some additional comments based on what had been said, we are all here together and I appreciate you coming. We listen seriously when the citizens come. I will reopen the public hearing for a few seconds just to let any comments that want to be made based on what Mr. Johnson said. Banker - I just want to speak to Mr. Edgar, when I was referring to 160 lawsuits, I was not referring to the residents of Lake Wicwas suing the Town. I'm saying there's always the vulnerability for someone who builds on that for that owner to be subject. As you may know, there are two forms of law, there's statutory law and there's common law and anything that the Board does is statutory. Under common law, there are a million rules and laws and regulations that judges develop in order to protect landowners so I'm not suggesting that there be an adversarial relationship between the Board and the landowners. The only other comment I wanted to make is that we are putting our heads in the sand a little bit if we're thinking that the developers of this island are going to put cottages on this island having brought in heavy equipment and carting it all the way here. What will happen and I think Mr. Johnson's giving us a fair notice is that if there's an allowance for 20 bathrooms, you are going to see mini mansions on this. These are going to be properties that when finished are going to dwarf anything else on the lake. Unless a builder wants to build property and spend a million or two million dollars building the property given the severe problems and then sell it for \$100,000, which I don't think will happen, what we will see instead will be a property that will be on the market for 2, 3, 4, 5 million dollars because it will be so exclusive so everyone on the lake will be looking at a 5 million dollar property being forever reminded of it and we shouldn't pretend that given the extreme cost and Herculean efforts needed to build there that someone's just going to put a sleeping platform on there. Vadney – We here this argument daily being on the Planning Board. One of the comments we get all the time is we need more affordable housing. I will submit right now that if you buy a piece of land in Meredith and pitch a tent on it, it is not affordable housing. Dexter – Not having been here, was the original application for two dwellings? Vadney – That's

correct. Edgar – I think a couple of the letters eluded to possibly 3, but it's been 2 from the get go. Banker – The May 10th minutes mention 3. Vadney – Shouldn't have. Bayard – There may have been some discussion on acreage size. Johnson – The comment Mr. Chairman is from a density standpoint. Paula Trombi – This is just a clarification because what I have are the minutes from your last meeting and who were you talking about that the State had filled in the land up there in the north end so the applicant doesn't need approval. Here it does say the State of New Hampshire Wetlands Bureau does not approve the point of access into the lake, but they do have a review process. Does that contradict what you said. Johnson – This is what I understand. The State of New Hampshire, Department of Environmental Services, will not review the application where it enters the pond because it's State land and they do not require State of New Hampshire DOT to apply to the State of New Hampshire DES for this application. They do require the Wetlands Bureau to approve where it comes to the island because this is private ownership. It's just the State doesn't require the State to make application. DOT does have to apply for certain things, but evidently not for this, but there would be an application where it enters the island. It is an official Wetlands Bureau application. Vadney – If they were entering from private property, it would be required at both ends. Johnson – That's correct. Can you specify that location of where that entrance would be exactly? Is it in front of Wayne Brunt's house. I want to know if it's on my property. Carl - you know my property, is it there? Johnson – No. Tom Crane – Just quickly, I like what you said about this isn't the way we do things and that is one of the things that's bothered me, I look right out at that island. The fact that this just isn't the way you do things with no notice, no anything, it's like sliding it through and it seems to me that when you're asking for something from the Board, it does seem like you guys have the right to say, what about docks, what are you going to do about the septic system, what are you going to do about all the problems, I think those are legitimate things to ask about in a situation like that. I think that is the way we do things here. Edgar – Just as a point of clarification relative to whether this was for two or three lots, the abutter notification, not that it went to too many people, but in terms of what was on the agenda which is published in the paper, the abutter notification in the file calls for two lots. The minutes that are included in the plan set, the applicant is quoted as, "The applicant was hoping to get three lots and then goes on to say that Mr. Shuey did the site specific soils map and took lot sizing into consideration", etc., etc., etc. and came up with a total of 2.01 lots allowed. They wanted to get more, the ordinance allows for no more than 2. The last thing I would like to say in terms of how we do things, the meetings were continued to make sure that some of the environmental data is correct and not under the duress of a packed house telling this Board to require the environmental guys to go back out on the island to make sure they got it right so this is not a Board that just slides things through for the sake of sliding things through. I think the comments are well taken in terms of where there might be areas of concern

and areas of legitimate discretion that is part of the job of the Board, but please keep that in mind that theoretically if we were sliding things through, this would have been slid through by now and the plan recorded. The Board has slowed the train down to make sure we have some of these environmental technicalities checked and get it right. For that reason, the applicant sent their environmental people to go back out there to double check the mapping, re-map it if necessary to make sure the technical pieces were updated. The Board does make sure it's doing the best job to get right. Bliss – It is difficult because we are tied what is allowed by law and what is allowed by ordinance and what we would like in the neighborhood. When you see the notices in the paper, you may not think it pertains to you certain area of town, but if the public doesn't get out there to try and change it, it makes it real hard on us as a Board. Kahn – One observation for those attending is the whole discussion about water level was an attempt by the Board to make sure this island is big enough legally to support two lots and apparently it is. It's very close and that's why we were questioning that. When we have a subdivision approval, I know in other cases we've done certain things but maybe that's because they were cluster housing, but we have put in restrictions with respect to fire, septic, restrictions about going to ZBA to get variances on setbacks and there are a lot of homes on islands not only on Winnepesaukee, I know they are out there on Waukegan as well and I've seen them go out there with a backhoe across the ice on Waukegan to dig a septic field, the ice went out and the backhoe was trapped out there. There must be something that permits island owners in lakes other than Winnepesaukee where you have barge access to be able to pump a septic tank or maybe there's some kind of technology where a tank doesn't need pumping. What do we know about septic technology on islands and what right do we have to stipulate what kind of technology is used on an island. As to fire, the Fire Chief has been asking us to put in requirements that we have fire ponds, here we have a lake. The only problem is we can't get a pumper out there to pump so in one instance, I think out on Chase Road we got the developer to agree to put in sprinklers. What can we do with respect to fire, septic and with respect to stipulating that they can't change the setback requirements by variance. The fourth point I have is again Waukegan, there have been sales of lots where it was represented there was access but there wasn't and there have been lawsuits over the subject. I don't want us and I realize we have absolutely no right to control the land on Chemung Road, but on the other hand I don't want anybody to buy a lot that we've approved the subdivision thinking that somehow we've had anything to do with guaranteeing them access. Can we put a note on the plan that says there is no access guaranteed. Vadney – We have about a 100 units out on Bear Island that use public access. Kahn - Why do we have to repeat the past? That's it for me, four points: fire, ZBA, septic, access. Edgar – I think the Court's have upheld and I think Nestor vs. Meredith is a good example of a ZBA case where the Board has the discretion to attach conditions to the project that would mitigate that might

otherwise be objectionable characteristics if not mitigated, could give you reason for denial. In other words, what we've done on these other projects, the ones eluded to, to varying degrees all the circumstances are slightly different, but all those conditions are relative to health, safety and welfare issues that are part of the review process. In the case of the cistern issue, those are State adopted fire codes that the local Fire Chief has discretion over, but in any event they're intended to address health, safety, welfare issues. If in the course of the review, the Board identifies very significant characteristics that you would want some form of stipulation relative to mitigating what the Board would describe as a concern or characteristic that if not mitigated would be fundamentally problematic and my guess is that you would have the discretion of attaching conditions. That is certainly what we've done in other situations. Having said that, I also think and remind you that is one of the areas I think would be prudent for us to talk about with counsel in the sense that legal counsel's not going to make the judgment call in a case like this, but I think typically in a case like this where there's at least a potential procedural defect and some substantive issues created relative to Board discretion, it would be at least a fair legal readout by NHMA legal counsel or our own counsel relative to how far to go with it. With respect to the "no further encroachment on wetlands" that was typically triggered because we had levels of impact and we wanted to make sure that we had a cumulative sense as to what those impacts would be. There is a little different fact pattern, it doesn't mean you couldn't do it, but we don't have any wetland impacts at least relative to the island property. In terms of access issues and the sprinkler issue, there very well may be one, in fact we do not have a fire boat, we do have an all terrain vehicle that can go in the water for emergency purposes, but we do not have a fire boat on Wicwas so that is a fair issue. With respect to the island's septic, pump/no pump issue, I'm not an expert in that area, but we can get a better handle on that too and some of the technologies that would negate the necessity of maintenance or reduce it and if the answer to that is no, what other practical alternatives are there in cases when we don't have marinas and that kind of access for maintenance. I think the answer is that if in the wisdom of the Board factoring everything in if there were concerns that warranted conditions of approval that were specific to that concern and the concern is very significant and the conditions are very directly related to mitigating that concern, my guess is that you probably have a fair amount of discretion to impose conditions like that. I think it would be prudent for us to at least if not the full Board, but the leadership of the Board to meet with counsel to discuss the issue of discretion relative to the issues that have been mentioned.

Bliss moved, Kahn seconded, I MOVE THAT WE CONTINUE THIS APPLICATION TO JULY 12, 2005. Voted unanimously.

2. **MICHAEL AND VICKI GALLAGHER:** (Sorell stepped down) Rep. Carl Johnson - Proposed major subdivision of Tax Map R27, Lot 2, located on Roxbury Road in the Forestry/ Rural District. Application accepted May 24, 2005.

This property is located on Roxbury Road, a town road off of Camp Waldron Road. Applicants propose to create a slightly more than 3-acre lot at the bottom of the field to convey to the applicant's sister. Detailed topo for the 3.21 acre lot has been provided. We conducted a test pit that's shown on the plan. The proposed driveway is shown coming off Roxbury Road. A possible dwelling location with a possible well location are shown on the plan and the remainder of the Gallagher land is 12.78 acres. Because of the size of the remaining parcel of land and the fact that it's got an existing house and existing septic system on it, we did not provide detailed topographic information. The soils information that we have here is based on the Belknap County soil type. Based on that standard, Lot 1 could support 2.9 lots and we are asking for one lot so we think in this particular instance, there's no need for any type of site specific soils map. The test pit was a good pit. We do have one cemetery here. There is a State 25' setback from the cemetery, the lot is zoned Forestry/Rural so it is a 3 acre net family density situation, also known as a 3-acre minimum lot size. That's it pretty much in a nutshell. Edgar – We do need the density of 3 acres. It is subject to soils and slopes. Generally speaking, we do not use Belknap County SCS transfers. Effectively, what we have here is the soil types of transferring from the Belknap County Soil Survey. There's no represented guarantee whatsoever that these are acceptable and so we take various things into consideration. Are we maxing this out with real small lots, but on the other hand we don't know what the soil type actually is other than what is immediately within the test pit. What we have done in the past in cases like this is to obviate the need for a detailed soils map and when we have detailed site specific topography it is then based upon those topographic grades to do a worst case soil type scenario to demonstrate that no matter what the soil would be, we would meet it and that's one way you have to legitimately work around whether or not to do a detailed soils map. We have not gotten the worst case and you've heard that time and time again, soils analysis and that purpose is to obviate the need of going down that road. Applicant should either present a worst case soil type analysis based on the available topography or prepare a site specific soils map to demonstrate compliance with this aspect of the zoning ordinance. I don't want to fall back into the bad practice of using SCS transfers and I'm not suggesting that that should be the basis for lot size calculations given our history of working with Associated Surveyors over the last 15 years, we certainly have crawled out of that mode. I have suggested as I do on all my applications that when we're showing the lots and we have any existing development characteristics that

they be shown. In this case, we don't need topography for the 12-acre lot because it is developed and certainly meets lot sizing and those kinds of things are obvious, but for informational purposes showing the septic location, you do show an approximate house site and we're adding septic, well and driveways consistent with the subdivision regulations and specifically my staff comments, the basic minimum information we should see on both lots that are part and parcel to the subdivision. This plan indicates there is remaining land out there so we like to see at least the basic data on the plans. We like to at least see the overhead utilities that will be used for providing electrical, cable TV service and telephone service. This may be just an oversight. That also becomes an issue in the sense that if we had road designation as an example and we had to bring in new power to the site out in Chemung, we would want to know how far we would have to extend power to the site. With respect to roads and access, the new lot will be accessed via Roxbury Road. Classification wise, it is a Class V town maintained road. Accordingly, it would require a Meredith Department of Public Works driveway access permit. Mike Faller has reviewed the plans and has recommended that a note be added to the final plans and that being "the driveway permit application and approval by the Meredith Public Works Department is required prior to construction. The point here being that we don't need to fix that driveway in an exact location at this time. There is a permissible location on that site and Mike's comfortable with that and once we get to an actual Building Permit for a house site, everybody may want to adjust that driveway location depending on what the facts are at the time. One thing Mike Faller has expressed is that he has a game plan, I wouldn't call it a hard and fast plan but a desire at some point to try to shift the location of that road. He would try to realign the road a little better and that would probably require shifting the road a little bit to the east. He has asked if the applicant would be interested in deeding 17' of ROW along the frontage of the property for future ROW purposes. He's not looking at road improvements or cost sharing or anything like that, but he has made that request. As indicated, we do have a cemetery and we may have some additional information in our inventory regarding the naming or numbering of the cemetery and we might be able to get that for the final plans. There are two road names that should be added to the final plans, one is the Class VI Old Roxbury Road and the beginning of Batchelder Hill Road. Survey course and distance information needs to be completed for the 12 acre piece. This is not a Boundary Line Adjustment where we're only focusing on the parcel being conveyed, this is a two-lot subdivision. Verification that all pins have been set is required prior to recording the mylar. In summary, we do have State subdivision approval required for the new lot and suggest that existing information be added to the plans consistent with our regulations, including driveway, septic and pole locations on Roxbury Road. I apologize for the additional ROW issue being sprung on you, I don't know if that was part of your discussion in talking about

the roadway or not and I appreciate perhaps the desire to think about it. Here again, we are not looking to rebuild the road now, but Mike's just trying to plan for the future. Not only that, Batchelder Hill Road's going to get paved out of necessity. We have an intersection realignment easement to try and fix that situation a little bit and if we're able to acquire additional land right in here that would help according to Mike with the realignment of the road to the east. Johnson – I would be more than happy to discuss that with my client and I think it makes sense. I don't think it's something that the Board has any authority to demand or anything, I think it makes sense, we'll certainly entertain it and it wouldn't take away from the lot size, it would be an easement I'm assuming. Edgar – He wants it deeded, obviously, but I think it could be an easement or... Johnson - Actually, when surveyors prepare plans, the property line is the center of the road and we always show the edge of the ROW. I did some quick calcs on worst case soils and it meets the worst case soil considerations so I will add that calculated information to the plan. We can take a couple shots on the house. This information is available but this isn't usually configured, this is Waldron Bay, we just had that plan come through with the road relocation, this is all about 17 different courses and distances and I just left it off because the balance of the land was so big, but we can add that detail to the plan. Edgar – There's always the potential that when this got recorded someone could convey from this plan for the 12-acre piece. That would be a legal lot description in terms of course and distances, but a good practice would be to... I think what would be conveyed was the original overall piece minus what shows up on this plan, that's what we've got. It's neither here nor there, we can add the information to the plan. Bliss – If the 17' easement was granted by them, then they could move their house back further if they wanted to or is that what you...? Johnson – Is your question with the setback change if we add the 17' in there? Bliss I'm thinking if I'm going to deed the Town 17', I would rather have my house a little bit further away from the road. Johnson – That would have to be discussed with the owner whether or not they want the house up here and whether or not granting the Town 17' extra would be problematic. For all I know, they want the house back here. I don't have any information specific to a desired house location. What we do in these 3-acre jobs is show a 4K area and then we show a house and well somewhere on the lot to show that they meet the setbacks. I'm just saying at this moment, I don't know where they think the house is going to go. I may suggest this to my client and they may say "no". Edgar – I guess the other thing that would be appropriate to look at is you wouldn't inadvertently want to exercise that ROW and then have the conclusion either by a mortgage company or the Code Enforcement Officer that we have a non-conforming house location. Johnson – My sense is that Mike wants additional room over here for roadway associated improvements like drainage. I don't think he wants to relocate the realignment of the road right there. Edgar – Basically, the road would shift to the east, it's

not like the Knisely situation where we said let's get a full 50' and split half and half. The idea there would be some shifting to the east. We don't have a design on that or anything like that. Vadney – Explain the #17 that he asked for? Why not 10, 15, or 20? You had no input on that? Edgar – Carl can't answer that and I can't answer that all I can do is point out Mike's memo on Page 41. Kahn – If there is 33' there now for the road, 17' gives him a 50' ROW. Edgar – I think it probably has more to do with what's in the back of his mind as to if we shifted one travel lane and put in a ditch line or something like that, he's probably eyeballing that if we kicked the road over x amount of feet, put in a ditch line, what would I need, it's probably some ballpark like that. Johnson – I think Mr. Kahn has nailed it on the head. He's probably thinking a two-rod road plus 17' is 50'. Bayard – Was he referring to the entire parcel 17'? Edgar – Yes. Bayard – Is there guaranteed access to cemeteries? Johnson – Yes. Edgar – The length of the road, on my plan we're not even showing the bearing distance for the 12-acre piece along the road, it's not just the side line, it's the front line too. Bliss – We just had a lot of discussion about the Master Plan and I have heard a bit about this and this is a perfect example of finding affordable housing where somebody is trying to subdivide their land so the sister can have a house. I think we ought to promote that if we can. Hearing closed at 9:27 p.m.

Bliss moved, Bayard seconded, I MOVE THAT WE APPROVE MICHAEL AND VICKI GALLAGHER'S PROPOSED MAJOR SUBDIVISION OF TAX MAP R27, LOT 2, LOCATED ON ROXBURY ROAD IN THE FORESTRY/RURAL DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) THAT THE FINAL PLANS SHALL INDICATE THE LOCATION OF EXISTING SEPTIC FOR THE 12 ACRE LOT WITH A CROSS REFERENCE TO APPLICABLE NHDES APPROVALS.
- (2) NHDES SUBDIVISION APPROVAL IS REQUIRED FOR LOT 1.
- (3) THAT THE EXISTING WELL INFORMATION BE ADDED TO THE PLANS FOR LOT 1.
- (4) THAT FINAL PLANS SHALL SHOW UTILITY POLE/LINE LOCATIONS ON ROXBURY ROAD.
- (5) THAT THE APPLICANTS ARE ASKED IF THEY WOULD BE WILLING TO DEED 17' TO FACILITATE FUTURE WIDENING AND ALIGNMENT TO THE EAST AT SOME FUTURE POINT IN TIME.
- (6) FINAL PLANS SHOULD PROVIDE CEMETERY SETBACKS BY STATUTE ON LOT 1.
- (7) ADDITIONAL ROAD NAMES SHALL BE ADDED TO THE PLANS, OLD ROXBURY ROAD AND BATCHELDER HILL ROAD.

- (8) THAT THE APPLICANT EITHER PRESENT A WORST CASE SOIL TYPE ANALYSIS BASED ON AVAILABLE TOPOGRAPHY OR PREPARE A SITE SPECIFIC SOILS MAP TO DEMONSTRATE COMPLIANCE WITH THIS ASPECT OF THE ZONING ORDINANCE.
- (9) THAT THE SURVEYOR OF RECORD VERIFY THAT ALL PINS HAVE BEEN SET PRIOR TO RECORDING OF THE MYLAR. Voted 5-0 in favor of the motion.

Johnson – If my math somehow is flawed and it results in the lot being slightly bigger would that be OK with the Board to accommodate the worst case scenario. In other words if I came in with a 3.22 acre lot, I wouldn't have to come back to the Board. Is that OK? Yes. Vadney – I would like to point out as far as this 17-foot ROW extension, we've got in there that we want to make sure the well radius doesn't overlap with the Town ROW, I don't want to see us get in a position where we beg for 17 more feet and then he can't put his well in and that kind of thing or else he's got to move his house. Johnson – I don't know of any restriction, as a matter of fact, the State sort of directs you to put your well radii into the ROW's. Kahn – The State will let you put the well there, they just make you sign a waiver that you know that your well radius is extending off into the ROW or into somebody else's, but the radius is extending into the road or somebody else's land. Vadney – We work trying to improve these rights-of-way and work with Mike Faller and the like, but the property owner doesn't have any legal requirement to go along with that and I would be willing to back up the property owner on that. As long as we can come to a reasonable agreement with no unintended consequences hiding out there, I'm happy with it. But I do want to protect the landowners.

3. **ANTHONY AND NICOLE CANDAGE (VILLAGE PERK):** (Rep. Tony Candage) - Clarification and/or amendment to prior Site Plan approval, Tax Map U07, Lot 133, located at 48 Main Street in the Central Business District.

We came in front of the Board last May concerning an amendment to the current use of our property. I would like to present review, clarification and approval of our intended uses. The first one being to pursue a liquor license. Specifically, on weekends we've been having entertainment on Saturday nights and it has been mentioned that if we offered glasses of wine or a beer more people would come. I have engaged with the liquor licensing specialist with the NH Liquor Commission and have gone through the entire process with them so I do want to present that to the Board and hopefully pursue that. Currently, I haven't submitted a request for extension of service to include the porch area. If you are familiar with the building, there are two porches, one being on the left which is associated with the Village Perk and one on the right is associated with the future market. The one on the left and I think we are allowed seating

of 9 people there based on the Fire Department so we wish to extend the service to that area. That has to go in front of the Liquor Commission and they have to look at enforcing all kinds of issues in their perspective so that's in front of the Commission at this point in time. Hopefully, all will go well with that so I wanted to bring that up to the Board as well. The second item that I wanted to do there is to just make you aware that we have through the winter months, we opened October 25th of last year and pretty much from the get go we started to offer entertainment on Saturday nights and that's been varied, there's been Jazz, Folk artists, Storytellers and things like that. We wanted to make you guys aware that we are doing that and we wish to continue it and in fact we wish to add entertainment on Friday nights during the summer months. The third item relates to I think an omission on my part when I went in front of you last year. The previous owner, Jonathan T. White Realty, had gone in front of you and had requested the third floor use being offered as both retail and office. When I actually presented, we presented it as office space. The reason I want to clarify that we have a second floor tenant, an upstairs apartment, and it will be rented by Michael Moon. He is interested in that space. It's a natural extension of the mezzanine to the second floor so I do want some clarification on that and get your blessing to extend the retail/office use to that space. The fourth item has to do with the future potential use of the coffee house where I'm looking at essentially doing in-house brewing of coffees. It's something we've been toying around with for some time now and I think if our coffee volume justifies it economically, I think we might pursue that as definitely a value item. The coffee roasting process takes about 15 minutes and we're talking about temperatures anywhere from 300-450 degrees for a typical process. As far as by-products in that process, I'm really not sure. So this is the list I wanted to present to you and get some clarification on. Edgar – Technically speaking, we have an open conditional approval, this is one of our odd ones that we haven't gotten to because of an oversight on my part. There was one administrative decision when we initially approved this relative to signing off on the granite seating and the patio area that was built between the two buildings. We did sign off on that, we just haven't gotten back to you. Technically, we don't have a signed plan. We were in sort of a quandry on how to do this so we figured let's play it safe and have a public hearing. As you may recall back when we were reviewing Tony's proposal, the question came up about a second or third floor brew pub and we had not noticed it back then for a brew pub and so we all agreed that if there was a plan for an eating or drinking restaurant, we needed to come back for a separate amendment. This is not that, but given that discussion, when I had this conversation with Bill in light of the entertainment, albeit in the context of a coffee house, we figured that we wanted to make sure you were aware of these discussions. There's no objection at the staff level and if we hadn't been worried about talking about fabrication in a retail district, we would even be talking about roasters in the

downtown district. Clearly, that's an accessory use to a coffee house, but we wanted to make sure that you knew what we were looking at. There has been careful coordination with Bill and Chuck on assembly permits and all the discussion so there's no issues there. In this whole collection of things, I advised Tony that I think we need to get back under your nose for purposes of updating you and if you felt that it needed to be formally blessed we do it in a public hearing and give it formal blessing, if there was an issue that an abutter had, we would flush that out. It's in that context that this sort of odd compendium of issues is brought back to you. The gallery going up to the 3rd floor, we double checked the John White plan that you had previously approved provided for retail on the 3rd floor, except Tony's plan didn't include that same note so we could have administratively said don't worry about it, but we wanted to do it by the numbers and make sure that if you go into the gallery today and if that business takes off and we are all hopeful it will, then there's the potential that could expand to the 3rd floor. We want to encourage them to the 3rd floor. So you have the 3 things at the coffee shop, the low impact entertainment, the beer and wine license which in and of itself is not a use, we don't have beer and wine as a use, but typically those things are put on the table when you're entertaining a restaurant. From the staff's point of view, these are all reasonable things and are not high impact things, a good addition to Main Street. But strictly from a code point of view, with the roaster being installed, we've reviewed the UL ratings and all the issues associated with a piece of equipment like that. These folks and their predecessor have been very diligent on all code issues, the building is fully sprinkled, it's right up to snuff. We are comfortable with it from our end, but we felt that given a little bit of adjustment here and a little bit of adjustment there, we wanted to make sure the Board was aware of what is going on. Vadney – When that came before us originally when Jon White was rebuilding it, there were some rumors around about options that could go in there that we weren't necessarily opposed to but they are on a scale that we said when something solidifies, we ought to look at this again because they were pretty nebulous at the time. These are reasonable scale things. Bliss – I would like to say that I like the way he has his hours laid out here and I guess a red flag would come up to me if I saw open until midnight, but 9:00 or 10:00 at night, I like that idea. Bayard – It's indoors, I assume the noise is not going to be too loud. Candage – The entertainment is inside. I will say during the summer months, there is a French style door that goes out on the porch that will more than likely be open so there will be some sound coming out through there. Again, it's more of a draw than anything. We've got a very small facility there so it's not like we have the Moody Blues there. The biggest group we've had there is a trio. Vadney – This is much in keeping with what we talked about when they first started rebuilding it four or five years ago. Bayard – I've been there, I think it's great. Vadney – The long range look as far as making changes with Carl, the think

the Board was concerned about were pretty flexible with parking requirements. Waive the parking because it's Main Street, there's a lot of different activities going on and people park as they can. We were a little concerned 4 or 5 years ago when those rumors were around that there were some things that were said might come in there that would have had a very large parking impact and so we were a little concerned. This level of activity doesn't raise an issue for you, but if you are making any changes on the plan from a long term standpoint, the Board should probably look at it again. Edgar – The caution that we exercised at the staff level was because of a small element of entertainment, a low level liquor license and given the discussion about eating and drinking establishments in the case of a brew pub on the second floor, I said let's package it up and give it to the Board. Vadney – It's fine with me. I think for the clarity of the record in terms of the adjustments to make it a vote and get it into the record and then we'll put the changes on a plan. Any intensive things beyond what we are talking about here clearly would come back. Vadney – Would somebody be willing to make a motion that these four items are in keeping with what we had originally thought for that building. Hearing closed at 9:40 p.m.

Bayard moved, Bliss seconded, THAT THE FOUR ITEMS PRESENTED THIS EVENING ARE IN KEEPING WITH WHAT THE BOARD HAD ORIGINALLY THOUGHT FOR THE BUILDING LOCATED AT 48 MAIN STREET: LIQUOR LICENSE, EVENING ENTERTAINMENT, SECOND FLOOR ART GALLERY AND COFFEE ROASTING SUBJECT TO THE RIGHT TO REVIEW AND AMEND. Voted 5-0 in favor of the motion.

4. **ORRIS AND DEBORAH BLAKE REVOCABLE TRUST AND CHERYL JOHNSON REVOCABLE TRUST** (Rep. Oscar Johnson) (Bayard stepped down)

Applicant presently owns 10 acres on Edgerly School Road and would like to purchase 11.33 acres from Orris and Deborah Blake. There is an existing ROW to this property and we would be extending that to allow access for Orris and Deborah Blake. The property is bounded by a stonewall on the north and east and Edgerly School Road on the south and west. Vadney – Yours is basically the square property on the north side of the road and the triangle on the other side currently? It's all bounded by stonewall. The Blake's home is to the north. Sorell – What happens to the ROW easement? Johnson – That's being extended. The reason it's so wide is that it gives Orris Blake the opportunity to meander through with his tractor to cut wood. Edgar – We like to see after adjustment lot lines on the plans so as a matter of detail, we would ask for setback information and the after adjustment acreage. Both properties are developed. Existing condition information such as septic, house, well,

driveway should be provided on final plans for informational purposes. A draft deed would be necessary, including easement language to make sure it's subject to the easement. Applicant is proposing to extend the current easement. If you follow the old part of the easement, what would that extend out to? Does the road wrap around that triangle. Johnson – Edgerly School Road continues, basically that's the ROW stonewall. A draft deed incorporating the easement language into that deed to make sure Parcel A being conveyed to you is also subject to this easement as depicted on the plans should be submitted for staff review. To the extent there is a mortgage on Lot 11 (Blake), a mortgage release shall be provided. If there is no mortgage, applicant's attorney shall so confirm in writing. An executed deed shall be recorded with the mylar. Certification should be provided by the surveyor that the new angle point and lot corner has been set prior to recording the mylar. Hearing closed at 9:50 p.m.

Kahn moved, Bayard seconded, I MOVE WITH RESPECT TO ORRIS AND DEBORAH BLAKE REVOCABLE TRUST AND CHERYL JOHNSON REVOCABLE TRUST FOR A PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN TAX MAP R22, LOTS 11 & 11A, LOCATED ON EDGERLY SCHOOL ROAD IN THE FORESTRY/CONSERVATION DISTRICT, THAT THE BOARD APPROVE THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) FINAL PLANS SHALL INDICATE THE AFTER ADJUSTMENT LOT LINE SETBACKS APPLICABLE TO THE DISTRICT.
- (2) EXISTING CONDITION INFORMATION SUCH AS SEPTIC, HOUSE, WELL, DRIVEWAY SHALL BE PROVIDED ON FINAL PLANS FOR INFORMATIONAL PURPOSES.
- (3) TO THE EXTENT THERE IS A MORTGAGE ON LOT 11, THE BLAKE LOT, A MORTGAGE RELEASE SHALL BE PROVIDED. IF THERE IS NO MORTGAGE, APPLICANT'S ATTORNEY SHALL SO CONFIRM IN WRITING.
- (4) A DRAFT CONVEYANCE DEED FOR PARCEL A WITH EASEMENT LANGUAGE SHALL BE SUBMITTED FOR STAFF REVIEW. AN EXECUTED DEED SHALL BE RECORDED WITH THE MYLAR.
- (5) THE SURVEYOR OF RECORD SHALL CERTIFY THE NEW ANGLE POINT AND LOT CORNER HAS BEEN SET PRIOR TO RECORDING THE MYLAR. Voted 5-0 in favor of the motion.

5. **JANELLE FITCH VAAL AND SACHEL REALTY TRUST:** (Rep. Carl Johnson, Jr.)

We have a parcel of land 3,290 sq. ft. that's being conveyed from Tax Map R07, Lot 55, to Tax Map R07, Lot 44, to be merged with and become a permanent part of and not to be sold separately. There is an existing driveway that access both the subject lot and Tax Map R07, Lot 43, that currently there is an easement across this parcel for that driveway. That draft deed that's going to be drawn which is for Parcel A to be conveyed will include language which provides that the easement will also be conveyed with that transaction such that the driveway will remain in the same place and the lot will have access for it. The real purpose of this plan is to move the line. The applicant wants to build a garage and he wants to build it fairly close to this driveway that already comes into his lot and he couldn't do that because the setback went back 20' from that lot line so by moving the lot line to the other side of the road, the setback then becomes 20' and he can build the garage very close to the driveway so he has his access right off the driveway. Janelle and Bruce Vaal are Satchel's Realty Trust so it's really all the same people and they own property all around it and, unfortunately, the gentleman's not here because we didn't have to notify many people because they own all the land in the area and they are the abutters. We will set some new pipes and provide evidence of that prior to the mylar being recorded. We will provide a draft deed which shows the conveyance of Parcel A with the language that there is no mortgage existing or provide a mortgage release and that it's become merged with and become a part of Lot 44 and also sufficient language in there to make sure that the access easement to Lot 43 conveys with the parcel so there won't be any change with that. John would also like a few details if we know them or if we can find out about the existing septic system on Lot 44. We do show the well out front and I believe we do know where that is. There is not a State approved septic system plan on file with the Town for that lot, but the owner has some information as to where it is and that's what we would use to add it to the plan. Lot 55 is unoccupied, there are no dwellings on that lot. I did add a note here that the lot line is to be eliminated. There's a 20' setback and the line's 24.57 so there's two lines in here and it's a little bit confusing as to what line's the setback and which line is to be eliminated. Edgar – There's a couple lines along the back that are kind of hard to know exactly what it was. Johnson – I'll clean this up a little bit with some setback modifications. Edgar – Final plans need to clarify the setback from the lot line running parallel to the existing ROW to Lot 43 is a 20' side setback. Existing septic locations and NHDES cross-reference that may be available. Protective well radii for the two existing wells should be added to final plans for informational purposes. Carl suggested standard legal language for the conveyance of the parcel.

They are the same people but technically two forms of ownership so we need to do a conveyance deed and then we have a couple pins that need to be set prior to recording the plan. Hearing closed at 10:00 p.m.

Bayard moved, Sorell seconded, THAT WE APPROVE THE PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN TAX MAP R07, LOTS 44 AND 55, JANELLE FITCH VAAL AND SACHEL'S REALTY TRUST LOCATED ON SANCTUARY LANE IN THE SHORELINE DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) THAT THE SIDE SETBACK LINE BE CLARIFIED AS DISCUSSED (20 FEET).
- (2) THAT THE SEPTIC INFORMATION BE ADDED TO THE FINAL PLAN FOR INFORMATIONAL PURPOSES.
- (3) THAT THE PROTECTIVE RADII FOR THE TWO EXISTING WELLS BE ADDED TO THE FINAL PLANS FOR INFORMATIONAL PURPOSES.
- (4) THAT THE APPROPRIATE NOTES AND BCRD CROSS REFERENCES BE ADDED TO THE FINAL PLAN FOR CLARITY PURPOSES.
- (5) A DRAFT DEED SHOULD BE SUBMITTED FOR STAFF REVIEW. AN EXECUTED DEED SHALL BE RECORDED WITH THE MYLAR.
- (6) IF THERE IS A MORTGAGE ON THE PROPERTY, A MORTGAGE RELEASE IS REQUIRED. IF THERE IS NO MORTGAGE, APPLICANT'S ATTORNEY SHALL VERIFY IN WRITING THAT THERE ARE NO MORTGAGES.
- (7) THE SURVEYOR OF RECORD SHALL VERIFY IN WRITING THAT ALL PINS INCLUDING NEW ANGLE POINTS/LOT CORNERS HAVE BEEN SET PER PLAN PRIOR TO RECORDING THE MYLAR.

Meeting adjourned at 10:10 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant
Planning/Zoning Dept.

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

William Bayard, Secretary