

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary; Bliss; Kahn; Finer; Worsman, Selectman's Rep.; Edgar, Town Planner; Harvey, Clerk

Finer moved, Sorell seconded, THAT WE APPROVE THE MINUTES OF JUNE 27, 2006, AS PRESENTED. Voted unanimously.

### PUBLIC HEARING

1. **ALBERT AND DONNA DUCHARME:** (Rep. Carl Johnson) – Proposed Major Subdivision of Tax Map R30, Lots 3 & 4, into 9 lots (10.00 ac. – 104.17 ac.) located on New Road in the Forestry/Conservation District. Application accepted June 27, 2006.

You may be somewhat familiar with this property. This parcel is just under 210 acres located on New Road in the Forestry/Conservation District. It also has frontage on Roxbury Road which is a Class 6 road. The density requirements in the Forestry & Conservation zone are a 10-acre net density otherwise interpreted in the Meredith Ordinance as 10-acre minimum lot size and so what is being presented this evening is a subdivision of 9 lots and we have lots ranging from about 10 acres to over 100 acres. As can be seen on the plan, the total area of the parcel is 209.83, the lot area is 206.20, we do have a proposed road in this subdivision which I'll mention in a moment that's about 2 acres and we do have a small common area that is encompassing a drainage structure that's associated with the roadway. By density, the 10-acre minimum, 20 lots are permitted in the district. The total area divided by the 9 lots is an average lot size or acres per lot of 23.3 so the density is roughly a little bit less than half of what is allowed by the zoning district. As you can see, the roadway that's being proposed is the same layout length, width and design as the roadway that was submitted in a previous application. That has not changed. We also have two lots in the south part of the property that are to be accessed by a proposed common driveway off of New Road. Although Lot 1 and Lot 7 have frontage on New Road, they will be required to gain their access off of the proposed roadway for the subdivision. There is an existing cut off of New Road at the entrance of the proposed roadway. We are in keeping in that vicinity with a new cut. There is an existing crossing and culvert located here and we are trying to the best of our ability to keep the crossing along and above that existing culvert. There is a small drainage which is somewhat away from the road on the two lots to the south and that will require also a wetland crossing and a culvert there. We appeared before the Zoning Board of Adjustment for a special exception for the two crossings and that was granted. In John Edgar's staff review, he has some comments regarding the numbers and I will briefly go over the details of what I understand to be the situation and explain them to you as I see them and then we'll get comments from John

and I will tell you about a discussion I had with Mr. Edney today. Prior to getting full engineering plans and knowing precisely what the exact square foot impacts were, we went before the Zoning Board of Adjustment. We basically said we were constructing a roadway to Town standards and we were going to have the entrance where it's located on New Road and we were going to cross the wetland area at the existing crossing to minimize any additional impact to the wetland so essentially we presented it as an existing impact with some additional impact and we made our estimates based on at the time what we thought was a reasonable roadway width with side slopes and that special exception was granted. We visited the site with the Conservation Commission, I showed them what we were doing, I showed them the existing crossing and explained to them that we did not have detailed engineering plans but they would be forthcoming during the Planning Board process. That was pointed out at the Zoning Board meeting and we were subsequently granted the special exception. The special exception itself, the motion to approve, was not specific to a certain amount of square foot impact. It simply says they were granting a special exception for the crossings as it met the criteria. After the engineering was completed and you compare the numbers, there's a slightly greater amount of impact because of a couple of issues that came up in the engineering, primarily the extension of the culverts and some insulation of some riprap and slightly wider base slope than what was thought to be prior to having the engineering plans. Consequently, and as is common to applications, the actual square foot numbers are a little bit different. There is an additional impact that's part of the way up the road that is not subject to the Town's regulations as that is a non-designated exempt wetland and although that will be part of the State application for Dredge & Fill, that was not part of the Town application because we're not required to include that because it's exempt. In the exemption clause in the ordinance though, it specifically says it does not relieve you from any other permits which may be necessary, i.e. State permits, and so we have included that in our calculations for Dredge & Fill. Essentially, the driveway issue down here is not of concern. So my phone call today to Mr. Edney was to explain the situation and as in the Clover Ridge subdivision where the exact same thing happened, when we went to the Zoning Board we didn't have the engineering, it was a significantly greater crossing with a significantly greater amount of impact. When we actually did the calculations for the engineering, the number was bigger but what we presented to the Board was essentially exactly what was designed so we were not required to go back to the Board for that crossing. The nuts and bolts of it are Bill Edney is going to have a conversation with the Chairman of the Zoning Board, explain the situation and make a determination of whether or not we do have to go back to the Zoning Board for a reaffirmation of the special exception. If his answer is yes, we go. If his answer is no, we don't so that's what we're working out at this point. In keeping with the general character of the neighborhood, the lots are designed to be 10 acres or

greater and to be in private ownership. With the exception of the roadway and the small common area which includes the drainage structure associated with the road, there is no common land. Each one of these parcels will be sold in fee and the person will have all the rights that are available to all of the other parcels of land in the neighborhood and in the zone. We have as per the Subdivision Regulations provided some detailed topography on portions of the lots. The philosophy is to provide enough topography to demonstrate that we meet soils-based lot sizing, the purpose being to demonstrate that you have at least one acceptable area on the parcel to meet the soils-based lot sizing and to construct a septic system for residential use. We had test pit information that was submitted with the application. We've done wetlands delineation and enough topography to demonstrate that we meet that requirement. It has never been the Board's policy in the past to provide detailed environmental information on the remainder of large parcels of land because essentially using the worst case scenario, the number would only go up so once you're at the minimum, there is no need, no practical reason to do additional topography or wetlands delineation. Nicole Whitney from Ames Associates did the delineation of the wetlands in the critical areas. Each one of these lots would be serviced by an on-site septic disposal system and an on-site well. There has been a utility plan submitted for review that was prepared by the NH Electric Co-op and that shows that the great majority of the utilities to be installed on the property will be underground. Of course, we do need to officially apply for and receive two permits from the Town of Meredith, Department of Public Works, one of which would be a driveway permit for a common driveway and the other would be a road opening permit to construct a new road. The new road is designed in a similar fashion to many other low-number lot subdivisions in that we will be applying to the Selectmen for some relief in the width of the roadway and the length of the cul-de-sac. We had previously discussed with Chief Palm the installation of a firefighting cistern somewhere to be located near the top of the roadway and that has been abandoned in favor of the individual sprinkling of the homes constructed on the lot. The advantage being that there is some firefighting that's taking place prior to the Fire Department ending up at the property. Along with the application to the Selectmen for the roadway road standards waivers, we will be applying to the Selectmen for a road name which at this point has not been determined. We have submitted a traffic memoranda prepared by Stephen Pernaw, Traffic Engineer, and that is included in John Edgar's staff review and I'll let him go into the details. I think, if you recall previously, a discussion by Mr. Pernaw, the bottom line was that a 14-lot subdivision in this neighborhood would not cause any significant traffic impacts and so we've reduced that to 9 so essentially his conclusions are the same. Mike Faller has responded to the issue of off-site road improvements. You have a copy of an e-mail in your packet. He had previously identified several areas and he said that this application essentially would result in the identification and treatment of the same four

areas so that has not changed. Any off-site improvements within a Town ROW would have to be approved by the Board of Selectmen. The determination would also have to be made if any or one of those road improvements triggered any of the scenic road statutes because the majority of the roads in the area with the exception of New Road are deemed to be scenic roads. Paul Fluet Engineering has applied for and received a Site Specific Alteration of Terrain Permit from the State of New Hampshire. John mentions that we have to note that on the plan. What we'll be doing is including on the plan an Approval Register which would list the necessary approvals from the State and from the Town. This project does require DES Wetlands Bureau approval for the crossings and impact, but does not require subdivision approval due to the nature of the lots. Lots greater than 5 acres in size are not required to apply to the State of New Hampshire Subsurface for subdivision approval so we will not need that. A NHDES Dam permit was required and will be cross-referenced on the plans. There was a comment about the possibility of streetlights on the road, there is no plan and no desire to have any lighting on the road. There's a discussion about the Performance Guarantee and the amount of the Performance Guarantee. Paul Fluet will be determining a unit cost estimate for the construction of the roadway. The construction of the roadway is broken into several elements and at the very least the sediment and erosion control elements of that have to be bonded. The applicant has the option of build or bond. They could build the road, have it periodically inspected and at such time that the roadway was deemed to be built to standards; they could then record the plan and sell the lots. The option is to bond it based on the performance guarantee amount and then at which time the plan would be recorded, they would be able to sell lots and construct the roadway through the bonding process. We have submitted draft property restrictions, easements and covenants, Articles of Agreement and By-Laws and John has several comments, most of them are notes, some of them are statements as to what they include. I won't go into those in detail, I know John wants to hit on those and I'll let him do that. Several of the lots will be encumbered by electrical and utility easements and some of the lots will be encumbered by slope easements on the road. The draft language for those easements will also be submitted for review. Similarly, the common driveway servicing Lots 8 and 9 will have to have language in the deeds because one of the lots is benefited by and one of the lots is burdened by the easement for the driveway. There are actually two taxable lots of record at this time so a condition of the approval would be that the lots would have to be merged and a Lot Merger form would have to be filled out as per the Town regulations. Upon conditional approval of the subdivision, we would set the pins and they would be so noted on the plan. The setbacks in the zone are shown on each one of the lots. The setbacks to the wetlands are shown as 50 feet for construction, 75 feet for septic and the areas where they are close to a septic, I've shown the 75 feet. John would like the 50 and 75 foot setback to be shown on all of the wetlands and that's a plan

change that can be done very easily. Kahn – My only question at this point is on the plan or at least on the copy that we have, on some of the lots you have sort of an area marked out with a chain of semicircles, what does that represent? It's only on some of the lots. Johnson – Those are stonewalls that are existing stonewalls that are there for informational purposes I believe you're talking about. Kahn – It doesn't look that way. Are they cleared areas. Johnson – On the plans that you have, there are tree lines that are shown, correct. Those semicircles. Kahn – Anything that's within one of those is an area that's been cleared. There was a request under a previous application to show those portions of the area that have been clear cut, not cut, clear cut. Many portions of the property have been cut and what that plan that was submitted represents are those areas which we determined to have been clear cut. Kahn – I noticed that Chuck Palm has referred to the driveway on Lot 6, but we don't have anything here to indicate what the topography is with respect to the driveways. We provided some blowup plans that were requested at a 50-scale for each lot and those do show the topography and do show the potential driveway locations. One of the things to remember is that now that we're into a conventional subdivision lot, at the time of approval we're not necessarily dictating where each specific home will be located. What you're required to do under a conventional subdivision scenario is demonstrate that you can get at least one driveway, at least one septic system, at least one building envelope and at least one well radius that complies with the Meredith Zoning Ordinance. If a person purchases a 20-acre lot, they may choose to build elsewhere. They may choose to hire a septic system designer to dig test pits somewhere else. They need to choose that septic system designer to design a state-approved septic system for a location other than what we show here. If that would be the case, they may choose to have their driveway in a different location so what we're doing is we're trying to show like we do on all other conventional subdivision plans that we have at least one of each one of those elements on each lot. Chuck Palm picked up on the fact that the existing topography on one of the driveways seems to be rather steep, keeping in mind that very few times do you follow exactly the existing topography when you're constructing a driveway. You intend to fill one area and possibly cut in another so that your driveway wouldn't be too steep. So one of two things can happen, we can either show a different driveway location that is acceptable to the Chief or we can show the proposed driveway location with a cross-section that shows that after construction, it would meet the satisfaction of the Chief. Worsman (inaudible-no mike). Johnson – I'll point. Worsman – OK, that is. Johnson – That is the division between one tax map lot number and the other. Roughly 50 acres to one side and that's the line that will disappear in the lot merger. Edgar – Mr. Chairman, briefly on the issue of the wetlands, I think the bottom line from my point of view is at the end of the day, the ZBA's approval of relevant portions of the dredge and fill approval and any plans approved by this Board need to match and there may be elements in the

interpretation what have you which respond, but at the end of the day have to match so there has to be some rationale (inaudible – mike not working) At the end of the day I don't think it's a big issue, the wetlands are the same wetlands that were reviewed by the ZBA previously so I don't think it's huge issues but at the end of the day (inaudible). I'm not going to go through all these pages of review. With respect to the driveway, Lou as we go through the engineering plans pretty carefully, we also have the 2' topo blowup that was provided (inaudible). If we stay at grade, we're about 21% for a dwelling 170' and within that distance there is a 70' segment that's approximately 28%. Those numbers at that level are not something that the Chief had advocated (inaudible). There are ways to access that building site and the common driveway with Lot 7 certainly looks to be an option (inaudible). Vadney – You're saying there's 170'. Edgar – On average there's a 170' stretch that's about a 21% average and a 70' segment within that (inaudible) With respect to the off-site improvements, Mike has reinforced the four areas plus the gravel that he articulated in the past and what I had suggested to Mike, subject to your concurrence, after the hearings or as part of the hearings would be to have Mike provide more specificity to each of those improvements. We have some estimates submitted under a prior application that Mike felt didn't reflect what he was intending (inaudible) in terms of better description (inaudible) what he is anticipating for additional gravel or road (inaudible). I think we should then ask the applicant's engineer to develop unit costs (inaudible). Those estimates will be in place pricing so we have the whole cost of the project so when we get the total costs, we can then evaluate those estimates in the context of proportionate share considerations and then make a determination as to how best to proceed. (inaudible) The applicant has submitted draft Property Restrictions, Easements and Covenants, Articles of Agreement and By-Laws to set up the necessary homeowners association relating to property restrictions. I have identified some highlights that I'd like to bring to your attention. I think Carl answered a couple of the questions in his presentation, but the definition of a common area on Page 20 of your packet, as a practical matter, the private road, slopes and drainage would be common area and I had asked if there are any elements of common property that is intended that's not indicated on the plan and the reason for that is that there are other aspects of the documents that is probably a boilerplate but would suggest that there's other potential (inaudible) and common amenity potential and I need only to know that if there were any, not that there couldn't be any, but if there were to be any, now is the time to show it. (inaudible) The document refers to Appendix A which is typically the description of property and we didn't have that as an attachment (inaudible). Under section 2-g, the definition of an owner includes someone who has executed an installment sales contract with the Declarant for the purchase of a home site. Because the term owner then ties back to the Association, who pays dues, votes, etc., etc., I think this needs to be reviewed initially by the Applicant's attorney and it also seems

to conflict with Article 3 in the Articles of Agreement which do not make the creation for such additional allowances. Typically, the owners of the lot, as I understand it, are the members of the Association and the Declaration of the owners include that (inaudible). Vadney – I didn't follow that. Edgar – Essentially an owner is someone who has fee title to the property and then the term owner is used throughout the document relating to voting rights and all the things that come with the Association responsibilities and so forth. In this particular case, the current owner also includes someone who has executed an installment sales contract with the Declarant for the purchase of a lot. In other words, you can be a purchaser and by current definition be an owner and therefore be a member of the Association and not have title. It's not a land use issue per se but I think it needs some clarification. Section 3-a provides that the applicant will retain ownership of Lot 7, that being the 104-acre lot. In that there is no trigger to form the Association other than when the Declarant decides to do so. The reason why I flagged that is because the boilerplate language typically says that the Association will be formed when the Declarant will no longer have title to any property in the subdivision, but in this case, the Declarant intends to retain 104 acres (inaudible). Wouldn't it be more appropriate to trigger the formation of the association after 50% of the lots are sold? (inaudible) I don't know if it's a legal issue or not. The definition of common property under section 4-a, the Declarant reserves the right to convey rights over the roadway to benefit Lot 7 and other parties desiring to use this roadway in the future. I just question whether or not the intent here, there's a couple (inaudible) that are sort of like this, whether or not the intent is to provide for access to make sure there's clear access in case of future subdivision on the 104 acres, so it's at least not precluded, but if that's the case, state it that way and hold it in there. It doesn't guarantee anything, but at least it doesn't preclude access. Section 5-a carries forward the sprinkler requirements. Section 5-b is a good one, it establishes an inspection program of septic systems on a 3-year cycle. Section 6 states that each lot must comply with the zoning ordinance with respect to permitted uses and uses allowed by special exception. That sort of stating the obvious that properties are governed by zoning. I just would want to be clear that at the time we were looking at this project, it is a residential subdivision. If any non-residential use were to be proposed after the subdivision approval, it would have to be subject to all reviews, hearings, permitting requirements as (inaudible) so at this point, everything has been predicated, the traffic impacts and so forth on a residential subdivision and here again, if at some point in time they desire to do something otherwise then that would be subject to rules of the game at the time. Blanket easements for utilities and drainage are reserved over and under the roads. Typically, these blanket easements cover the individual lots as well should drainage ultimately extend onto an individual lot that wasn't anticipated on the engineering plans. The benefit of a blanket easement at this time being reserved is that once the roads are built, if there's a need to set a catch basin on a piece of

property or something that wasn't exactly anticipated at the time of engineering reserves the right to do that. Here again, another thing on my list that I'd like clarify with Attorney Philpot. I've indicated also on Page 21 of the packet that Lots 8 and 9 are not subject to the costs associated with private road. As a practical matter, they have no relationship to the private road. In this section there's a reference to signs and gates. I don't know if that's holdover remaining from the boilerplate or if any signs or gates are proposed. Not that they are a big deal, but if there were to be signs and gates, it should appear on the plan. Section 10 provides for future acceptance of the road by the Town. Until such time, if and when that would occur, the road shall remain private. Section 11, the applicant indicates that they would have access to their remaining land over Lot 7 and shall contribute to shared costs as one lot, otherwise the land shall not be subject to the covenants and restrictions. I'm not clear on what that's all about. I wasn't sure and here again that would deal with the reservation for future subdivision of the property which is certainly inappropriate, but if that's what we're talking about, then we should probably say that and likewise if the property were to be re-subdivided in the future, there should be a provision in the document that any lots are part of a re-subdivision should be made automatically a part of this (inaudible). Section 13, Duration, has terminology that indicates that the covenants shall remain in effect "for the maximum legal period" (inaudible). When we look at these kinds of documents, we ask ourselves if there are provisions to these declarations that ought not to be amended by an association without prior Planning Board approval so I raise that question in front of you. This is a whole lot different than a cluster where we had management issues over the green spaces, although there's a lot of kind of nitpicking comments here, substantively there's not a lot to this (inaudible) but I do raise the question for you to think about whether or not there are any provisions in these declarations that you feel should be subject that restriction. Carl has indicated easements for slopes, drainage, utilities and driveways as appropriate on the subdivision. As of the 10<sup>th</sup> of July we haven't received correspondence from anybody either in favor or against the subdivision. That will conclude my remarks. Bliss – Mr. Chairman, I do have one concern and I think we never got a real chance to talk to it in the previous application and that is as far as the off-site road improvements. My opinion is we're asking an awful lot of the applicant. We've had other subdivisions, for instance, down on Meredith Neck. We haven't asked them to make things and we all know how hard it is to get off Meredith Neck. The one on Corliss Hill we just did, that's not the best road at times. As this goes through the process, I would like us to re-look at that because I think we are asking quite a bit from them. Vadney (inaudible) Marc Abear, Higgins Road – I'd like to leave a couple things for entrance into the record and I also have a gift for the Chair. We're hoping you'll find a use for this rubber stamp later. Vadney – Scattered and Premature. Luckily I can accept that because it obviously has very low value. Abear – What I'd like to ask of the



Board is, I'd like to have Dr. McCormack from the School, Chief Palm from the Fire Department, Chief Morrow from the Police Department and Mr. Faller from Public Works perhaps come back and speak to the new application. I don't know that the public's had a chance to hear from them, what their positions are. I know certainly there are a number of folks who have questions that would bear on their position with respect to public safety and access to the area. I think that's an important thing because we are talking and the Board has expressed concern with respect to the off-site improvements that have been previously discussed. I don't know if those are under discussion at this point. I think from Mr. Johnson's presentation perhaps they are, but we would like to request if we can to have those presentations made so they are part of the record. Vadney – John, do you want to comment on that or just go ahead and make a note of it? Edgar – OK. Additionally, a worst-case soils and slopes analysis was done I understand from Mr. Johnson's presentation, there was nothing in the file to indicate that there has been soils and slopes analysis done. Could we get that included in the file so we can see what analysis has been done? Vadney – Are you talking about the smaller lots, the 104 acres or everything? Abear – It's in the subdivision. I don't care what size lot it is, I want to know if there's been soils analysis done on it. The statement was made and reiterated numerous times that this analysis exists. Vadney – If you would like, we can have Carl answer that right now. Johnson – Thank you Mr. Chairman, the chart that's in the upper right-hand corner of the plan includes what is commonly known as the worst-case scenario lot analysis and what that means is that the Town of Meredith Zoning Ordinance has a list of soils and a list of slope classes and depending on the type of soil that you have and the type of slope, you have greater or lesser amounts of land necessary for making a lot. The normal process is to use and because the Meredith Zoning Ordinance still refers to the Belknap County soil types, the normal process is to use the Belknap County Soils Map, delineate the wetlands so they come out, delineate the slopes over 25% that come out and then use the Belknap County soil chart to prorate your soils. Problematic with the Belknap County soil type is that it was done several years ago and it's not very site specific, it's not very accurate so what we do is we take for each slope category A, B, C & D, we use the worst soil type that's in the chart and then we calculate the soils-based lot sizing based on the worst soil type in the chart applicable to the real topography that we have. What that yields is the safest available lot sizing that you would have because if you were to do a site specific soils map which is the detailed mapping and we've done this in the past, in order to calculate your lot size, you have to transpose those site specific soils categories back into the chart that's in the Zoning Ordinance which is the Belknap County soil chart. For instance, you may have a 623B or whatever the site specific soils map says, that may get transferred to a Woodbridge and so you use the Woodbridge in the chart so to go around that when you have large parcels of land, we generally use the worst-case scenario because it yields the lowest number.

If you were to do any more topography, any more specific soils delineation, what you would end up with is a bigger amount of lots or a higher number per each lot. I hope that answers the question. Abear – It's a start. Let me go a little further. You said in November that soils-based lot sizing standard is the standard by which detailed topography is done on wetlands and non-qualifying soil types are netted out so only the soils that are capable of supporting on-site septic systems and calculated to come up with how many lots you're permitted. Does that sound right? Johnson – I might have said that. Vadney – I don't really want to have a debate here tonight. Abear – The point is quite simple. If soils-based lot sizing is based only on septic considerations, that may be shy of what's required. One of the things we've seen this year is there is a potential for sizeable amounts of water to come down. I reference the 10" rainstorm that we had this year. When you're deciding what size lot you need to have, we need to be able to accommodate more than just septic, we need to be able to accommodate appropriate levels of drainage and runoff because you get large amounts of erosion with large amounts of water when you have inclines. When you add to the incline issue, the fact that you're clear cutting formerly wooded slopes and you're also putting in roads and you're going to pave the road, you add to that problem, compounding the entire calculation. That's my concern. Johnson – Mr. Chairman, one of the things to remember is that part of the engineering process was to apply to the State of New Hampshire for what's called the alteration of terrain and the Alteration of Terrain Permit looks at just those issues. It looks not only at the roadway that's disturbed but potential driveways, home sites and septic systems and we received site specific alteration of terrain for the previous 14-lot subdivision, now we've reduced that to 9 so those issues are considered in the Alteration of Terrain Permit process. The other thing to remember is that when you use the worst-case lot scenario, the lowest number that's used to divide is 90,000 sq. ft. That in itself is a big area. The State of New Hampshire basically has the 5-acre cutoff because they say if your lot's more than 5 acres, you basically don't have to worry about it from a subsurface standpoint. The gentleman's comments about the other types of development are covered in the Site Specific Permit. Abear – If those calculations have been done, is there a problem with including them so we can review it. Vadney – You mean other than... Abear – The development numbers that go behind that. Where does this come from? Vadney – They are actually fairly simple to do that. The opposite way of doing them is far from simple and that's what Carl is saying, but this way says there's no way you can't find a lot out there, in effect. The smallest one he has comes out to be 1.04, some are much, much larger than that (mapped area). Johnson – It's a good point in that the worst-case soils scenario has a minimum of 1 and sometimes greater on each lot, but that's only for the mapped area. For instance, on the 100-acre parcel, we may only have mapped a few acres or maybe 5 acres, there may be 90 or more acres available should we seek to go get that number bigger. If you were to do a site specific soils map and analysis of soils-

based lot sizing for this entire 210 acres, I can tell you the number would be frighteningly big and certainly from a loading standpoint for a septic system, we're so far under it, it's insignificant. Keeping in mind that David Ames from Ames Associates conducted the test pits for the site and what he is doing when he's doing that is digging test pits and determining areas that are suitable for septic systems. Ultimately, he hopes to be designing septic systems out there and having designed 7,000 or so over the years, I would think we're pretty safe there. Abear – I would like to submit to the Board some aerial photographs that show the entire site and perhaps help the Board understand why I'm concerned. If you look at the photos, you'll see that there's not only a clear cut at the top of the hill, but there is a network of cuts made below the hill and the headwaters to the Black Brook. Obviously, I have no first-hand knowledge of why you would make those cuts other than if you intended to develop said areas at some future date. I think it's important that the Board understand that that 104 acres, based on the existing visuals, is closer to being developed than perhaps we had been led to believe when we were talking about the prior application. Vadney – Are you questioning the various parts that are cut? Abear – I'm simply observing that I believe there are cuts there that will accommodate growth just as easily as the cuts that we walked on the site visit and I think it was not evident to the group that was there when the site visit was previously done, I think it's germane to the discussion because it bears on the number of lots that are likely to be part of the total 209-acre site, if not today, soon. One does not do that kind of cutting without having a purpose is what I'm trying to infer. Vadney – I don't know, I thought the cutting had been done before the current owner purchased the land, but that is actually immaterial. Albert Ducharme – Mr. Chairman and members of the Board, my name is Albert Ducharme, I don't know how long everybody's lived in New England, but those are called logging roads. They were put there by the previous owner and what we have before you is a 9-lot subdivision. If down the road we decide to subdivide again, we have to come back here. We can't just throw lines on a map and have new lots. Abear – The applicant has stated to the Board that site distances will require roadway improvements for the road cut. I would like someone from the Town to determine for us what those cuts exactly will be and how it will be accomplished. Does there need to be a straightening of the road? There's been discussion of that in the past, but it has never been articulated as to what would be changed by way of improvement of the sight lines at any point onto New Road. Could we make that part of the file. Vadney – Sure, I suspect Faller's probably already looked at that, hasn't he, John? Edgar – I'm sure he's looked at it. I think the plan indicates the sight distances, I'm not specifically in a position to answer Marc's direct question as to whether we're pulling back a bank, I think there is talk about a couple trees that needed to be removed to obtain the sight distance, but I can have Mike confirm that. Johnson – Mr. Chairman, just a quick comment. My discussions with Mike primarily for the entrance to the main new road was that there would be some minor tree

cutting to attain a sight distance. It would not necessarily be any removal of bankings or anything in that area, it's fairly evenly sloped so that would be primarily tree cutting and with the driveway location down here, the same situation, it would be mostly vegetation because the roadway slopes, actually the property slopes away from the roadway instead of up so there's no banking sticking in the way. Abear – An additional point Mr. Chairman, the prior application was withdrawn. The ordinance grants no distinction between withdrawal with prejudice and withdrawal without prejudice. I would submit that when an application is withdrawn, the normal procedure I understand from the ordinance is a one year set aside, no re-application during that year. I think we are not following the ordinance in this case. I think that there should be a one-year moratorium on development of this site. Vadney – I have no response to that. Lou, have you found that clause in there about a one-year moratorium. Kahn – I didn't look for it, but maybe John knows the answer. Edgar – Admittedly, I'm not familiar with that Marc, can you cite that for us so we can research that. Abear – I didn't put it in my notes. I can call you and give it to you. Edgar – The other question is then assuming there is a one-year moratorium clause on the resubmission of a similar application, then the next question is whether or not a 9-lot conventional subdivision is materially different than a 14 or 13 lot cluster. That would be the second part of that analysis. Vadney – I do think even though it may look the same, the fact that it's not a cluster certainly invokes different parts of the ordinance in many ways, but that would have to be a determination we think about. Abear – I think it's important to note that an awful lot of this application is going to center around the transportation system and ultimately that the Board is going to be making the decision and I think it's important that the people that live in the surrounding community having taken an interest in this application or this process of application. It is important that in any development decision, the community needs to recognize both the process and the \_\_\_\_\_. As a community at the top of the hill, we're vested in what goes on which is important to us because we live there. It's important to the Town because there's a lot of Town money that's going to go in to upgrading the roads to support this and other subdivisions that may or may not follow. What I would like to propose to the Board is that perhaps if it's important to the Town to develop the conservation area, it's important enough to put it in the CIP. We haven't done that for the next 10 years. There is no money to support road improvements for the next 10 years. We're not following what we're saying we're going to do with our funds through a period of time. My question also goes to are we following what's in the Town's Master Plan? The Forestry/ Conservation District is not a residential district. We have residential districts. It's important when you make the planning document that's intended to carry us over into the future that you do what you say you're going to do with your plan, otherwise, you're wasting the Town's time and money going back to revisit something that should be addressed through the mechanisms we have in place. If we don't want it in the plan,

we don't put it the Master Plan. If we can't say that we want it by putting it in the budget through the CIP, do we really want to approve a project for development now. I think it goes to underscoring the point that this subdivision is premature, it is scattered and doesn't belong. Vadney – Anybody want to comment before we go on to someone else in the public. Anyone else wishing to speak? Jim Freeman – I think I need to know, do I understand the cul-de-sac on the October 5<sup>th</sup> drawing is actually what's proposed here because most of my review is based on those plans. Vadney – Yes, it was stated earlier this evening that the road is exactly the same. Edgar – With the only exception being, Jim, that because of the reduction in lots and the reconfiguration of lot lines that some driveways have changed and there's less driveways and less culverts, but essentially the road plan and profile is essentially the same. Freeman – I would like to read a portion of the ordinance because that's where my problem comes. I feel that that road doesn't fit in with our ordinance because the ordinance says we should "preserve natural topographic features and create a more desirable environment for low-density residential development, forestry, agriculture and conservation of rugged terrain and steep slopes and ledges, natural scenic beauty and important wildlife areas. Most importantly, to provide (inaudible) and management to prevent exploitation, destruction or neglect. Those are strong words and the question is, are we prepared to follow that? I really do appreciate that the Ducharmes have taken cluster zoning out of it. I greatly appreciate that, but I do think that we're left with a problem. I did go over the drawings pretty closely and basically what we have is sort of a little ditch right off the road, 1 1/2% slope down to the culvert only it's covered. We have a fill there of about 5 feet. After that we're about 125' off the road to the culvert and we're going through wetlands, over wetlands. There's a 1.2% slope, existing slope, the existing side of the hill about 400' up from the road and that's what starts the 10% slope and that runs about and what I'm talking about when I'm talking about fill is from the cut or from the existing grade up to the centerline of the new road and that in some cases runs from 7-8' in most of the areas in the first 400 feet with the largest differential being 10 feet. Now this is not protecting what we're looking at or what we want. Then it shifts and we're going through, I don't know if it's blasting, but anyhow we're going down, we're digging and the digging is anywhere from 2-5 feet and all this ranges over the 1,500' length of the cul-de-sac. I don't see how this can be conceived as fitting in with the words in our ordinance and I really would hope that some of the Board would feel the same. Perhaps, I don't know maybe Carl can tell me, is there ledge there that you're going under? Johnson – Part of the engineering process is to conduct some ledge probes to determine the extent of blasting because that's an important component to your unit cost estimate so there were ledge probes done along the center of the road to determine significant amounts of ledge and as I recall, there weren't significant amounts of ledge that had to be blasted so it will mostly be earth. The other comment that I would make is that I drive the roads out

in Chemung frequently and I think if you paid attention to the amount of cuts and fills that there are in the existing roadway system in Chemung, you would find this roadway is not at all different from the roadways that are out there. We are bound somewhat by the conditions that are set forth in the road standards with regard to slope. A 10% slope is the maximum that's allowed without a waiver which is my understanding 2% less than what's allowed by a handicap ramp and in order to achieve that 10%, we very often in New Hampshire have to cut and fill. It's a fact of life, it's a fact of road building and if Mr. Freeman would like to appear before the Selectmen and suggest that we have a steeper road and there's less fill and less cut, then maybe we'd applaud that, but we're bound by that 10% and in order to achieve that 10%, we are cutting in some places and filling in others and that's how roads are built in New Hampshire. Vadney – And there are rules that are enforced by the Selectmen on road standards that get called into this too as far as widths if this should ever be proposed as a public road, it has to have been boxed out somewhat properly to begin with. That is one of the factors that figures into it. Freeman – I do think there is this argument that essentially this is all private property I believe and the road is not open to the public so that in some ways, but the zoning ordinance says isn't necessarily special use prescriptive about how we feel and what we think about it for the Forestry/Conservation District. Despite what Carl says, this road has a lot of fill under it and it does a lot of cutting and yes I've driven all over the roads here in the Forestry/Conservation District and for the most case, they are not started from (inaudible), but so be it. The question is whether the Board thinks that this is really the proper kind of road, the proper kind of development. Vadney – Well, the roads in that area are so crooked because when they were built, there was no way to do the cuts and fills and as a matter of a fact, some of those roads were abandoned like Stanton Road because when cars came along replacing oxen and horses, cars couldn't negotiate Stanton Road so they cut the road through the swamp. There are many, many things that figure into it. I don't believe we can require this applicant to put in an 8' dirt trail that follows the path and then use oxen to get to his home. Some of these things are a little beyond our control. Freeman – I question that also because if you go lateral instead of up and creep up the side, there are different ways of following and more sympathetically you don't necessarily have to go through a wetland in order to get up into that (inaudible) so are we sure that they explored the most sensitive way of treating the site. With no obligation on their part to answer that, I'll ask if the applicant would care to comment on whether you've explored other alternatives. Johnson – Whenever there's a roadway that's designed, you try to temper the safety aspect of the road with the practical amount of roadway you have to build to get up to a slope. You can build roadways almost up any slope, Mt. Washington auto road for one and that's probably not the most direct route to get to the top, but it was the route that they chose. In a development scenario, there are different factors that are determined to get from Point A to Point B, one of which is

the safety and that's why the Selectmen have the slope category. The other one is somewhat cost related in that do you build a 3,000' road so that you can disturb slightly less land area in your alteration of terrain or a 1,000' road to do the same thing and have some cuts and fills. Basically, that's the balancing act that you have to do and is this absolutely the roadway that provides the least amount of earth disturbance, I don't know, I can't answer that, but for every extra 10 feet you go to get around to save your cuts and fills, you're by the nature of going further disturbing more land area so ultimately in the end, there's probably some type of a tradeoff between the straightest path making the 10% and the longer path not. Vadney – I think that's the best we can do this evening to answer that question. I appreciate your concern and it does sound a bit like it will be a causeway and a tunnel going up there, but and if we do another site walk, we'll certainly look at that. Freeman – And I could just look at the USGS and see if there isn't a way of going with the slope, rather than against it. Creep up the side and around, go up and go down with your driveways. There are all sorts of things to look at (inaudible) and basically what we're doing is going back to a solution (inaudible). Scott Higgins – I'm one of the abutters. I've never really needed a microphone to be heard before. I came into the meeting tonight actually thinking they were listening to us. They listened to some of the concerns we had in the previous meetings and the 10-acre lot subdivision, well that goes a long ways towards that. However, Mr. Chairman, you asked me a question a long time ago, what do I want to see up there, changes (inaudible) and listening to the presentation tonight and listening to what I'm hearing, I have more and more concerns that perhaps they really didn't listen, they just looked at a way around us. That large piece of property there, yeah, I know they may have to come before the Board again, they've left open for the future. Do we trade something now for something that's going to be resubmitted in the near future and we'll have to go through this whole process again. I don't know, that may be beyond your consideration tonight. I do know we're asking a lot of the developer and I think that's true, but we also heard during that 5-year plan, there was no plan to do any road improvements out in that area of Chemung in the foreseeable future. The thing that causes that change to be made, the thing that's prompting these road improvements to be needed is the developer's proposal and it seems to me it's reasonable and prudent to expect that if the developer wants to change the timetable for that area, then they should incur the costs for that change to the timetable. We discussed the Master Plan and the Master Plan is just that. The Town should be looking forward saying what are we going to do in the next 5 years, what are we going to do in the next 10 years? If a proposal comes up from a developer, they have every right to make that proposal, but they should come in prepared to fully fund it or at least minimize the cost to the Meredith taxpayers so that they can derive a financial gain from that proposal. If we feel and the Town feels and the experts feel that certain road improvements need to be made in that area, then it's only appropriate that the developer share at least a fair

burden of it, if not total burden of that cost. The questions about wetlands are all valid questions. I think there's significantly more wetlands, I understand that they have been delineated, the beaver pond up there, it's bigger now than it was before because of the rain we've had, they keep building. As they water comes up, they raise it up. There's a lot of impact I think we're not fully realizing up in that area. I think construction is going to do at least the short term a lot of impact on the area, maybe long term it's not. As far as welcoming the neighbors up there if the development goes through, we will welcome the neighbors. The concern that I have is that we're getting development into that area that is going to be the first step. Mr. Ducharme came right up and said if I want to put in another one, I'll put in another one. I'll come back in. Are we going to look at something down around Roxbury Road or are we going to look at something else coming off that cul-de-sac in a few years, have we really taken a step forward. I don't know what you have for the ability to control that process, but I really suggest and implore the Board to make sure whatever decision you make on this subdivision recognizes that this is not as bad as that cluster was, but if this is just the first step in a way to try to get around the concerns of the area's residents and property owners, then it's certainly not a good deal and certainly should not be approved by the Board. Edgar – Scott, if I could, with respect to whether or not any off-site improvements are called for, as you've indicated, there's nothing in our Capital Improvements Program specific to this area in terms of major reconstruction. As a practical matter, we do smaller projects all over the community. The CIP threshold is about a \$70,000 project so it would be fair to say that the CIP at present doesn't include any major rebuilds in the area. With respect to who pays what, that was a concern that had been previously raised. That has not been addressed yet. We have not gotten to that point in this process so there's no commitment on the table at this point that the taxpayers of the Town of Meredith would be funding anything. We need to at some point come to an agreement as to what if any improvements categorically should be made and then determine what the developer's proportionate share of that might be as a function of State law on that topic and then to determine at that point how best to proceed so very good observations, but we haven't quite gotten that far this time around on this particular issue. Vadney – And I do recall on the last application, the Selectmen's representative had stated there would be no Town money involved and it would be a total applicant and then there were some discussions following that too detailed for here, but it's certainly an item we'd take a close look at. Ann Freeman – I live at 109 Saddle Hill Road and I would just like to know if the Planning Board could be involved in perhaps requesting in the covenants for the home builders that the lighting question be (inaudible) because in Forestry/Conservation there are no street lights and I understand there won't be, but the natural sky is very important and it affects our wildlife and everything else so although home owners have the right to have lights, it would be wonderful if there could be no floodlights outside, no up lights only



down lights so we don't look like (inaudible) as you look across towards the Weirs. The idea would be controlling the outside lights. Vadney – And it is something we look closely at. Johnson – I just have one comment, not so much to Mrs. Freeman's, but while we do listen to abutter's comments and concerns obviously and when they make sense and we can incorporate them and they agree with our intent, we certainly do them, but I think that being said, it should be abundantly clear that we provide subdivision plans to meet the satisfaction of the Board. Very rarely do we prepare subdivision plans to meet the satisfaction of the abutters. That's just the nature of the business. Most times in the many, many years that I've been doing this, abutters generally don't like to see the surrounding area be subdivided. Sometimes sitting on a lot that was in a subdivision two years old will show up and (inaudible) and that's understandable, but just as an anecdotal comment in terms of what's lurking out there and when we're going to come back in for the next subdivision, when I first met the Ducharmes and they stepped foot in my office, their vision for this property was almost exactly what you see before us. They had not yet heard of the terms "cluster subdivision". They were thinking of conventional subdivision and their project and proposal was to retain a large area of the property for themselves and subdivide the rest so what you see here is not something that's evolved as a mechanism to get where we wanted to be before, this is a de-evolution of where we were to where we wanted to be in the beginning. Johnson – The question was, what is the dam? I'm not an engineer and I probably shouldn't be the one that's answering this and maybe John can help me out a little bit, but when you have an application that's before the alteration of terrain people and part of what you're doing is trying to retain and treat a certain amount of water that's associated with the roadway, when the amount of water that your retaining so that it can be treated and not be running out all over the place reaches a certain amount, they actually call it a dam. It's a very small amount. For instance, there's a dam on the Clover Ridge project which for 360 days out of the year doesn't have any water in it, but if there were the 100-year flood which we've had recently according to the USGS, there may be a sufficient amount of water in there to classify it as a dam and that has to be reviewed as a dam. It's a berm that retains a certain amount of water and then when the water reaches a certain level, it either dissipates or goes over the berm and that's reviewed as part of site specific. Edgar – Mr. Chairman, if I could, I think one of the other criteria, Colette, is also the height of the earthen structure. I think it's like a 4' trigger if I'm not mistaken so if there's a 4' elevated embankment that's holding back water, they look at it from a flood routing point of view to make sure it's constructed properly and placed properly. They typically attach maintenance provisions to that permit, the reason being that if you let the earthen embankment grow up with trees and you have a blow down, you affect the integrity of the impoundment so this is their way of regulating those kinds of structures and this is the lowest order of the level of regulation, relatively small detention ponds so if it has a certain elevation to

it, I believe that's what the trigger mechanism is for the dam permit. Worsman – One last piece, where is it? We were talking about beavers before; I guess that's why I'm thinking we're retaining all ponds. Johnson – It doesn't show up specifically on my plan, it shows up on the engineering plan. It's located in the common area here. Vadney – They are talking about the manmade one. Johnson – We're talking about the structure. Baldwin – I have revised my original Memorandum to you about scattered and premature and also my general Memorandum because I understand this is an entirely new file. Baldwin (inaudible). Vadney – You've asked a question in here as though you made a statement. It says, the applicant's so-called traffic study is based on 10-year old data. Are you referring to the traffic study that's in this packet tonight? Baldwin – I have not seen this one. This is something of a revision and it may not be perfect because I haven't had a chance to fully review your current file. I have a couple of questions and a couple of comments in addition to what's on that paper. In your Subdivision Regulations, you have Classes 1-5 of technical review and I don't know why you have those. Edgar – Basically, this I believe was a Class 3 situation which is a \$1,900.00 fee in that it does not involve sewer or water extensions, it's basically road drainage and erosion control. We use those fees to cover the out sourced engineering review by Lou Caron. That had all been accomplished under the prior application. The engineering was resubmitted. As a practical matter as is indicated tonight, it's the same engineering with the exception of the lot lines and less driveway culverts and so the necessity of collecting an additional fee is moot at this point. Vadney – Does that answer your question. Baldwin – Yes. I want to talk just for a minute about these 104 acres. Mr. Johnson represents that the Ducharmes intend to keep that. Well, that's fine. Neither they, nor you, nor I (inaudible). What's going to happen, your Subdivision Regulations suggest very strongly that where there is a large parcel and a future subdivision is planned, or even thought about, or even possible, the applicant should so indicate and I think that's a little phasing here, Section 7:11 and Section 4:11 (13) of your Subdivision Regulations both require that whenever there's a significant remainder parcel that we know ahead of time while you're thinking about this one before you that you don't have to put on blinders and you shouldn't put on blinders to see what's really coming down the pike. The same thing is really the road, do we really want to start adding roads out there and this road may be squeezed around a 10% slope, which is a pretty steep slope for a road and it doesn't meet the 500-1000' cul-de-sac. You have to go back to get a waiver and I'm sure that the Selectmen would ask the Planning Board in considering this, why should they have a longer length than we require? I don't know the procedure with the Selectmen, but if I were a Selectman, and I have been, I would certainly want to know the thinking of the Planning Board before I was handing out waivers for a new thing so if they confine the road to the 10% slope, then why not meet the regulations on length. I don't understand why they are adding another road and sooner or later this

will be Meredith square and I think we all understand that private roads are not necessarily too desirable. (inaudible) don't pay and homeowner's associations that don't quite mesh and all of that can get very messy (inaudible) to consider that. I think those are the two issues that you need to consider tonight, I'm sure they'll be back and I'd like you to look back and say who cares, (inaudible) a very difficult and very special area as we look at purposes in the section of your Zoning Ordinance as well as your Master Plan (inaudible). Bayard – Just a comment or two. I believe the limit of CIP is now \$90,000. The other comment I have is that the residual parcel, part of it has extremely steep slopes if I'm not mistaken. I don't remember entirely the lay of the land and I don't have the contour map in front of me, but I assume some of Lot 7 facing New Road would probably be more developable and there may be other spots up there. I don't think you're talking about 10 additional lots being possible out there. I don't know how many could be feasible out there, it might be an issue. I certainly don't think you can fit too many out there if you were to subdivide it. Vadney – His soil-based lot sizing data would suggest at best about 5 more in the mapped area. One thing I think you have to look at on this is if there were only one house going to be built out there, the driveway would probably still be 1500 feet long because the first guy would build out there on the knob and the reason the cluster was laid out the way it was, was that's the best of the land and the reason the 9 remain on this proposal is that it is the best of the best of the land. To go beyond this, as I recall the lay of the land, it gets much less good. John, did you have any comment at all about the following subdivision that Carolyn had? Edgar – I think one of the critical words is the intent and if you use the Crestwood project as an example where we were looking at a series of subsequent phases, you really want to know how one phase is going to dovetail into another. That's one purpose presumably of those clauses and obviously if there is an intent that's been stated to re-subdivide, if there is a plan to re-subdivide, then it makes some sense to try to show how it might fit together. If they're not planning or at this point intending to, but simply reserving the right to, those are two different issues and I appreciate the concern that Attorney Baldwin's raised, but I don't think you can force someone to lay out a subdivision just because it's subdividable if you will. Vadney – And any time we see one that, a major subdivision one of the requirements or one of the triggers is that one of the parcels remaining will be big enough for further subdivision. We look at those all the time. Abear – By way of suggestion, if the Board were to have a second visit to this site, perhaps an appropriate starting point might be at Roxbury Road so that you could see exactly what is below the ledge line. I think you'll find that (inaudible). Vadney – I almost made a wise crack earlier about why they didn't come up off of Roxbury Road and I'm sure you know the reason. Christina Fortier – Roxbury Road – I just wanted to point out that I'm also a concerned resident, however, I'm very much in favor of this development. My concern lies more with there are several large tracts of land out in the Chemung area owned by several of

the people in the neighborhood, some of which are here tonight and there are no easements held on any of those parcels with the exception of maybe one or two parcels by a single owner. Any of that land can be subdivided at any time. Anything can happen to it, people can leave it to their children, people might pass away and none of that land is subject to any restrictions whatsoever and I just wanted to point that out. I could go through, I've researched it extensively, I could give acreage and I could give names, but really my point is that none of the land in the neighborhood is subject to restrictions, as well. Vadney – That is a fact that we're aware of. Edgar – Mr. Chairman, if I could just maybe a minor clarification or correction. There are substantial easements up on Saddle Hill Road under the control of the New England Forestry Foundation. Vadney – The point is though there are other lots so when the comment was made, this 104 is available for further subdivision, that's not the only one up there. Ralph Pisapia – I'm a taxpayer and I live on Meredith Neck and I just wanted to respond to something and reiterate some concern about the off-site costs for transportation. If the only reason that the Town is going to have to upgrade this transportation system out there is because of this development, then it's my opinion as a taxpayer of the Town that this development should bear the cost of that and not those of us that are not going to be out there and benefit from this. Johnson – Just one quick comment and I understand Mr. Pisapia's position and about a year and a half ago, the Town of Meredith paved my road, Highland Street, and I would like to thank Mr. Pisapia for his contribution to that pavement even though he very rarely enjoys that with the exception of his visits to the Town Hall. There is some obligation of a Town to provide some level of support for projects when they are being developed. The question is not if, the question is how much and that will be addressed in the subsequent meetings in discussions with the owners of the property, the Selectmen, the Town and Mr. Faller. Vadney – Actually there's another question besides the how much and it's the when and indeed at least some of the items that we talked about last fall and through the winter were certainly on Mike Faller's list of things that could stand to be done. They were probably on Barry Cotton's list of things that could stand to be done and I suspect many were on Harold Wyatt's list of things that could stand to be done. It is recognized that some of those really do need to be done. They are looking for the money and that's why we had spent a substantial amount of time on the previous application looking at some level of sharing, but the applicant will, if this should go forward, I believe the applicant will pay a substantial amount in that road upgrade, but to say that it is 100%, I think would be neglecting to consider some of those needs that have been there for probably since they laid out the road. Olga Robinson – I live on Chemung Road and I'm listening to this conversation about the road and upgrading and cost, I would just like to know where the word "scenic" that's in because is the word "scenic" going to restrict in any way what can be done, will be done at what cost? Edgar – I have a non-answer. We don't know at this point to the extent any improvements if they

are required by the Board and we don't know at this point that they are, but if there are any improvements off-site that are required by the Board that are on scenic roads, in this case a portion of Chemung, Eastman, Higgins, Carleton are all scenic roads so if we were to make any improvements onto Chemung Road or "Y" Corner or Eastman or Higgins that were to impact stonewalls or to impact trees I believe it's 15" in circumference if I'm not mistaken, 4' off the ground, some specification in the statute would impact those certain size trees as specified in the statute or the walls, then a public hearing would have to be held on those improvements by this Board so at this point we don't know the answer to that question. My hope would be that as we try to address some of the safety issues, if we try to address the alignment at "Y" Corner or any of the areas on Chemung Road where the road narrows down because of the ledge outcrops hopefully it would be done in a way that is respectful of those designations, but at this point, Olga, we don't have enough information yet to be able to answer that question, but we do know for a fact that if we get to that point and it does trigger either an impact to a wall or a regulated tree, this Board would have to have a public hearing specific to that issue. Kahn – I would add that the last time around when Mike Faller was coming up with estimates and costs of road improvements, I had asked whether or not his estimates took into account the fact that some of the roads were scenic roads, did they take into account the sort of restrictions he would have to operate under whether he likes it or not. He said that he had taken the scenic road issue into account in determining his cost estimates so I would assume that, we don't have his cost estimates this time around, I assume he will do the same thing. Edgar – As I indicated, I have the same recollection, Lou, in terms of Mike's statement to that effect, this is also another reason why I've asked Mike to be as explicit as he can with the specifications that he envisions relative to these improvements, not only so we can get to some consensus to the extent that the Board as a Board requires improvements, we can get to some consensus on cost, but the cost needs to be based upon some level of clarity. That clarity would also aid us relative to the scenic road discussions. Kahn – Picking up on Mr. Abear's suggestion that we call back Phil McCormack, Kevin Morrow, Chuck Palm and Mike Faller, my recollection of the first time around was that Dr. McCormack spent a lot of time with us but it didn't really bear on the issue of safety and Chief Morrow was sort of in the same position. I don't see any point in our recalling them and having them spend another evening in our company as pleasant as it may be for us, I don't think it's pleasant for them. I don't see the point to it. Chuck Palm has a Memorandum to the Town Planner in the file that says his position on road improvements and safety issues is the same as in the past and I think the simple answer is that he wrote a Memo is my recollection that was in the last file and we ought to just pick up that Memo and put it in this file so that it can be read together with his new Memo. As for Mike Faller, I think we're going to have a whole new go round with Mike Faller and that's entirely appropriate. I agree to try and insist to have the

Supt. of Schools come in would probably be wrong and I don't mind if we send him a note and ask him if he has any additional input he would like to make. He could do it by letter or whatever and that might be something John could take care of to make sure we don't miss anything and the others too, I mean the situation hasn't changed a lot out there. There could be some more erosion after the last few months of rain, but overall not too much. Do you want to walk this again, do you want to revisit in any way? Bayard – I would just as soon walk it, but I don't feel strongly one way or the other. I do have recollections from the last walk. Vadney – I don't mind, I always like to go for a hike. The road stays the same and what we did basically was take a shortcut up and walk the road back and the bulk of the houses haven't moved to any degree and actually they are notional anyway, just showing that the lots could support them. I wouldn't think there's a lot of value in it, but I wouldn't mind doing it if the Board wants to. John, do you have any preference. Edgar – Colette were you with us the last time around? Worsman – No. Edgar – Colette might benefit from an inspection. It's something we could do together, it's not something the whole Board would need to do, but that would be one reason to do it. When we were looking at the cluster, the balance of the property, resubdivision wasn't an issue. We knew one way or the other, it was green space. In this case there is at least a question raised about the 104-acre lot and whether or not it had subdivision capability. There's probably a limit as to what you can do about that as a practical matter, but I don't think we eyeballed it from that point of view trying to look at the re-subdivision potential of the lot of land because under the other application, that wasn't going to happen. That might be a reason to spend additional time on the property. I think essentially the house sites have been shifted maybe a little bit, but I think essentially the bulk of those house sites are probably really similar to where they would have been in the cluster so I think going up that road on the left-hand side, there's probably not a whole lot of new material but looking at other corners, there may be other insights. Vadney – There are a couple of issues, I think we should probably research some of Attorney Baldwin's questions about the cul-de-sac and I can't remember which ones they were right now, but a couple of things we need to investigate. I don't think they are showstoppers but we probably need to validate and verify the way the ordinance is. I don't remember it all so I suspect we'd be best continuing this to a date specific and do a little more staff work on it. Worsman - We've had a couple of projects that were fairly large lots that we had the project delineated, is there a reason why we're not having this one wetland delineated? Edgar – Wetlands have been delineated where necessary, not for the whole property, but the road coming in, there's a wetland crossing. As you go up the road, there's a small wetland impact relatively speaking and there's some delineation that's been done in what has been referred to as the mapped area. They've done wetland delineation and 2' topography within a 50-acre area approximately. It's within that which is about a quarter of the property in total. Worsman – So it's where the road is..

Edgar – And the building sites sufficient to demonstrate that they would not encroach into setbacks and they can get the road in, test pit, house site, that type of thing so they need to demonstrate that within the 10 acre gross area, they can comply with soils and slopes requirements and end up with reasonable building envelopes and so the delineation has been done on a limited basis relative to the lots and the road construction. If I could just add, if for some reason the Board felt the necessity for additional mapping, if there was a basis for it, that's always your opportunity to require more information. The only caveat there is not just map it for the sake of mapping it, but it should tie to a decision making process somehow from my point of view. Vadney – You may recall that one of the ones we looked at quite recently, everything had been delineated because it was also justification for cluster, not this particular one. Bayard – I'm not sure it's available right now, but if we could at the next hearing perhaps have 3 or 4 copies of some of the delineation and would probably be helpful because I think that would have clarified a few questions and issues if we had that in front of us. Edgar – We'd be happy to do it and it's a good point; it's just the same wetland delineation that we reviewed the last time. Bayard – I just think it would help and certainly for Colette I'm sure it would too. Johnson – Just briefly, one of the issues is that when a property's this big and the scale is big when you're presenting a plan for presentation purposes, if you include everything, all the topo all the wetlands and everything, it just looks like a bunch of lines so we have the detail sheets available for the Board and there's extra copies here if you wanted to get into individual analysis, but what I've provided here are the wetlands that were delineated and where they are entirely pertinent to the developable area, they were entirely mapped. When only one end of them was pertinent to the developable area and then they go off and get further and further away, we stop the mapping just from a practical standpoint. There's no topography shown on this overview map because it would obscure much of the detail. The topography is provided on the blowups, so it has been available, it was available and it has not changed. Kahn – What date would you recommend, John? Certainly, it's at least two cycles from now. It depends on when you do the site walk. We have to be mindful of an issue that's cropped up in other applications not just with this applicant and that has to deal with the filing period for any new information in fairness to abutters that would want to review the file, we have looked at the due date as being the filing date so if we're trying to get more information from Mike or perhaps asking Attorney Philpot to respond to some of the legal points or a couple clarifications on the subdivision plan or engineering plans as indicated in the staff report, we need to have that stuff filed 15 days prior to a hearing so we don't get caught up in that procedural issue so that's why, Mr. Chairman, I gave you the due dates and the meeting dates so that's why I'm saying it's at least two cycles away. Vadney – August 22<sup>nd</sup> would probably be the better one to do.

Kahn moved, Finer seconded, I MOVE WE MAKE A SITE WALK ON AUGUST 12, 2006 AT 8:30 a.m. AND THAT WE CONTINUE THIS HEARING TO AUGUST 22<sup>nd</sup>. Voted unanimously.

Vadney – This meeting is continued to the 22<sup>nd</sup> of August. There will be a site walk to which the public is invited on the 12<sup>th</sup> of August. We do not take public comment at the site walk. You will not be re-noticed, this is your notification to be here on the 22<sup>nd</sup>. Johnson – Based on John's comment about the 15-day submittal, is there any information required of the applicant prior to the next meeting? Bliss – In John's staff review, he's got a list of them. Johnson – So just John's items.

2. **HARRY F. WOOD, III, LLS FOR JOHN PRESCOTT** – Pre-application conceptual consultation to discuss a potential cluster subdivision on Reservoir Road in the Residential District.

Mr. Prescott acquired this property a number of years ago. Shortly after obtaining it, he subdivided it into two lots. It's divided at the present time along this more or less horizontal line through the middle of the property and he has constructed a dwelling on the lot closest to Reservoir Road. The property spans between Reservoir Road and Route 104 and it's about halfway between the intersection of Reservoir and Cataldo Road and the Day Care Center on Reservoir Road. There is municipal sewer and water available, generally. Mr. Prescott took it upon himself to extend municipal sewerage to the property when he built his own house. It was not directly available to him, but when the Town extended a lateral up from the shopping center area across 104 and into the Annalee complex, that access line passed fairly close to Mr. Prescott's property and he said I know I'll be developing my property in the future so he brought a sewer lateral over to the property and his present house utilizes that sewer. I've shown that just by sketch on the plan and there's also a lateral which would provide sewerage to a second unit should it be built on the upper portion of the property, if you were on the property, it would be the lower part of the property because it goes downhill from Reservoir towards Route 104. Why we're here this evening is to broach the subject of a cluster. We hear that word every now and then and obviously the situation with regard to this property which falls within the Waukegan Watershed Overlay District is relatively critical. I personally believe that when you restrict development in areas that have the municipal facilities, you're forcing the development other places like in Chemung where people don't really want it and there are no services to help address the results such as sewage effluent. The recent change to the zoning with the overlay has pretty much dramatically affected this property. It has its own limitations, but it has dramatically affected it. On the lower left of the plan, I've drawn two boxes. One is the size lot that was allowable prior to the Waukegan Watershed Overlay, 10,000 sq. ft. per unit with municipal sewer and water. At the present time it's two acres



regardless of what you've got. No provision made for the sewerage. Now why is that important here? Well, Mr. Prescott would like to get more than two lots out of this. He can get 3 based on the size of his parcel alone. He's got over 6 acres of land here so he could conceivably have 3. He is willing to acquire additional land in this vicinity, which would bring his property up to just over 7.3 acres or 3.7 units, either way you looked at it based on the 2-acre net density. If he were to follow a cluster approach and if the Board were to think that it was desirable to do so and beneficial to the Town, they might award him the 10% bonus and if they did that, he would be able to get 4 units on this property, all of which would be sewerred and all of which would have municipal water. That would probably make it financially worth considering from his standpoint as well as everybody else's. In other words, the services would get extended. I know that a preliminary discussion does not provide a mechanism where a decision can be made with regard to that, however, what I would ask you to consider is whether or not you would be willing to make a statement that it was worthwhile for Mr. Prescott to consider following the cluster approach. That doesn't commit you to any bonuses, it doesn't commit you to anything, but it does give him some indication because obviously to go with a cluster to bring in the utilities, he's got a lot of expense from the standpoint of engineering and design expense before he would ever know if a cluster were even going to be welcome in this area, so we would be looking for hopefully your opinion with regard to that. Now what's involved in a cluster in this part of Town. First of all, he's in the residential district, he's under 10 acres in size so the buffer around the outside is whatever the buffer is normally which in this particular case is 10' wide on the sidelines, 30' on the front and a little bit extra down on 104 because you have a buffer plus a setback on 104, I think that totals up to 80', but we don't plan to encroach on that anyway. What other benefit is there? Fifty percent (50%) of the property would remain as green space and what we would propose to do is to take all of the portion of the property from this dividing line down that isn't included in the two boxes around #3 and #4 and we would preserve that as green space owned by all of the units. What does that do? It pretty much puts that land in a status where one person is not going to go out and cut everything down because he wants to do it. He's got to obtain the permission of 3 other people, they have to agree on what's going to be done and why is it being done, is there a benefit to it and how are they going to share that benefit if there is one? If we left it as a standard subdivision and we used up all of the land there in privately owned lots, then any individual lot owner could do whatever they wanted to within their own lot. They could cut down every tree on it if they wanted to so I think that the cluster would help to protect that, it would lend additional support to this drainage that runs through here, that's a named brook, at least part of it is, not all of it, Reservoir Brook crosses the lower end of the property. It would pretty much take that area and preserve it as a block. Now, you say what advantage is that? Well, we know, believe it or not, between the shopping center on 104

and Hart's Restaurant, we have at least a family of 5 bears, several deer and an occasional moose and you say that's right in Town and it is, but they are there and the more we cut that up, the less apt that is to be available. The more apt it is to be abused by a single individual so we felt that there was some consideration to be given. How would we access this entire thing? At the present time, with the two lots and one being in the northern portion of the property, Mr. Prescott has frontage on Reservoir Road and his existing driveway which is shown as this white strip running up through here provides access to his house and it would also provide access as two lots on a private drive to the northernmost lot. Now you say that's kind of funny, where's the frontage for the second one. Well, the frontage for the second lot is 104 itself, however, that's pretty well restricted and it's not very practical to come that way so legally that provides frontage for the lot, but the practical way to get to it is to come in off Reservoir Road and we would..

Vadney – Is that a convoluted way to say 3 houses on the driveway? Wood – It would be 4, however, what we would do in order to reduce that and keep it within the typical numbers is we would raise this up to standards acceptable to the Selectmen in as far as approximately here and we would place a turnaround at this location, probably a hammerhead turnaround and two of the lots, #1 and #2, would access off that portion of the road and would not travel beyond that turnaround. The other two lots in the back would then have a private drive running off that turnaround and continuing where the present driveway is. What we're trying to do..

Vadney – Would it have to cross the driveway he uses to get to his house, would that extender driveway that goes to 3 and 4 run directly across his current driveway. Wood – Yes, it would run in the same location. Mr. Prescott would probably put in a new driveway. He could come off of the cul-de-sac area and access his house and if the Town changes the rules to allow 3 on a private drive, we certainly would take advantage of that, however, right now, we would have to demonstrate that we have a way to do this that would not put more than two on a private drive so we would construct a road in as far as this proposed cul-de-sac location and then a private drive would continue from there, one of the two lots would have its legal frontage from that driveway, the other one would have the current frontage which is 104.

Vadney – Where does that come out on 104? Wood – It doesn't come out at the present time. Vadney – Abuts? Wood – If you know where the storage units are, this is the next-door neighbor. If you're coming towards town, there's a stretch of woods there. Vadney – The one that's had about four car accidents down in the hollow in the last few years? Wood – I don't know about that, I think they were on the other side of the road. This is on the south side of the road and you have the storage units, there's this property and then you have a green space which is the back end of the subdivision on Cataldo Road, which there's about 14 lots there on Cataldo Road with two in the back and then everything else in the back is just green so you do have a nice stretch there of buffer on 104 which you're trying to maintain and we would not intrude on that in any way. It would stay green.

Edgar – Mr. Chairman, may I ask a question. Harry, we met once informally, this is the first we've seen the plan on this, my understanding is that we need the cluster because it allows us the 10% bonus that would allow us to get to the 4<sup>th</sup> unit that makes the utilities feasible. Wood – That would be a synopsis, yes. That's why we would consider the cluster because there would be a potential. We almost make it, but we don't quite. If we didn't do that, obviously we'd do 3 lots and the format of that would be determined once that decision had been reached. Edgar – You had shared with me in the office what you thought was the way the calculation would proceed in terms of the 10%, could you share that with the Board? And the reason I say that, Mr. Chairman, is that the Zoning Ordinance provides for a 10% reduction in density, whatever that means, determined by this Board in recognition of good planning, whatever that means so through things, we eventually have to figure out whether or not and we've never invoked that 10% clause so it's sort of new territory and in this case, the 10% clause, the way Harry calculates it is necessary to get to the 2-acre density. I just want to make sure you understand really the root of what we're getting at here, it's looking at the cluster because of the likelihood of asking for the 10% to get to the density the way it's being figured so that the 4<sup>th</sup> unit can be considered in the project to then make it more economically feasible so I want to just draw your attention to that, it is a decision that you'll have to make, we have not processed one of these before and Harry if you'd be good enough just to kind of share the framework of the math with the Board to see if they agree or what their thoughts might be on it. Wood – Actually, I have to correct John. There was a cluster on Saddle Hill Road in Chemung where the owner had 49 acres of land and of course 10 acres is required and they applied for 5 lots and they received it. The bonus was granted and that was the result, they had 4.9 lots without some benefit. They said they would cluster and keep the entire back half of the property as green space and everybody agreed with them and they granted them 5 now that never went ahead or else we'd have something else to give the other group as far as information goes, but it has happened before at least that time. The property that you see, it shows it here, this being Lot #2, Lot #3 going up here. There was actually a 3<sup>rd</sup> lot in this property originally when I guess it belonged to your parents at that time, John? Yeah, and when it passed to the present generation, John received two of those. His relatives live on the front of him and both sides at least on the Reservoir Road side. At the present time, he's got just over 6 acres in his property and that would give him under any circumstances, it would give him 3 units. He has the opportunity to add land to that parcel and that would be through a BLA with his brother on this side. He can pick up all of the land that his brother owns behind this stonewall and when he does that, it would take him up to 7.3 acres and so you look at that and you say it's just about 3.7 lots because the only criteria we have, soils and slopes doesn't apply, the only criteria is 2 acres per lot and a buildable area. You have to have a place to put a house. So if you were to apply a 10% bonus, in this instance you can apply

it to the acreage or you can apply it to the units, 3.7 plus 10% is .3, added on is 4 or if you have 7.3 and you add 7/10 of an acre to it, it comes out to 8 divided by 2, you get 4. It would be approximately 3/10 of a unit is what the bonus would really be. You're not granting him an extra one, he falls short and we felt it was worthwhile coming in and talking about this because we'd like to know if the Board felt that following this path would be beneficial. Vadney - You may have used the right term there, following this path. If we still had the 10,000 sq. ft. zoning, considering the wetlands on there, how many units would that have gotten? Wood - Well, that's kind of why I drew the box on the other one and I kept my box maker so I could just kind of shove it around on the plan, that's it right there and this is a current delineation of the wetlands. We've had somebody go out and define them, we're not guessing. The original subdivision was done before that was required, but it definitely showed Reservoir Brook, it showed the areas that were definitely wet and that was before our Wetlands Ordinance came into effect. Here we're dealing with that and exactly how you arrange them, you have at least one there, 2, 3, possibly a 4<sup>th</sup> one, 5, 6, 7, we have one way down here but you really can't get to it so we wouldn't count that one. Vadney - Assuming you got 8 as you just roughly showed, how many wetland crossings would it take to put a road in to service them? Wood - Generally, we would follow the path of the existing driveway and the reason for that is it affects wetlands but it's already there. So the minimum impact we can have is to simply add some width to it to make it full two-way traffic, properly designed, proper slopes, graded for drainage, etc., so that's the path that we would take. Anything else we did would generate more crossings and have a greater effect in the long run. Vadney - His current driveway is what about 700' long. Wood - This is a 50-scale so if we look at getting all the way down to this lot, it would be about 900' into the last lot and if we stopped at the lot line, 800' because the last part would be just his driveway to his house so it would be about 800'. Edgar - Mr. Chairman, could I ask you a question? If I recall correctly, Harry, there was some wetland relief granted when John's driveway went in.. Wood - That's probably true. Edgar - So I think one important thing to research is whether or not the ZBA, Conservation Commission or Dredge and Fill folks had stipulated there be no further impact, whether or not there's anything like that in the file. There was a fairly significant crossing as I recall when the driveway went in initially and even if there isn't, I think maybe consulting with the Conservation Commission's important because we're going to have at least some buffer impacts and that type of thing and like you're doing today to get a preliminary read of things, that might be an appropriate thing because if they're against this kind of impact from the get go, I think you'd want to know that. The other thing, too, Reservoir Brook is on the property and I think we'd need to show a 100' setback, twice what's indicated. Wood - That would be a slightly larger setback on this lower area. It would not effect anything that we're proposing. Edgar - Wouldn't it affect site #4? Wood - Not in my opinion. A portion of the buffer might fall on the lot, but it

would still leave adequate buildable space. Edgar – It just gets back to the issue of envelopes and if we're showing a 50' setback and arguably it's 100' at some location in here, it might impact things, so I think on the wetland side, it's important to start to get our arms around that because that arguably is part of whatever good planning is, is to have a comfort level on that issue. It may also, Mr. Chairman, be appropriate to walk the property. I think if we're looking for a signal as to whether or not we're going to be in a position to do the 10% bonus for the 4<sup>th</sup> unit by virtue of a conclusion that's good planning, I think it would behoove you to be able to visualize the property prior to sending that signal one way or the other. I think if you said it wasn't good planning without looking at it, you could do a disfavor to the applicant and conversely if you said, hey that's great planning without having seen the property, I think you could equally make a similar mistake, so I think it's one you might want to look at. Vadney – I don't want to split hairs on 1, 2, 3, 4, 5 numbers, my question's a little more philosophical. We're starting to see as you've heard the last few weeks, we keep hearing the word cluster and I'd have to say this is one of the most creative clusters we've seen. It doesn't seem to me that to fit any level of what we usually think of as cluster development, it just seems to be this is a creative way to cut up the lot and we'll see if we can use the cluster as an excuse. I'm not necessarily against that, but it seems to me that it starts to set a precedent where somebody can come in with 110 acres and start jacking it around in ways that you never would have dreamed of so it seems problematic. The two lots together, if you recombined them, probably wouldn't pass the 4:1 ratio for a single lot. It's a strange piece of land and the sketch here shows some substantial wetlands on it and Reservoir Brook draining into Waukegan and I think it could be setting a bad precedent for us to go the cluster route on this one. It just seems too creative to me. I'm the most flexible guy around, if you can convince me otherwise, I'll certainly listen but it just strikes me as being strange. Bliss – Mr. Chairman, the word that comes to me is hodgepodge. It kind of looks like it just doesn't fit with the wetlands. Wood – One of the things that we're aware of with the property is it has it's own limitations to begin with and we had to look at ways to get to the useable land and to the utilities without causing additional disturbance and this seemed to be a way to do it and then you get into the question of can you afford to approach it that way and I went over with Mr. Prescott very early on and I laid it out on the table for him. I said this is sewerage so you don't have to go to the State of NH except for wetland issues and maybe site specific depending upon how much road you build, how many feet of sewer you put in, does it add up 100,000 sq. ft? We certainly would have to go for at least 6 applications wasn't it John that I fed to you and I'm trying to get him to understand that no matter what we did here, whether it was single lots or cluster, that it would be awhile before he had his answer unless he wanted to attack all these things at once which I wouldn't advise. So we're trying to get started on that and one of the things we did not want to do was get to anything that resembled engineering design without having

talked to the Board. We're going to have to talk to the Conservation Commission. We're going to have to apply to the Zoning Board of Adjustment. We had a discussion with John some time ago and we know we're going to have to deal with the Selectmen. We know we're going to have to deal with the Highway Supt., although the driveway connection is not really an issue, it's not an unsafe area or anything, it's more a question of what standards do you need to access 4 lots. Is a hammerhead cul-de-sac adequate for 4 lots, actually for 2? I would agree with you that in order to meet the frontage requirements approaching it this way, we've had to provide some unusual arrangements of lot lines. Worsman – How many feet are between the wetland to get to Lots 3 and 4, what's the distance between that prime wetland and the property line? Wood – First, it's a named brook, I'm not sure it's a prime wetland. There's about 30' there that you have to work in. You probably would affect the buffer. The green areas on the plan are buffers, the blue are wetlands and so you would be into the buffer, there's no question about that, but the ordinance provides that you definitely can put a driveway in a buffer with just a special exception, they just review it. The road that you build is not 50' wide, it would probably be in its entirety around 20' looking at traveled surface, shoulders, maybe 22' so it would be our desire to sneak by the wetlands without going in it. If we go into it, we have another application to file with the State of NH. We will have to file with the State anyways up near the entrance to Reservoir Road because there the original driveway was placed through a wetland and permission was granted at that time. Bayard – The additional land to be added (inaudible) is that a continuation of the brook through there? Wood – The brook is the boundary. The brook is one boundary of that additional land. It doesn't provide any more buildable area, it does put additional land under some sort of restriction as far as its future use though so if Mr. Prescott were to pick it up and add it to the green area on the back of the property, he's in effect protecting a larger area of property against future use by other parties. Bayard – I assume you would have to make sure your math comes out right because it's a 10% bonus, not 10% less, there are some little nuances there. Wood – We've done it many times and I did go over it with John. I was approaching it from the acreage standpoint and he said it's really the units. I said in this case, John, because of the 2-acre per unit requirement unaffected by soils and slopes, you can do either one. You can work with the acres. You know, if you multiply something that doesn't make any difference whether you change one of them or the other, you still get the same ratio at the end. Edgar – The Planning Board may allow a reduction of the density requirements of 10% to encourage proper design and development. I guess that's kind of haggling around with Harry, just trying to figure out a reduction of the density requirement so in other words, does that mean if it's 2 acres, you take 10% of 2 acres and that becomes your unit density, 10% off 2 acres and then see if you have that for 4. Vadney – The answer's probably going to be the same whichever way you do it. Bayard – It's slightly different mathematically. The only reason I say

that is because we're playing with the 2 acres here and I want to make sure if we're going to play with the 2 acres, however we do it, it looks OK. Vadney – But that's a detail that whether it's.. Bayard – I don't want them to miss that detail then have us... Vadney – If it's a .3 bonus or .33 bonus, who cares. Wood – My question to John and ultimately to Code Enforcement was does the 2 acres mean that the rest of the ordinance doesn't apply and it's just 2 acres or does it mean that you start with 2 acres and then you apply the rest of the ordinance and in essence what John came back with and Bill Edney came back with was the 2 acres applies, but the rest of the ordinance is still in effect so then we said if we have a cluster, would we be entitled to a bonus if the Board agreed. We recognize that it's purely subjective, you have to be satisfied that there's some benefit to the community to do it that way and the answer that I got was obviously, you have to take it to the Board, it's their decision but we see nothing here that would prevent it, that's what Bill Edney came back with. Edgar – And not having the benefit of a plan, it was just a conceptual discussion. Vadney – Yeah, a guy comes in and says I can get 2 regular, but because of this and this and this, I can get 4 if I buy a little land, that fits that kind of description, but when you put it on piece of real real estate out there, it's a very odd shape. Vadney – Let me ask some questions. Right now, there's one house. You can get the second one by right. Wood – Yes. We might have to go to the Zoning Board of Adjustment for the driveway, but it's permitted by special exception so chances are they'd grant that. They granted it once before. Vadney – Are you talking about Unit 2 or Unit 3? Wood – Well, on the approved plan, I think it's Unit 3 because the plan was originally numbered 1, 2, 3 and this one was approved and the way to get to it was approved at the time that happened. Vadney – Right now, the house he lives in is Unit 2 and then the other lot right now by right would be up on the second piece of property and that would use a shared driveway? Wood – Yes. Vadney – Three would obviously, if he sold two lots instead of one lot, he'd make more money there. Wood – That would become 2. Vadney – But there would be a problem in that you'd then have 3 houses on one driveway. Wood – Well, I thought I explained that. We would upgrade the driveway to become a road so the only thing that would be on the driveway after that would be anything beyond the road and we would place #1 and #2 would derive their access from the road itself prior to the cul-de-sac. In rough terms there's enough money in that 4<sup>th</sup> unit to build a whole new driveway layout effectively? Wood – Right. Bring the road up and approach it that way. Bayard – It seems to me to get the cluster bonus, you have to have something special and to me, just because it's a way to fit something, isn't that special. The special things you have is the sewer and I'm not sure that's sufficient enough in my mind. This is an open discussion for ideas, one idea is put a conservation easement on the buffer and the wetland in there to the extent it doesn't have the driveway, that might be something... Vadney – You mean open to the public type? Bayard – Yeah, something like that or however you do it, I'm not exactly sure but

some type of a stronger easement (bonus) to keep it from cutting and stuff like that, that might be something that would allow for the bonus because I think we've got (1) you need something special for the bonus and (2) we're pushing a little bit because we're kind of circumventing the 2 acres slightly. Bliss – My concern was about the road and I know, Harry, you probably didn't mean to use the word sneak, but we have to have a clear picture of it and for us to have to explain sneaking a driveway through because it's going to be tight and the driveway does concern me going to that 3rd and 4<sup>th</sup> lots. It looks like it's in the buffer. Wood – Our intention would be to thread it through as close to the actual boundary as we could which would mean the minimum impact to either the buffer or the wetland if we ended up disturbing it. Right this instant, we don't know if we would touch the wetland in that area or not. We might, if we did it would probably be 3 or 5 feet, something of that nature. Sorell – Harry, if it wasn't for the Waukewan Watershed Overlay and you didn't have to contend with that, how many houses could you get in there. Wood – Practically, Roger, probably not more than 6. Sorell – So in fact the Town has put the restriction on this land. This land is sewered, it could be sewered and it probably could have Town water. Wood – Yes, and that would be the intention, to bring water to it. At the present time, there is no water to it. It's available, but John did not put it in, it's not being used. Sorell – That's what I thought. Wood – He did put the sewer in. He didn't have to but he knew he would be doing something else with the property further on in his life and he's reaching that point now, he has the property and it's his and it's under his control and now he can think about doing something with it. I'm looking at a small map that's in the back of our packet and when I look at that small map, it amazes me how many lots are already there and they are all residential lots except for Annalee's and the . I can't condone 6 lots in there, but I really don't have a problem even though it's a mixed up cluster, I don't have a problem with it being called a cluster development. Finer – I have a problem just in general with trying to squeeze extra house lots into an area that's supposed to be protected for our drinking water. You may have water, you may have sewer, you're going to do a lot of earth disturbing and that's all going down into our water supply. They are going to want lawns, there's going to be fertilizer, I don't think this property deserves any type of a bonus to be going through a wetland to get to the house. You're not just in the buffers, but you're actually crossing through wetlands and you're talking about taking an existing driveway, upgrading it to Town road standards which are all through a wetland now and is going to be disturbing it even more and I can't condone it at all. Worsman – I guess I have to agree with him. We finally put an ordinance in there to protect our water supply and it's not been in there two months and to start seeing us shaving pieces off that 2-acre minimum, it just is not what I think is in the best interest of the Town of Meredith. Wood – In defense of the owner, he started this last year. When it became obvious that the Town was going to do something or might do something depending upon the vote, I advised



him to wait. I said you'd be foolish to get halfway into this thing, have the Town approve it and whatever you've done is out the window because you're not going to, he wouldn't have reached the point where he had a vested right in my opinion so if you went to the 2-acre limit, if he got started and he wasn't up to the point where he had started construction the road, for example, he'd be out of luck so he waited and of course, it was approved. So now he has to deal with it in that form and that's what he's trying to do. He's just, before getting into it, he wants to get a judgment as to what might happen if he pursued that course of action and he's here this evening and he's watching and listening to every comment that's being made and he's going to have to make the decision which way to go, but we're trying to give him something to go on and that's why we're here. I appreciate everybody's comments, what they have said is adding up to a possible decision on his part as to how he's going to approach the property. Worsman – But even before when it was 10,000 sq. ft., you wouldn't fit one here, you might fit one or two here, but you still have to get past that wetland in the buffer to get in that driveway and you still have to upgrade that road through the prime wetland to get to anything so even if we hadn't changed the zoning, it would have been, I guess without walking it I probably shouldn't prejudge the project. John Prescott – I don't know if you understand or not, right now I've got two lots. Tomorrow, I get a building permit and I start building a house right there. I've got permission for the driveway to go right there. It's already done. I can start building a road right down there tomorrow, it's already roughed in, that's not going to get any bigger. You keep saying you're worried about going through that wetland; it's a done deal. If you deny me today, tomorrow I can build that road. You can't prevent me from doing it because it's already been done, that's a non factor right there, I've already been approved, I've already been accepted and it's already roughed in. Finer – We don't have to increase that by giving you a 4<sup>th</sup> lot either. Prescott – No, but I'm just saying, you keep saying you're worried about that road.. Finer – Yeah, I am and yes you can put it in, that doesn't mean Prescott – I'm not trying to be a jerk, but... Wood – It would probably have to be slightly wider, John, for two than it would be for one and I think that's the issue. There would be a slight increase in width and usage if there are two down there. That's the whole reason we're here anyways. Bayard – The other comment is I think more importantly, at least in my mind would be that widening on the front within a wetland. The second lot, yeah we've approved people going through buffers occasionally, I shouldn't say we, it probably ends up more at the ZBA and the Conservation Commission's input and all, that does happen sometimes, obviously someone allowed this initially. It might be a little harder nowadays but the widening of that as John said, you want to check to see if there's further restrictions, but just in general I have much more of a problem with that than I do on the access to the second two lots, but it's something you'd have to do under the current regulations. You'd have to do something similar to that or you can't come off of 104, you'd have to cross a

brook and all that. Kahn – I could comment but basically my comments are just going to rehash everybody else's, but my comments are as to whether or not it could be 6 ¼-acre units, I've got some real doubts with the wetlands and the wetland crossings and the buffers whether or not you could get 6 units in there, but it's irrelevant. I think that the bonus, however you interpret it, is for good planning and I don't think that helping an owner, which I don't disagree with the concept of helping out an owner, and enlarging into a road a driveway that crosses wetlands and wetland buffers and putting another driveway of size across wetlands and wetland buffers is good planning so my view is it's unfortunate, but I don't see that there's any bonus available here. Whether or not there's a cluster available, I don't see that there's any bonus available, it's imaginative but it's not good planning. Finer - It's not in the best interest of the Town and that's where I think the bonus should come in. Vadney – Okay. It's certainly problematic. Wood – We appreciate the comments that everybody's made and we recognize that there's no way that you that you can make a binding statement either way at this time, but I felt it was very important that we come in and at least air the approach and if we come back with a plan, it will be up to the owner to decide which way he wants to go based on what he's heard here this evening and he'll approach it whichever way he thinks is probably the best under the circumstances. Vadney – I will admit that our definition and understanding of cluster development is lacking and we're working on that, but this one without having a lot of knowledge about cluster, this one flies in the face of what you usually think of .. Wood – Usually have a prime area and I try to concentrate things in there while still providing some separation between the units with vegetation and berming or other techniques that can be used. If you start with no prime area, you have to look at what the ordinance will permit at all. Vadney – If, for example, that lower lot, the one that touches Reservoir Road, if that had no wetlands on it and you could put 4 units there, I would support that in a minute and that would actually be in keeping with the neighborhood and everything else. This other one is certainly troublesome and I think we heard from 6 to 1 which were leaning toward the negative so no decision. We're very flexible, we're very understanding and I think we try and see what you can do, but it's a troublesome one and I think for tonight about the best we can say is it's troublesome. Wood – That's why we're here. Edgar – Mr. Chairman, I'm happy to report that we do not have any new applications or public hearing requirements for the next cycle and I think that's the first time in modern memory that we've had a break. I think it's a little premature to suggest that the economy's tailing off and it's the beginning of a trend, but it's welcome nonetheless. What I might suggest, certainly there is the option of taking the night off, but what I would suggest in light of our discussion at the last meeting about possible zoning amendments and trying to come to an agreement as to how we might compartmentalize some of the prior submittals to Town Meeting, maybe we could just have that night focusing on everybody's thoughts that could be pulled together between now and

then in terms of do we include the Village District or Districts or not as Lou had spoken to, what are the most important points that we might want to break up into segments so I throw that out there as a suggestion that we not have any other agenda other than discussing the zoning and I'd leave it at that and the alternative to that would basically be not having a meeting. Kahn – Could you recirculate to the Board the packet of amendments that we had?

Meeting adjourned at 9:56 p.m.

Respectfully submitted,

Mary Lee Harvey  
Administrative Assistant  
Planning/Zoning Department

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

---

William Bayard, Secretary