

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

Sorell moved, Bliss seconded, THAT THE MINUTES OF JUNE 14, 2005, BE APPROVED AS PRESENTED. Voted unanimously.

### PRE-APPLICATION REVIEWS

1. **RUSTY McLEAR FOR HAMPSHIRE HOSPITALITY HOLDINGS -**

Pre-application conceptual consultation to discuss creating two retail units out of one retail building, Tax Map U07, Lot 128, located at 319 Daniel Webster Highway in the Central Business District.

The stand alone 3600 sq. ft. building located in Mill Falls Marketplace has been there since the inception of the Marketplace in 1984. The most recent tenant was Porch & Pantry and prior to that, the longest term tenant was the catalog outlet store which was J. Jill and they were there for almost 12 years. The building has been vacant for 5-6 months. Applicant has two tenants that would like to lease the space. An art gallery owned by Christine Hodecker called the Gallery at Mill Falls and another retail store of clothing and antiques. It was 3600 sq. ft. and it was retail. It will be just a little bit less than 3600 sq. ft. because of the internal configuration. There will be "0" change outside. There were two external doors, there are still two. No difference in use. Edgar – Literally speaking, the use is not changing. It is going from retail to retail, but in instances like this where we're creating two units out of one, we wanted to run it by the Board to see if it needed a formal review or not. These are not units of ownership. Parking calculations other than for employees would be the same. No real parking issue. McLearn – From the original approvals, they park at the Town part of the Aubuchon parking lot and we paid to expand that lot by about a third. Bliss – I have no problem with it. I don't think it's necessary to require a formal review. Vadney – I would agree. Touhey - By dividing that store, does the Fire Chief have to go in and reinspect? Edgar – Any occupancy like that and there probably will be some level of remodeling if it hasn't occurred already, the Fire Chief and Code Enforcement officer would go through the building and they would also advise of any code issues relative to the Building Permit. At the tail end of that, they sign off on Occupancy Permits so the commercial tenancy can't change. Vadney - I have no problem with this building going from one unit to two, but would not like to see it go to more than that. Flanders - I think it makes perfect sense. Vadney - That seems to be the consensus and it probably doesn't even require a vote.

**2. DAVID M. DOLAN FOR SEABOARD-WHALEN REAL ESTATE**

**MANAGEMENT, INC.:** Dave Dolan & Mike Gerapy (Touhey stepped down)  
Pre-Application Design Review of a proposed 7-lot cluster subdivision on Tax Map S06, Lot 2, located on Meredith Neck Road in the Shoreline District.

Edgar – This is informational. The abutters list is flawed, but no decisions will be made. Maureen Soley wanted it to be part of the record that she did not get notified of this meeting. Kelly Greenwald stated she also did not receive notification. This is a conceptual design review for subdivision of property located on Meredith Neck Road in the Shoreline District. There is an existing house on the property. The 77-acre parcel extends easterly to Lake Winnepesaukee. Applicants propose to subdivide the farmhouse with 28 acres which may be adjusted upward to 35 or 37 acres. That lot would stand on its own with the existing farmhouse and there would be a deed restriction limiting future subdivision to no more than two additional lots on that piece. On the remaining land, we are proposing a 7-lot subdivision. John Edgar encouraged us to look at a cluster subdivision and this is the way we would like to proceed. These 7 lots were built around what appear to be the most suitable building sites on the property. There are 9 acres of wetlands on the site that were delineated by Peter Schauer, who is a certified wetlands scientist. Proposed access to the site will be off Powers Road with a single road that would be about 1500' in length. Lot #7 would have direct access and frontage directly on the road. These other six lots in pairs would share common driveways and would have reciprocal easements. Lots 1 and 2, Lots 3 & 4 and 5 & 6 will have common driveways and then Lot #7 again with its own frontage. We are proposing to have a common area or perhaps a couple of small common areas with beaches and docks for the lots. We intend to meet with DES at the Wetlands Bureau and have a pre-application discussion with them also regarding possible configuration for several common beaches and docking areas. The developer has shown on this rendering a layout for a pathway from Lot #7 to the shorefront area and then individual pathways for the other lots to the shorefront areas. There's one area that would be a wetland crossing and as proposed would be about 600 sq. ft. We can relocate the roadway to get it away from what may end up being a potential wetland impact in this area, but we think we can tweak that road a little bit and avoid that potential wetland impact. The developers would like to go with a gravel road. I think there's a process where we could seek a waiver. I'm not sure if it's with the Planning Board or the Selectmen. I would like to have the Board and if we need to have the Selectmen consider it, that is the way the developer would like to go to try and make it more of a rural feel as opposed to a paved thoroughfare through the property. I did speak with Mike Faller, Director of Public Works, regarding this proposed roadway location and he didn't see that as any problem. We intend to meet with the Fire Chief to see what his

concerns would be specifically regarding fire protection. Utilities would be underground. We have had an engineer take a look at this roadway and may come back with a preliminary profile that shows it. Through this area it's a slope of about 8% which again I believe is something that is allowed through a waiver with the Planning Board. One of the issues we would be looking for feedback from the Board is where we have common areas, it's within the Planning Board's discretion and I know this is an informal discussion, but what their feelings would be on toilet facilities being required because most of the buildings would be in excess of 300' from the shoreline area and the lots would have their own pathways to the lots. We did try to keep these roadways as much as we could and the driveways out of the buffers from the wetlands. There's a couple areas where we are in the buffer on the proposed road and the driveway, there are a couple areas where we think we might be able to move them further away from the wetlands. Lot #7, for a pathway to the beach, would require a crossing and we are considering a footbridge so it wouldn't be a pathway through the wetland, but constructing a footbridge over it and then utilizing an existing crossing where an old woods road crosses. Bliss – How does the abutter, Jane Rice, get to that lot? The one that's down in the corner? Dolan – Their driveway comes off Powers Road and follows the property line. Bliss – You keep talking about pathways down to the water so is it our understanding they won't have a place to go down there and park their cars? The only way to get to the beach is going to be by foot. Phyllis Hamblet - Where is that coming in off Powers Road, right next to the marina? Right across from my driveway? Dolan – Your driveway's right here and I think there's a garage right here and it's across from the garage. We pushed it down to try and keep it away from coming out directly across from... We could only go far enough down as the wetlands would allow us. Bliss – It looks like this is steep, but as far as the acreage that is left open, any thoughts to the future as to whether that will be subdivided as well. Dolan – This is all part of the common area. We have to leave 50% excluding the lots and the ROW as open space. It has to equal basically 100% so this is all common area and this line may shift. Bliss – What about Lot #1? Dolan - Lot #1 is not part of the cluster subdivision. Bliss - Is it part of the initial land that you're taking from the 78 acres? Dolan – Yes and that would be restricted or limited in any possible future subdivision, but its not the intent to subdivide it any further at this point. That would be restricted to no more than two additional lots. Vadney – The entire piece of property is how many acres? Dolan – 77.7 acres. Vadney – And you're leaving 28 as Lot #1 which could be subdivided in the future to add two additional lots making 3 lots out of that 28 acres which appears from the topo to be pretty steep. And then the first 300-400 feet across that new boundary line is also pretty steep and that's going to be common land. Dolan – Correct, that's all part of the cluster. Vadney – What were the numbers for total wetland? Dolan – 9 acres. Vadney – There are

some neighbor's docks that look like they stick out in front of this property, the angles on them. Dolan – Yeah, well that's where they are and they do appear to extend beyond the extension of the property line. There's not really much we can do, they've been there for a while. Vadney – I don't know what the rules are on that, but it's probably something we ought to find out before we get too deep into this. The docks on abutting property extend over the projected line of the project. Flanders – I assume you are proposing this remain a private road? Dolan – I guess until at some point the developer petitions the Town. Flanders – I have a severe lack of enthusiasm for the comment you made about this road being a dirt road. I can't remember us doing a subdivision this size on a dirt road ever. Dolan – We're just asking for the Board's feedback whether or not it's something the Board would consider. Obviously, the Selectmen wouldn't want to accept it if it wasn't paved. It is intended to be private at this time. Edgar – The Selectmen's Road Standards are what we defer to and they do have a clause in there that if we wanted to go with a gravel surface, you would have to beef up the structural box to compensate for the lack of pavement. If you were to proceed, early on as you begin the formal process here, you would be making a parallel application to the Selectmen formally requesting a waiver from them and then Bob and the Board of Selectmen would wrestle around with whatever waiver issues would be, such as the gravel top, the length of the dead-end road, depending on the width, whatever cross sections we're looking at, whatever those waiver issues would be, would be addressed by the Board. Bob is correct in the sense that I've been here 17 years and I can only recall one new gravel road and that was up off Tucker Mountain Road for a 4-lot subdivision, Trinity Road. It certainly has not been the practice of the Planning Board and the Selectmen. Vadney – The idea of going to a cluster allows them all to move down onto somewhat flatter land. Have you done any numbers that if you excluded the steep slopes and wetlands, how many acres would remain usable? Dolan – No, I haven't. Vadney – And possibly what number of lots because some of that land would be pretty unusable. Edgar – What we should do is run some lot size calculations on the tract, net out the wetlands, net out the steep slopes and if you haven't done the soils map, use the worst case soil conditions for your analysis which would assume a ledge lot on the B slope. Basically, what the Board should use as a frame of reference is what kind of yield could you get under conventional subdivision and based upon that number, then the layout of that could be improved through clustering and going with smaller lots, etc. We are in the Shoreline District and this is a 40,000 sq. ft. density which is just under an acre and even at present, the lots are greater than that so we're really not talking about going with huge minimums, we don't know what the soils analysis will tell us yet. I think that would be a healthy exercise to see what the yields would be in a conventional subdivision and making sure so that you don't represent to this Board that we're not getting more development through

cluster than we would otherwise get through conventional subdivision. Dolan – We would do that as part of a formal application. Edgar – The idea of clusters as we've spoken about provides some level of flexibility to minimize impacts and try to protect higher quality open spaces and house siting and not just have 3 or 5 acre lots running through the streams that are on the property or down at the shoreline. I think running those calculations would be an important next step. Maybe the calcs might reveal that it can be 10 lots on the property or more than what you are looking at here. Seven clustered lots on 50 acres on its face anyway is not maxing out the property and then the question is how does the layout work relative to lake impacts, stream impacts and wildlife considerations. Vadney – The general layout appears that your homes are basically 300 feet back from the water and you only have foot paths up from the lake is kind of admirable and that beats putting a parking lot there so I don't think the Board would complain about that and would be very pleased on that particular issue. Vadney - This is a pre-application, it's not a public hearing, but what this applicant has done is come before us saying we're thinking of doing this, can you give us any ideas where there would be problems and to that end, the Board weighs in on what they know on it, but you folks have been a lot closer to it so I would like to take a few minutes to see if any of you have any comments that could help or torpedo it, it's your business. Janet Nolin – Is Lot #1 retaining rights to the water and would they, if it were subdivided, give two more rights to the water. Dolan – No. Nolin – Lot #1 is not going to have access to the water? Dolan – No, this is the property line. Lot #1 is going to be subdivided, it's not part of the cluster subdivision. It's going to have access to Meredith Neck Road. Nolin – So their deed will not have any water rights at all? Vadney – No easements? Dolan – None that I'm aware of. We're not proposing that at this point. Edgar – One of the things that would happen, if and when this gets formal, will be a draft document entitled something like "Declaration of Covenants and Restrictions, etc. That lays out a lot of the dos and don'ts in terms of how open spaces will get managed, how they get utilized, who has what rights and goes... which are very fair because when rights are established and they can be assigned to somebody and then reassigned, we have a case out on Lake Winnisquam that predates the Planning Board's tenure, but those rights were assigned, assigned and assigned over and over again so some of that could get flushed out in legal documents. Another zoning regulation that we have that we've spent some time with these folks talking about it, we currently have waterfront right-of-way restrictions in Meredith meaning that if any of you own waterfront property and wanted to give an easement to somebody in the backland somewhere, we would have a regulation that would establish minimums. It doesn't say you can't do it, but it would establish minimums so think of that as a shoreline density for easements on backland property. All of the units in the cluster would have easement rights to the beach area and they would have to

demonstrate that and show us the calculations and work with that. I don't know exactly how tight those calculations are, but those are really fair questions to make sure we don't inadvertently create a situation where we're opening up the door for future attachment of easement rights. Nolin – It's very difficult to speak on a project when you don't have it right in front of you. Is it possible to have copies of it? Mike Garrepy (944-7530) advised the abutters that he could be contacted if they had any questions. Nolin - For the record, this Tax Map U35, Lot 3, actually the abutters there are Maureen Soley and Janet Nolin. Phyllis Hamblet – We have a dispute with the Atteberry property. They claim they have this little ROW across my property. It doesn't show on any of the tax maps in the Town of Meredith and I just want to make sure that you're not going to be charging across my property. They wanted me to pay \$16,000.00 for a piece of property I've already paid taxes on for 20 some years. Dolan – For information purposes, there's a strip right in here that showed up on a survey we had done for the Atteberry family about 4 years ago and that's the object of contention which is right in here but is something I think that maybe the developer would be willing to talk to you about. They have no intention of using that for access to the lake. P. Hamblet – It's between my house and Y-Landing Marina. The map shows a rangeway, the Town had those rangeways, they claim it's on my house side of the rangeway. It's not in the rangeway. We have a Quitclaim Deed between George Mottaratzio and Atteberry's and we thought that was it and they claim it's not. After owning the property for over 20 years, they came one day and said that's our ROW. Gerrapy – It's not an issue in our minds. We are willing to work with these folks. Vadney – It's not clear to me David, are you saying that little strip of land up there on the right belongs to the big property? Dolan – Based on what we found and what attorneys for the Atteberry's feel, there is a strip of land in here which I didn't show on this intentionally because it's my understanding that the developer hopes to settle that whole issue. But there's a strip of land in there that appears to still be in the Atteberry's chain of title. It's on the opposite side of Powers Road, but it is not intended to be used for any access for the proposed cluster subdivision or Lot #1 and they hope to resolve that issue prior to developing this land. Sorell – Does that little piece go right down to the lake? Edgar – Just for informational purposes, this is probably the second or third iteration that we've looked at since we started talking about this property. An earlier iteration had much more grading impacts and wetland impacts and some of the direction that I had given these folks was to really take a hard look at the wetland systems on the property trying to weave them into the open spaces so they are not developed or pressured by the house sites and at least to a significant degree, some of this massaging works towards that end. A couple of things that have jumped out at me though is there is probably still some refinement that might be done to minimize some of the open space and private lot ownership and try to get as much of that in the common land as you

can because what the Board's have historically looked at is to not create brand new house sites that need ZBA relief. We have a case in the Town's favor recently that was decided in Belknap County Superior Court where we had created some building envelopes that weren't ideal, but they were workable. The property owner came along and just said I want to build in the wetland setbacks and everything was upheld by the Board and denied. The Town was sued and the Court upheld the ZBA. I can predict what Ralph Pisapia's going to say, I can somewhat predict the ZBA although to a lesser degree and we really try to evaluate the cumulative impacts on water quality and wetlands on the front end of a project so we know what we are dealing with as it builds out. If every lot, and I'm not saying every lot in this case is problematic, but if every lot owner chooses a house site because they want to be sitting next to a creek or have a better view, get closer to the wetland or whatever the case may be, that can cause consummation so what we have done on some other projects in working with applicants is evaluate the wetland impacts such as the driveway crossing. Lots C-1 and C-2 appear to have very marginal building envelopes. You've finessed the driveway to get up to that upper knoll for those two house sites. Do you have a rough idea how wide the envelope is if that were a conventional lot? Dolan – We know Lot 1 is tight down in here. Edgar – We're not looking at lot lines because this is a cluster for the most part so we're are really looking at the wetland setback. Dolan – There's a "0" setback to the property lines, correct? Edgar – 50' perimeter setback. Dolan – 50' perimeter setback which would be to the lot line. This is the 75' setback for wetlands and then we have a 50' building setback which is shorter dashes and dots. For a building envelope, you've got over 150' x 40'. I believe it is the developer's intent to construct the roads, driveways and establish the building sites. Lot #1 & #2 are extremely wet so I am curious as to where the house theoretically might go on those lots. My second question is about the pump house. Is that pump house the one we thought was on our land or is there a second one? Dolan – That's the only one I'm aware of. Kelly Greenwald - I think then we have to talk about that. I would love to know about your ideas on Lot 1 and 2 off hand. Gerrapy – The rendering that we provided shows the locations we thought would be best suited for the house locations. ??? Stonedam Island Road – I'm not an abutter, but is it appropriate to ask what kind of septic system, will it be a community system? Dolan – We obviously still have to do test pits on each of the sites and if those turned out well, then we would hope to have individual systems on each of the sites. The same thing with the wells. Ralph Pisapia, representing the Meredith Conservation Commission – What is the distance of the shoreline? Dolan – That's a good question because there's about 3 different definitions of shoreline. The Comprehensive Shoreline Protection Act, you go by the full lake elevation of 504.32 which actually runs inland so if you were to measure along that line, there would be about 1100 feet along the shore. The Wetlands Bureau a

slightly different definition which is navigable shoreline and that we would have to do some additional work. The worst case scenario along the shore, I think the average between the tie course and along the shore was 536 feet. The navigable shoreline would be a depth of 3' for a width of 8' and we'd have to do some cross sections in this area to see how at full lake level that might carry us and see how much of that shoreline we can use. For the setback for the Shoreline Protection Act, I'm assuming we are still going to have to use the 250' setback, because that's the definition they've adopted for setbacks.

Edgar – If this were a conventional subdivision, how many lots would have frontage which in this concept there's not, it would also contribute to particular dock density. The slips could be configured in the cove and that same number would also determine a maximum....

Vadney – If it was a straight shoreline, what is the number per house? If we were doing a conventional subdivision, you could have a house lot every 150' using the average as David said of an actual shoreline, plus the tie course. Is there a common dock being proposed, will that come before the Board?

Dolan – Yes, we are talking about common docks, either several different locations or one location and the same with beach or bathing areas, either several small beaches or one large one and again we intend to... Are we talking about the same cove? Can you estimate the number of acres of trees or other lands that will be cleared.

Dolan – No, I don't at this point.

Pisapia – Will you have that at some point?

Edgar – Typically, in a cluster project or a condominium project, if there were a waterfront area for which development is proposed, part of what we would see at the formal stage would be a waterfront development plan. Whatever is involved relative to the development of the waterfront, that's where some of the shoreline protection issues kick in relative to tree cutting, the dock issues kick in relative to density so we would try to see what that waterfront development plan would look like. Sometimes it makes more sense to cluster up the docks, sometimes that doesn't make sense, sometimes there might be environmental considerations in the code that would suggest certain placements that would be more appropriate and I think we were looking at one project where in one place there was a designated loon sanctuary so we try not to encourage boat traffic in those areas.

Maureen Soley – Is there any plan to bring in any kind of fill into this area?

Dolan – Basically, a perched beach is built on the land not in the water and it's just to provide a level open area adjacent to the shore to give people access to the water, it's not sloped into the water.

Maureen Soley – There are two tributaries that come right down into the cove and anything you put in there is going to be draining down into the lake. My concern here is depth of the cove itself. You have to get out to my dock before you get to 7 or 8 feet of water. This area is very, very shallow.

Vadney – The two tributaries, one would be the major wetland that comes all the way across the property and the other would be that little one just below it? Those are the two tributaries you're talking of? Any perched beach or anything like

that would not be allowed in the wetland area so it is certainly something we would look at. Edgar – We have setbacks from the wetlands so if they were to propose development in the wetland setbacks, driveways, houses or septic or beach development that would all have to be looked at. The purpose of the perched beach, most of you folks may have beaches on the waterfront and as it slopes down, there can be erosion where the beaches over time have to get replenished and basically the State is trying to get away from that of having to replenish beach sand so they now are in the mode where they will require you to build up set back a little bit from the edge of the lake, build it up slightly and then have kind of a level beach that does not slope to the lake so that we don't get into this replenishing issue. We encourage the developer to rework their designs to steer clear of these wetland systems because effectively those are the transportation systems for sediments and the further they stay away and keep those buffers wooded, it is a huge environmental benefit. Pisapia – I just wanted confirm what John mentioned about the wetlands and wetland buffers that the Commission will ask the Board not to approve any development that would require relief from the ZBA which you have graciously done in the past and concern for the wetlands. Ed Touhey- I do own property next to the Soley's. When mentioning that this two tributaries come in across that property and for years and years, they have brought a lot of silt so that the depth, if you were to draw a line from the Rice dock to the Soley dock, the depth there is minimal. Is there any plan for any kind of dredging or removal of sand? Dolan – We haven't looked at water depths in there at all. There are some things we have to do after this meeting. I want to pursue docking and I'm going to have to get some water depths out there anyway. Touhey – Is that in the purview of the Planning Board or is that State? Edgar - Clearly the State. Vadney – Regardless if we said OK, if they told us they are not planning any dredging and we said fine and go ahead and approve this, that wouldn't preclude their ability to go to the State and put in for a Dredge & Fill Permit and if the State approved it, do it. Is that correct? Edgar – I wouldn't say that's completely correct. Depending on what the facts were, as they get further along, there could be significant habitat issues and shallow waters or if the Board had a justification for saying no dredging, you might be able to condition the approval based upon that and if they wanted to dredge, they would have to come back to you and that would open up the whole box as to what the premise was that allowed the subdivision to go forward in the first place so we would have to look at that a little more carefully in terms of where the jurisdictions start and stop, but I think if the project were to have some kind of an impact into the lake, clearly the State would be into that in a big way, the Conservation Commission would be advising the NH Wetlands Bureau relative to those impacts. Vadney – I just wanted to make sure these people didn't get the idea that if we said “no dredging” that was it. There are other avenues that might be pursued. We are not experts in when you should dredge and when you shouldn't. Ralph, is that

something you folks get into at a technical level? Yes, we do. We comment to the Wetlands Bureau on all Dredge & Fill Applications. Kahn – Along the lines of a dredging, John, do we have any say over how long a dock can be? Say someone is proposing a 200' dock? Edgar – I think that you certainly could share your concerns with the State, but the State basically has the regs on the length and width and what their parameters are to allow for various configurations. So it's the State regulations at the end of the day that govern. I think we have to be very careful about getting too far into conditions and issues that really are the purview of somebody else. It's a little bit of a shade of gray to be honest with you, but we have to be very careful about that and get a little bit of... on issues like that, but here again the fundamental purpose of the Board's review of any issues which does include environmental concerns in a big way and if there were certain aspects about a development that were objectionable, there is a fair level of discretion at the Board's level to attach conditions that would reiterate what otherwise would be objectionable characteristics, so having said that, there is some State jurisdiction involved and we have to look at that. ??? - In that this is a very shallow, rocky cove for a long way out, I was under the impression that dredging was pretty much not OK. When is it OK to dredge? Edgar – We've not in my tenure here gotten involved with the dredging issues. Vadney – That takes the DES specialists and there is a permit requirement and as Ralph has said... Edgar – People seek permission from the State to dredge portions of the lake. That's not altogether uncommon. It may not be what everybody would like to occur or see happen, but there is a permit process that people can pursue to dredge. Maureen Soley – A question about the common land, once the association is formed, can the association then decide that they would like to either add that to another property to break this up and appeal to the Board again? Vadney – If this is subdivided as a cluster, it is subdivided under a formula that figures that common land into the whole project so it could not then be broken off and sold separately or used separately. Edgar – Here again, one of the legal documents that comes into a project like this later on would be Covenants and Restrictions. They will spell various types of common area. The roads and the septics. Let's just say if this was a condominium form of ownership, not that that really matters, but we don't know exactly how this will all be... but regardless of the ownership, the road would be a part of a common area for which the association will have common responsibilities but that would not be part of the common open space. It would be a different type of common area and typically we want to make sure there's clarity in the documents as to the purpose of the open space and how they are to be managed and what is the responsibility of the association relative to those and so that's where you would see the language relative to how common areas will be treated in the future. There is always an amendment clause in all of these documents and to the extent there are pieces of these documents that are very germane to what's

being represented, we relied upon the open space for density. There can be some management prescriptions built into the document and then we say the association does not have the authority to amend that document except coming back here. We can build a clause into those documents that does not allow them to change their own rules in such a way that would be contradictory to the premise we all were reviewing if and when a project is approved. Kahn – Shouldn't we get a calculation as to how much of that common area is going to be devoted to the beach area for density purposes. I realize we're going at the density in two different directions, soils and slopes and from the cluster perspective. For the cluster purposes, shouldn't the beach area be treated like the roads? Edgar – What we interpret the open space to mean is literally open space, not developed area and not partially developed area so your roadways, your detention pond, swimming pools, and beach areas should not be considered as part of your 50% open space. They are amenities. When you get into a common area amenity package of sorts and the roads and the drainage, those are developed in certain ways and our belief is that they ought not to be included in the 50% calculations. When you are adjusting that line for Lot #1, you want to make sure you have those calculations nailed pretty good and my suggestion is before you lock and load on that line, make sure that you've got a pretty good feel for the approvability of the project before you lock on that line because you may need some acreage and Lot #1 is the only extra acreage you have. Dolan – I guess what I'm hearing is that we should include the beach areas which is something I meant to bring up and it slipped my mind. Anything, beaches, not necessarily the pathways for beaches, any common facility that services the lots should be included as undeveloped open space. Vadney – I have a comment on these driveways, 5 & 6 have a 500-600 foot driveway, but Lots 1 & 2, it looks like it's probably down to the lower end of Lot 1, another 1500' feet of gravel road and then you come off of that to an almost 1500' driveway and that's something I'm sure Chief Palm will be interested in and knowing how he could fight fires on it. Dolan- That's definitely something we want to bring up to him. Edgar – If they decide to go forward or to the next level, our next step would be to walk the property early on. Vadney – Since we don't know if or when you'll actually apply on this, I don't want to schedule a site walk now, but once you are getting ready to put it on the agenda, I think it would be nice if we did a site walk before we get to the actual hearing and so we can pick a date once you know it's coming. Kahn – Shouldn't we have an idea of where the lot lines are going to be and where the building envelopes are going to be and where the septic fields are going to be before we traipse around. Vadney -They are supposed to have the application in two weeks before the hearing. Edgar – Another option may be too, if you could do some preliminary engineering, dig some holes, get some of your soundings in the shallows and have another meeting like this before you go to full engineering and all that. flanders – It's not uncommon when we go for a

site walk to have the center lines of the roads flagged so we've got some idea of where they are in relationship to the lots. Gerrapy - We can stake the centerlines, stake the roads, the proposed driveway locations and try to flag the building envelopes so we can all get a feel for what's going on out there. We can have wetland flag locations and get a consensus of what we are looking at out there. Our plan is to go forward just so everyone is aware. We've done a lot of home work on this project and met with staff several times. Hopefully, we will have an application ready for submittal and public hearing in August. If it's appropriate to come back or beneficial to come back in July for another Design Review, I certainly would be willing to come back. We have hired an environmental consultant who is working on putting the report together that analyzes all of the sensitive issues out there we've spoken about with staff. Edgar - One thing we have not spoken about because of lack of my personal knowledge and that is the Cove itself. You need to make sure they are looking at that because that could effect key elements of this project. Gerrapy - Our intention prior to our final application submittal would be to meet with the Conservation Commission and work with them. Vadney - I don't mind if we do it through a second pre-application or if we just, you have to get your stuff in two weeks before a hearing and that would give us time to look at the things and walk it, but it's complex enough that I would like us to have done a site walk before we come to public hearing. Hearing closed at 8:30 p.m.

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

**BRYANT ISLAND** - A site inspection has been scheduled for Thursday, at 4:30 p.m. A member of the Fire Department will be taking us out. Meet at the Pickering Park boat launch on Chemung Road.

Vadney - I was approached today by Joe Nardone, ex-member of the Board, because he was approached by some people he's known for a long time over the Dog Park and I told him we didn't know anything about it because it hadn't come to the Planning Board and the question he had, is does it have to come to us? Apparently, this is a walking park for dogs? Who owns it? He says the land has been donated to the Town. Flanders - Let me shed some light on this. In the first place, we have not decided where the Dog Park will be. The triangle between Circle Drive and Greemore Road was common land for the houses built in the Circle Drive area. They haven't utilized that and they offered the Town to take it over so they could dissolve their association and not have to worry about it and we're in the process of doing that now. We are doing title searches, we've done an Order 1 survey to make sure there's nothing hazardous on the site and so forth so the Town will be taking that over. We did reserve the right to use the land for recreational purposes, but there's been no decision whether the Dog Park's going to be there or somewhere else.

Vadney – Will it have to come to a public hearing before the Planning Board for a change of use. Flanders – I would think that we probably would want to do that just because if you are going to change the use on a piece of property, it should come to the Planning Board. Just like it came to the Planning Board for the whole site plan of that Community Center. Edgar – Technically speaking, as a matter of law, my understanding is that municipalities aren't subject to their zoning laws as a matter of course, however, as an illustration of either the Plymouth Street parking lot or the Community Center, our approach is we've always held ourselves to the letter of the law. As a matter of process, we fully intend that should the Police Station project continue to evolve, that too would go through the same amount of review as any one of your other projects, full compliance with wetlands and permitting, public hearings and the like, so even though a dog park may be not of the order of magnitude as an 18,000 sq. ft. community center or cop shop, we could come to the same conclusion that we should look at it, but here again that hasn't been put on the table yet. Bliss – I have a question about, here we've just had this application in talking about common area, how can we decide to dissolve the common area on a certain piece of property that has already been set up. Flanders – I can answer that question, it's very simple. The Association and we had Lee Mattson do this to make sure it was done properly, the Association can vote to sell that land or deed it to the Town. That Association is not the same thing we're talking about when we have a common area in this subdivision here. Bliss – In the subdivision I'm in, we have a small piece of common land so we could decide we want to get together and sell that to somebody? That doesn't make sense, why are we wasting our time with the common land. Flanders – It depends how your documents were set up when it was established. Edgar – From my point of view and what I gave Carol for input is the subdivision of Circle Drive dates to when the soldiers returned home from World War II and that predates the Town's authority over subdivision regulations by probably 25 years. That common area wasn't set up for density, wasn't set up to meet any approval requirement, it didn't have one thing to do with the Town of Meredith when it was created. It was just the way it was subdivided. This is not the same, it's an apple and an orange compared to the things we talk in the modern world where they are now regulated and they are a function of a regulatory requirement. Vadney – It started as common land, but it wasn't a legally binding kind of thing. I didn't want to hash it out tonight, but Nardone asked me about it, mainly because he had several people ask him about it. Edgar – One of the reasons we have a liaison on the Board is to bring that back to his Board. Flanders – I will need to talk to Carol just to see where we are at in the process. We were moving forward to take title to the land. Edgar – If there were to be a dog park and if it were to be either public or private, there or somewhere else, because what was said at one meeting I was at, a resident of Circle Drive objected to that site. Flanders – The one thing I can tell you, the

philosophy of the Board is that we are not going to do one single thing as the Town without going through all the processes that anybody would have to go through to do anything similar. We are not going to try to jump over the Planning process or the Zoning process and I think if you look back to the Community Center and this parking lot and other projects we have done, we've been very diligent to make sure we held ourselves to the same standard we hold everybody else to. Vadney – It does seem something that's a change of use that no matter where you put it, you'll have some abutters so if nothing else, it's to your advantage to hear those abutters in a public hearing and they are a little less defensive. Even if you go ahead with it, you've given them an opportunity to bring in their guns.

Bliss – I have one other personal comment and I know I've mentioned it a couple years ago. I would please ask that the Board be very careful with conversations that are going on when the public hearing is open. It is very hard to pay attention. We have some very difficult applications coming up. It's my understanding that it's hard for the Clerk to listen to the tape to do the minutes, not only that but my mother taught me it was disrespectful to talk when somebody else is talking and I would just like to bring that up again that please, it's really hard if there are 3 conversations going on here and we are trying to listen to somebody in the audience. Vadney – You are absolutely right. Vadney – You are correct and it is my duty to whack the table so expect it.

3. **DON JUTTON, MUNICIPAL ENGINEER** presentation conceptual consultation to discuss a possible blf. Dr. e. or. r. u. n. g. a. 107-unit cluster subdivision on ex. 4. R05, Lot 22, located on Pease Road in the Rural District.

**POSTPONED**

Meeting adjourned at 9:03 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

