

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Kahn; Touhey; LaBrecque,
Town Planner; Harvey, Clerk

APPLICATION SUBMISSIONS

1. **KAREN E. THORNDIKE 1993 TRUST** – Proposed Boundary Line Adjustment to reconfigure 3 existing lots into 3 new lots (2.52 ac., 2.35 ac., and 2.89 ac.), Tax Map U37, Lots 8, 9 & 10, located on Little Road in the Shoreline District.

LaBrecque – This is a Boundary Line Adjustment on 3 lots in the Shoreline District. Two of the 3 lots are lakefront and all of them are accessed off of Little Road, a private road. Lots 8 and 9 are vacant and there is a single-family dwelling on Lot 10. The BLA plan and abutters list are on file, application fees have been paid and it is recommended the application be accepted as complete for purposes of proceeding to a public hearing this evening.

Sorell moved, Touhey seconded, THAT WE ACCEPT THE APPLICATION FOR A BOUNDARY LINE ADJUSTMENT AND PROCEED TO PUBLIC HEARING. Voted unanimously.

PUBLIC HEARINGS

1. **ASSOCIATED SURVEYORS FOR CALVARY BIBLE CHURCH:** (Rep. Harry Wood) – Continuation of a public hearing held on May 27, 2008, to discuss and make a decision on the temporary building, the shed and details on what fencing is needed, Tax Map U07, Lot 50, located at 6 St. James Street, in the Central Business District.

Wood – We appeared before the Board at a prior hearing with two questions, one was with regard to a proposed bathroom facility on the Church and that was approved at the time of that hearing. There was also some discussion with regard to the Annex which houses our clothing center. At that time there was some concern by the abutter, Mr. Sleeper, with regard to his concerns regarding his view and the Board suggested that we get together with him and come to some sort of an understanding. We did meet with him and reached an agreement that we would put up a 6' high vinyl type fence, the top foot or so would be lattice so you would be able to see through the top part a little bit if you chose to. The positioning of the fence is shown on the revised plan, it would basically run from this clump of trees around to the large single tree which is adjacent to the stonewall. We propose to move the dumpster to an area in the front parking lot that does not have a parking space in front of it and we will enclose that with a fence. We would also place a pad underneath it. I was asked to recompute the acreages involved or percent of coverage on the upper right. There was some concern that we were at 69.75%, the majority of the proposed addition comes on ground that is currently impervious. There was a strip of grass right along the edge of the Church building which averages 6' in width, the addition is 40' long, 240 sq. ft. and we would be

willing to remove 240 sq. ft. from the paved area which would be North of the Annex and leave basically a walkway there instead of a 10' wide strip as is currently present, that would bring the net change to none. The Church also owns the adjacent parcel which is Tax Map U07, Lot 48, and 5,820 sq. ft. has permanently been encumbered with a view easement which is to be preserved as green space into the foreseeable future. That is not part of the main Church property but it does indicate a willingness to preserve the neighborhood and the amount of coverage in that area. Vadney - The numbers you've given 69.75, what parts of the main lot, Parcel C and Parcel D, are figured in when you make that number? Wood - None of it. Wood - The bottom figure shows the overall percentage if you include both C and D. LaBrecque - This project has been in front of the Board a couple of times. It started out on February 12th with a conceptual discussion followed by a public hearing on May 27th. At that time a conditional approval was given for the addition to the building, however, it was moved by the Board that this project come back, be continued to another public hearing to evaluate the temporariness of the temporary building in the rear, as well as give the applicant an opportunity to discuss some of the issues or concerns brought by the abutters that evening which include the dumpster and the fence. The dumpster has been relocated and the fence has been added. With regard to the coverage, removing an equal amount of coverage of what's being added and obviously the rest of the coverage on the site is grandfathered and predates our Zoning Ordinance so that would be a wash and obviously the dumpster in its current location would be approximately the same square footage as if it were moved. At the site visit, the Board was shown the location of the fence. There was an abutters' comment in regard to the fence and a few other issues that I'd like to review. Correspondence was received from Bonnie Calzada and her main concern was the temporary building. She didn't want it to be permanent and in this correspondence she's asking the Board to make sure it is temporary with a finite limit placed on how much longer it can remain. In addition, she mentioned the fencing around the parking lot and her concern with regards to the fencing that it look substantial, that it be well maintained, colored appropriately for the surrounding area and does not block the view of the parking lot from the street, which it does not. The limits of the vinyl fencing you can see in red and it goes basically along the stonewall on the corner of the property that abuts Mr. Sleeper's parcel and that fence would be located on the upper side of the stonewall as Harry demonstrated to us at the site visit. In addition to relocating the dumpster, I'd also like to state that it's indicated with a black line around the dumpster that a fence will be installed and the final plans should state that. Kahn - One thing Harry hasn't discussed and although it has been raised is the issue of the temporary building. Harry, when was that building put in? Wood - About 15 years ago. Kahn - With a 5-year permit as I recall. Wood - Yes, I believe it was to be renewed and it just kind of escaped everybody's attention. Kahn - And you're requesting 5 + 5? Wood - There's been several ways of discussing that up until now. We initially talked about a 5-year extension with the possibility of an additional 5 years. In meetings with Angela and John, John said something to the effect of he would just as soon see one figure and not worry about coming back one or two times. He

indicated in his opinion instead of having 5 renewable for 5, say 10 and get it over with. We would do it either way if there was a concern by the Board, minimum of 5 years. Kahn – I've looked at that building but I haven't been inside it, I have doubts whether or not the inside complies with current codes if it ever complied with codes but I understand that it performs an important function for the Church and the community and I think it's about time the Church faced up to the fact that it is a temporary structure and what to do. I'd be in favor of 5 years. Vadney – As I said at the last meeting, I didn't want to see a 5 and 5 option and it's time the Planning Board stands up and either says 10 or 5 or 0 or some other number like 7 but not waffle this to push off to some other Board and I will agree with Lou, to me its been there, we have a letter here, we've had other comments from the public about the "ugly" building and it is in bad repair. The Planning Board in general over the last many years has either ignored it or put it off one way or another and I think it's time to give a deadline, I'm willing to go with 5 years. Touhey – I think it was described initially to the neighbors that this was going to be a temporary structure when the structure was placed there. They have certainly been very tolerant with the inaction that the Board has taken over the years. I think what's to stop them from coming back if we give them 5 and 5, what's to stop them from coming back 10 years down the road and wanting 5 to 5 more so my feeling is that we should put a limit that whatever we do tonight, if we say 7 1/2 years, the structure cannot exist there after 7 1/2 years and there will be no renewal. Wood – I believe Mr. Donovan from Calvary Bible Church would like to address the Board. Donovan – As we discussed at the site meeting we are very much looking to set a date when that will go away. We're not trying to drag this thing out. It is going to take us some time to construct space and raise money to replace that. If the Board would agree to 7 1/2 years, we would agree at the end of 7 1/2 years to remove it, no extensions to be asked for. Kahn – I hear the 7 1/2 years but to me 5 is not pulling the rug out from under the Church. Five years is a long time. I'm still on 5, if this thing has been around for 15 years, I think 20 years for a temporary structure is sort of on the outside of temporariness and 5 years gives the Church plenty of time to plan to deal with this thing so I'm still on 5. Vadney – It is in bad repair, it does have code violations, it is ugly and it is temporary so I'm willing to stay at 5. Touhey – I have no problem with 5. Sleeper – Just to make it clear, after 5 years that's it, it's gone, no more renewals, we're done with it. Vadney – I don't know that we can tie the hands of a future Board with an absolute, if someone came in for a waiver, if another Board could approve it or not. I think we will approve it as far as we can vote tonight that it is done in 5 years and that gives the Church time to take alternative action. Kahn – I quite agree. I assume that in 5 years we could be overruled by a future Board but I think we can make it quite clear that our intention is that it be 5 years. Vadney – We have no way to give you a guarantee. Sleeper – Then tell them to take it off tomorrow that would be a guarantee. It's pointless because if you can't guarantee me something, I'm going to be back here in 5 years possibly. So basically my voice hasn't been heard nor the other abutters. Vadney/Kahn – I think you have been heard and I think some of us may be here in 5 years. Vadney – It would have been very easy for the Board to say 10, 15 or 20 years because everybody in Town recognizes it's a very important

function, it serves a great public need so we don't want to see it go away but we're recognizing that the ordinance doesn't really want it there, the ugliness of it and the repair of it are certainly questionable and we don't want to pull the rug out from under them tonight and say it has to be gone by Thursday morning, they are certainly good neighbors, they need a chance to come up with some new space or whatever so I think the 5 years is the best we can do and we are going to do this in relatively strong terms that if this comes back, the Town Planner checks the records to see what the record said before it comes to public hearing and it will say in there that we're pretty strong about terminating this thing in 5 years. Is that absolutely binding, no, but we do listen to past comments like that so I can't give you a guarantee but it's a very strong statement that we intend what we mean. Touhey – I would suggest in a couple of weeks you go up to the Planning Office and you ask for a copy of the minutes of this meeting. Public Hearing closed at 7:25 p.m.

Kahn moved, Touhey seconded, MR. CHAIRMAN, I MOVE THAT INSOFAR AS THE FENCE, THE DUMPSTER AND SO FORTH ARE CONCERNED, ALL THE OTHER REMAINING ASPECTS OF THE SITE PLAN AMENDMENT BE APPROVED AND WITH RESPECT TO THE TEMPORARY STRUCTURE AND THE APPLICATION FOR AN EXTENSION ON ITS EXISTENCE, THE BOARD RECOGNIZES THIS STRUCTURE HAS A VERY IMPORTANT PUBLIC PURPOSE AND A PURPOSE FOR THE CHURCH AND THAT WE HAVE NO DESIRE TO FORCE THE CHURCH INTO SPENDING A LOT OF MONEY AND DOING A LOT OF QUICK PLANNING, BUT 20 YEARS OF A TEMPORARY STRUCTURE IS RECOGNIZED AS MORE THAN TEMPORARY AND THEREFORE WE AGREE TO AN EXTENSION OF ITS TEMPORARINESS FOR ONLY 5 YEARS AND NO MORE. Voted 4-0 in favor of the motion.

2. **LACONIA AREA COMMUNITY LAND TRUST** – Continuation of a Public Hearing held on July 8, 2008, to determine compliance with conditions set forth in the Conditional Approval granted by the Board on 5/20/08 and the total amount of the Performance Guarantee for site stabilization, connections to municipal mains, road restoration and restoration of services for the mobile homes, Tax Map U11, Lot 63 and S14, Lot 29, located on Boynton Road in the Residential District.

Vadney – The applicant wishes not to go into a public hearing and will be making a request for a continuation. Mr. Reals is here and is going to make a couple comments on the status. We want to make sure all of the facts are on the table. Reals – We are making a request tonight to continue this public hearing to August 12th. We are in the process of reviewing a number of alternatives for adjusting the sewer and the road so we do not require as many easements as we are currently proposing and we need the time between now and the next filing to finish the engineering for those. We've had a couple meetings since the walk-thru and we're optimistic that we have a couple realistic alternatives, again where the easement issue will not be of concern. Vadney – Do you have any options you could make public to keep the abutters informed? Reals – The problem is that the water main

was put down the center of the road and we have to keep 10 feet away from the water main so that's forcing the sewer to the side of the road. We're coming up with ways that we won't have to force the sewer to the side of the road and if we don't, then we won't have to ask for easements for various properties. We are hopefully meeting with the Town later this week to explain some alternatives to the Town Departments to see our take on them and prepare something to follow up with the Planning Board so it can be for the meeting on the 12th. There are at least 10 alternatives. I'm here to also answer any questions about the walk-thru and explain the make up of the residents that we're planning to rent the apartments to. Vadney – I think the public would be interested in what the rents will be. Reels -Thirty-two apartment units will be constructed: Nobody in the existing park will be displaced. They will be paying lot rent until they set up a Coop for these homes. There are 8 units per building: 3 1-Bedroom, 17 2-Bedroom and 12 3-Bedroom Units. They are Townhouse style apartments and there are 7 handicap accessible units on the ends and the rents are capped by our funders. We get Federal tax credits through the N.H. Housing Finance Authority and they go with the HUD standards. The 1-Bedroom units would be about \$600, 2-Bedroom units \$750 and 3-Bedroom units \$900, including heat but not electricity. One person in a single could make up to \$11.00/hr. and a 4-person household with one wage earner could be making up to \$40,000. or \$19.00/hr. Once they are in the housing, they will not be asked to leave if their income increases but because of our funders we're kept at 50-60% of the median income in Belknap County. Kahn – I understand they are looking to be continued to the 12th. LaBrecque – Acme Choppers may come back on that date. The deadline is on July 28th. Vadney – We have a bit of a dilemma here in that the original continuation for this was only for the bonding for the road. We now are faced with some changes that may require going out the back way and it's almost like a look at the site plan again. LaBrecque – It was for bonding of the road, so it was for the performance guarantee of the improvements, connection of municipal utilities, the restoration of the road as well as site restoration and Boynton Road improvements, sidewalk. If that's not going to be done and the site plan is going to be impacted then potentially, however, our public hearing was also stipulated in the Notice of Decision that the Trust would be required to have a public hearing on the design of the road so we could set a public hearing on the design of the road and for the performance guarantee, however, if improvements are occurring outside of that road, then potentially it could be a site plan amendment if they're bringing sewer from another direction or if you propose to still bring sewer down the road, then we can potentially keep it the way it is. I guess we would have to determine that after they've nailed down an alternative. Vadney – It was somewhat implied when we used the term "we're reviewing the road", we thought all the utilities were encompassed in that road that we were reviewing the whole package. LaBrecque – We don't know if they will still be or if they won't. Vadney – If the sewer comes from somewhere else, it could be argued that's part of that original decision. I don't know if you want to go that way but I can see it's really an extension of the decision to change from one location. LaBrecque - And any other intricacies that may come with bringing the sewer from another direction. Kahn – I guess the

question I have is, clearly we're moving away from just a bonding issue, but it also looks to me like we're sort of maybe taking in an amendment of the site plan and how does that affect us in terms of notice and what not, do we have to renotify everyone? LaBrecque – Renoticing may not be a bad idea altogether just because I know some of the abutters faces and some of them aren't here this evening and they may be interested in hearing about the revised plan whether or not it affects the site. Vadney – I do want to make it clear to those here tonight that when we say we're going to renotice, we'll do the newspapers and stuff like that which you can all read, the actual certified letters won't go to all the people in that neighborhood only the ones who directly abut this piece of property so there may be some people who are certainly concerned citizens and live in the neighborhood but who do not directly abut and will not get a letter. LaBrecque – I would just like to make clear that if we're noticing for the design of the road and for the performance guarantee in addition maybe to a potential site plan amendment. The site plan amendment would be just to review that aspect that's being revised on the site plan, not the entire project all over again.

Kahn moved, Sorell seconded, MR. CHAIRMAN, I MOVE WE CONTINUE THE HEARING FOR THE LACONIA AREA COMMUNITY LAND TRUST TO AUGUST 12, 2008, AND THAT THE HEARING WILL DEAL WITH POTENTIAL AMENDMENTS TO THE SITE PLAN, POTENTIAL RELOCATION OR AMENDMENTS TO THE ROAD DESIGN AND THE POTENTIAL AMENDMENTS TO THE PROPOSED BONDING AND THAT ALL ABUTTERS BE RENOTICED. Voted unanimously.

3. **KAREN E. THORNDIKE 1993 TRUST:** (Rep. Carl Johnson)

Johnson – These 3 pieces of property are located in Advent Cove on Lake Winnepesaukee on Little Road which is a private road and two of the lots appear on a subdivision plan approved in 1973 and the other lot appears on a plan that was approved by the Planning Board in June of 1977. Currently, what I've highlighted in yellow because it's a little bit of a confusing Boundary Line Adjustment are the lots as they exist right now. One of the lots is accessed by a 26' wide strip of land that almost fronts on Little Road and comes down and has about 103' of frontage on Advent Cove. The other lot does not have lakefront. The pork chop lot is about 50,000 sq. ft. and the existing back lot is just shy of 60,000 sq. ft. Because of the work that was done to produce the plan in 1977, there's actually a very skinny sliver of land that was discovered that actually is a part of the old Young Estate and is attached to the large lot which is the 5.32 acre lot. What we intend to do is take the existing 3 lots and through the process of adjusting their boundaries end up with 3 new lots. What we're trying to do with the second plan I have here is to more adequately distribute the land especially around the two lots that are about 50,000 sq. ft. The result of the reconfiguration would be 3 lots, two of which have lakefront just like they have now and one back lot. Currently, Lot U37-9 is encumbered by a small wetland area that was delineated by Nicole Roseberry of Ames Associates and would make development of that lot a little bit difficult. You'd

have a very small building envelope and a very small area to get a septic system in there so this Boundary Line Adjustment is essentially to transfer what was the back lot from this area to the area which is directly south of the stonewall bisecting the 5.32 acre lot. That would free up the rest of the land to be added with the property that currently has 103' on the Cove and we would be adding a little bit of frontage to that lot to make it 121.47 in straight distance and about 130' in a curved distance. The other thing we would do is take this unusually configured finger which is to the south of Lot 9 and include it into this lot so you no longer have that unusually shaped pointy part of Lot 10 and it would give the full frontage of what we are now calling Lot 3 onto Little Road. Lot 3 would be accessed by the existing driveway which comes down through and we've identified a possible house and well location. We did have Dave Ames do some test pits to make sure we could demonstrate that all of the lot reconfigurations that would result could support a dwelling, driveway, septic system and yard and so forth and not encroach upon any of the existing wetlands. Lot 1 which has the existing Thorndike house, boathouse and dock facilities will be accessed off of this portion of the private roadway and through the existing driveway. Right now the house is utilizing two existing leachfields, one is right here and one is located on what we're proposing to be Lot 2. When we run this by the State of New Hampshire, the leachfield situation would have to be benefitted by easement or they would have to reconfigure a leachfield on Lot 1 to handle all the capacity that's currently existing in the Thorndike dwelling. The State does not have a limit as to how many septic systems you can have on a piece of property, it goes by the septic system loading and as long as the proper easements are in place, you could have more than one system on this lot. If this leachfield were sufficient for the house that would be on this lot and a new leachfield was constructed on Lot 1 to handle all of the capacity, they could potentially use that leachfield or construct another leachfield somewhere on the lot and we've shown an additional 4,000 sq. ft. area just to the southeast of the existing leachfield. In terms of the loading and because it's not a subdivision, it doesn't go by lot sizing at the State, it goes by loading. You have enough acreage in this to handle much more than the 3 dwellings that would be proposed on these newly configured lots. The well for the existing Thorndike house is actually on the south side of the stonewall and that would have to be benefitted by an easement unless they choose to drill a new well. When we were considering how to divide up this lot, it would really make no sense not to use that beautiful stonewall as the division line between the 2 lots because its there and is very readily identifiable. In terms of the lots changing size, the previously existing lot which is Lot 8 on the tax map is going from 50,000 sq. ft. to 126,000 sq. ft. so it is getting significantly bigger; Lot 9 is going from just under 60,000 sq. ft. to 102,000 sq. ft. and the existing 5 acre lot which is 231,000 sq. ft. is going down to about 2½ acres or 109,000 sq. ft. so we're more adequately distributing the good land in this 3-lot subdivision. In terms of access, Lot 3 would be accessed by the existing driveway off Little Road, Lot 2 would be accessed by a new driveway which also will be coming off Little Road. Lot 1 will be accessed by the existing driveway which is off of Little Road. Little Road, not being a Town road, a driveway permit is not required. One of the things we did do, because the 5-acre lot is now

becoming less than 5 acres, it would require review by the State of NH DES Subsurface Bureau and we would have to demonstrate we're not making that lot so small that it would be a non-conforming lot in terms of the Meredith Subdivision Regulations and the only factor that comes into effect would be the lot sizing by soils and slopes and using the worst case scenario. What we've done is some lot calculations to demonstrate that we do not fall underneath that threshold in the worst case scenario and as I mentioned from the test pits we dug out there, the soils are definitely not the worst case soils, they are very good soils. The primary reason we have the soils and slopes is to determine whether or not you have an adequate area to get a State approved septic system and that's quite evident because we do have a State approved system. Vadney – You were talking about an approved septic system, are you talking about the one for the current house? Johnson – The current house has two State approved septic systems. Angela has looked at the septic design plans that are on file with the Town. LaBrecque – Some of this just came to light this afternoon and this evening when Carl went and investigated the second leachfield and the well location so basically the existing dwelling had a leachfield where you see it closest to the house and that was approved in 1982 and then there was a two-bedroom addition put onto the house that required a larger capacity so a second leachfield and septic system was built that actually has a whole different line that connects from a different tank. Vadney – But it takes both of those to accommodate the existing house. Carl, what type of permit does the DES Subsurface Bureau issue or what type of approval is that and that's because you're decreasing the size of a lakefront parcel or because you're splitting the 5 acres into 2 ½? Johnson – The difficulty with the State's permitting process is they don't really have a defined mechanism for treating Boundary Line Adjustments. They only consider it a subdivision if the land that's being conveyed from one lot to another is going to be used for a leachfield so we believe in my discussions with DES that this would require DES subdivision approval, not only because of that but because in the normal sense you're not required to have DES subdivision approval for lots under 5 acres except when they are on the lake because under the Shoreland Protection Act all lots on the lake require subdivision approval. LaBrecque – I see that nearly the entire new parcel that's lakefront with the existing dwelling is almost all entirely within that 250' jurisdiction. Johnson- My guess is DES would issue a subdivision approval number for the plan. They don't always do that in cases of BLA's. As I mentioned before, the land aspect that they look at is more generated by lot loading than it is by lot sizing. Carl has pretty much touched upon everything and how this lot line adjustment will be happening and how the land is more evenly distributed at least the uplands are more evenly distributed. Proposed Lots 1, 2 and 3 meet the density requirements per the Shoreline District. Soils and slope calculations showing compliance with the minimum lot sizing shall be provided prior to final approval so we can be sure no non-compliant lot is being built. The numbers of each of the contours have been added as shown on this BLA plan received this evening. Just for the Board's information, a survey was submitted with the Wetland Scientist's stamp on it. Carl did mention that the sliver of land at the southern part of proposed Lot 3 will be a part of Lot 3 so the line is to be labeled as discontinued on the final plans.

Johnson – The course and distance has been removed from the plan because it was confusing. LaBrecque – Prior to final approval a subdivision approval from NH DES is required if such approval is necessary. Prior to final approval easement language for both the well that serves proposed Lot 1 and the leachfield that serves proposed Lot 1 shall be reviewed by staff. Lot 3 and Lot 2 both have 50' of road frontage. I'm not sure if Little Road continues around the corner or if that's all one long shared driveway for both the Little's and Schwager's as well as this property. Johnson – It is all one shared driveway that goes all the way down to the terminus of what was the lodge. LaBrecque – So the two parcels, Lot 3 and 2 both have 50' of road frontage on Little Road. Any existing driveways that access proposed Lot 2 should be labeled discontinued prior to final approval. The applicant shall provide a draft conveyance deed for staff to review and the executed deed shall be recorded with the mylar. The applicant shall verify in writing whether mortgages exist on the existing Lots 8, 9 or 10. If there are any mortgages, there shall be a satisfactory release recorded in conjunction with the conveyance deed. The surveyor of record shall provide written evidence that all pins have been set. Kahn – Why can't we give a conditional approval subject to conditions being taken care of by staff. Johnson – That's what we're all saying. Sorell – That house you have located, is that going to make it? Johnson – My conversations with the State in terms of Subsurface is there is going to be no review at the subdivision level whether or not a developed lot complies with the 25% lot coverage if in fact that is going to be enforced by the State. Subsurface is only going to want to see a 4K area, a building envelope and a well. Because we're aware of the situation, we're mindful in our development plans that when a building permit is applied for under the new regulations, each one of these lots will be able to comply. In the past with the lots being 50,000 sq. ft., it would have been problematic because 25% of 50,000 is not very much, 25% of 126,000 gives you a lot more flexibility in terms of your development. Vadney – If we go ahead with this, we are now approving a notional building site, a notional leachfield and saying as far as we're concerned that's a buildable lot but it depends to a degree at least on how the State enforces their Shoreland Protection Act. Johnson – Right now for every subdivision that the Town would entertain on the lake, you do not have in place nor does the State have in place a mechanism for the Town to be enforcing any portion of the Shoreland Protection Act with the exception of your conditional approval could say we approve this subdivision conditional upon meeting all provisions of the Shoreland Protection Act but that's not under your review. We are showing all of the setbacks that the Town of Meredith regulates in terms of setbacks from the lake. The Town's setback being 65' is greater than the State's setback of 50', the reference line, so there would never be a question in Meredith about that approval process. Kahn – It seems to me when we give our conditional approval, we make it clear that we are in no way taking any position with respect to the application of the Shoreland Protection Act. It's not a 250' setback, its still 50'. The development zone is now 250' and within that zone there are more rules than there used to be in terms of lot coverage, however, I will

predicate this that we're not even sure as I stand here that those Administrative Rules are going to be enforced in the manner we're all assuming and the State will tell you the same thing. Public Hearing closed at 8:06 p.m.

Kahn moved, Touhey seconded, MR. CHAIRMAN, I MOVE WITH RESPECT TO KAREN E. THORNDIKE 1993 TRUST FOR A PROPOSED BOUNDARY LINE ADJUSTMENT FOR THREE (3) LOTS ASSESSOR'S REFERENCE TAX MAP U37, LOTS 8, 9 AND 10, THAT WE CONDITIONALLY APPROVE THE BOUNDARY LINE ADJUSTMENTS SUBJECT TO THE FOLLOWING:

- (1) SOIL AND SLOPE CALCULATIONS SHOWING COMPLIANCE WITH THE MINIMUM LOT SIZING SHALL BE PROVIDED TO STAFF PRIOR TO FINAL APPROVAL.
- (2) THAT THE LINE WITH RESPECT TO THE SLIVER OF LAND LOCATED SOUTH OF PROPOSED LOT 3 TO BE DISCONTINUED SHALL BE INDICATED ON THE PLANS.
- (3) THE EASEMENTS SHALL BE SUBMITTED FOR THE EXISTING WELL AND LEACHFIELD THAT WILL BE ON LOT 2.
- (4) FINAL PLANS SHALL NOTE ANY EXISTING DRIVEWAYS THAT WILL NOT EXIST IN THE FUTURE AND ARE NOT SHOWN ON THE PLAN WILL BE DISCONTINUED.
- (5) THE APPLICANT SHALL PROVIDE A DRAFT CONVEYANCE DEED FOR STAFF REVIEW. THE EXECUTED DEED SHALL BE RECORDED WITH THE MYLAR. THE APPLICANT SHALL VERIFY IN WRITING WHETHER MORTGAGES EXIST ON LOTS 8, 9 OR 10. IF THERE ARE ANY MORTGAGES, THERE SHALL BE A SATISFACTORY RELEASE RECORDED IN CONJUNCTION WITH THE CONVEYANCE DEED.
- (6) THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO RECORDING THE MYLAR.
- (7) ANY NECESSARY SUBDIVISION APPROVAL REQUIRED FROM THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES SHALL BE RECEIVED AND DEMONSTRATED TO STAFF AND THIS PLANNING BOARD DOES NOT TAKE ANY POSITION WITH RESPECT TO WHETHER THIS BOUNDARY LINE ADJUSTMENT PLAN CREATES A SITUATION IN COMPLIANCE OR NOT IN COMPLIANCE WITH THE SHORELAND PROTECTION ACT. Voted 4-0 in favor of the motion.

Meeting adjourned at 8:11 p.m.

Respectfully submitted,

Mary Lee Harvey
Adm. Asst., Community Dev.

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

William Bayard, Secretary