

PRESENT: Vadney, Chairman; Bayard, Secretary; Worsman, Selectmen's Rep.;
Finer; Kahn; Touhey, Alternate; Edgar, Town Planner; Harvey, Clerk

Finer moved, Kahn seconded, THAT WE APPROVE THE MINUTES OF JULY 10, 2007, WITH ONE CORRECTION. Vadney - Note that Pam Bliss had stepped down and was speaking as an abutter and not as a Board member regarding the Eldridge subdivision. The minutes did indicate at the beginning of the hearing that she had stepped down. Voted 5 in favor, 1 abstention.

PUBLIC HEARINGS

1. **1ST T. DEVELOPMENT, LLC:** Rep. Don Jutton, Mark Gross and Continuation of a public hearing held on November 28, 2006 and January 23, 2007, for a proposed major subdivision of Tax Map R04, Lot 5, into forty-three (43) single-family, clustered condominium units located on Pease Road in the Forestry/Rural District. Application accepted on October 24, 2006.

Don Jutton - This property is located on Pease Road next to Oak Hill Golf Course and consists of about 170 acres. We are proposing forty-three (43) units which will be developed on 22 acres on the site. There were a number of outstanding issues when we were here last. The biggest issue of concern the last time we were here was water. We did actually pay the Town's engineer to do an assessment of the water situation. It appeared there was some hope, but we were informed today that the likelihood of public water being available on this site is pretty remote in the near future. We have retained the services of Emery & Garrett who will be providing John with a scope of work by Friday of this week and they will undertake a hydrogeologic study. They are confident there should not be a problem developing a water supply to serve this number of units. The second issue related to the desire on my part to retain ownership of a portion of this land and deed it to the project for conservation purposes. After consulting with my attorney, we have decided to discard that approach so the entire 169 acres will be deeded to the condominium association and there will be deeded to 2 abutters, a passive use easement, there will be no development on it, no extraction of gravel or anything. Our driveway permit has been secured from the State. A full traffic study has been submitted prepared by Steven Pernaw & Associates which demonstrates there is more than adequate capacity and no need for off-site improvements. Public Works did suggest a 50' shelf at the entrance which the engineer has incorporated. The last time here we heard from Mr. Collins, an abutter to the north, who was concerned vis-à-vis the location of his driveway as it relates to the road and we have offered and will go on record this evening as offering again to relocate his driveway at our expense either off of our road or anywhere along his frontage so long as it doesn't require thousands of yards of fill. We determined the first 600' of roadway down through and including a turnaround would be a public road in order to accommodate the potential for school buses and a point for delivery of mail and we've shown that on the plan. Beyond that, I think most of the other issues relate

to engineering. We have addressed a bevy of suggestions that came back from the Town's engineer. Mark Gross – As Don pointed out, the first 600' of road will be designated as a Town road with the mailbox location and also the bus turnout. That will keep those particular items off of Pease Road which the Board had concerns about. The remaining 3,000' of road starting from this turnabout at the end of the public street will be a private roadway. We are proposing that to be a 20' wide private road which we understand we will have to get waivers from the Board of Selectmen for that width. We are also proposing 2 driveways located off Ironwood Circle that would service 3 units and the second common driveway would service 6 units. We had a lot of discussion at the last public hearing with respect to that because both of those require a waiver from this Board to all more than 2 units accessing a private drive. In talking to the Fire Department, we would have to assign a name to at least this private driveway because it does have 6 units associated with it and we would need to assign a road name to that for the 911 numbering system. With respect to that, I believe both the Fire Department and the outside engineering consultant both kind of reviewed this with respect the viability and I believe the Fire Department and the consultant saw no issues. One of the other things that we did do with this private drive in particular is we made it one way. The reason for that is because the exit location here is at a fairly flat grade in that roadway so that people exiting have good visibility to exit. The second one accesses 3 units and would also be 18' in width and also be a one-way circulation. We have requested that waiver from the Board I believe during the initial submission and I do have the information here that we went through at the last meeting with respect to how we would accommodate those 6 units without a private drive. There was some concern from the Fire Department about the separation and the number of stories and according to NFPA #41, we have provided the property separation for the buildings which would be 30', but they cannot exceed 2 stories or I believe it's 30' in height. We have clarified in the notes for the Fire Department that any unit that has a walkout, the walkout is considered a story so we'd be limited to a 1 floor unit with a roof and then the walkout basement which would be considered 2 stories. For those units that do not have a walkout, you would have a true 2-story with the roof as long as it doesn't exceed 30' so we've made that distinction on the plans. Two 35-gallon cisterns will be provided within 500' of all the units. Four (4) community septic systems are proposed. All of the units are incorporated into the 4 systems. We are showing a well location and water system is shown in the roadway. We are providing sidewalks and curbing on both sides of the street for the main street. The common driveways would not have curbing or sidewalks. Lighting is being proposed for each unit and we would be proposing lighting on the town road. All of the items from your outside engineering consultant have been addressed and we're awaiting his response to the revised plans that we sent him. There are also some issues in terms of encroachments into the buffer which we've addressed on those plans and as recently as today, there were some other concerns that John had raised with respect to the limited common areas for the units extending into the wetland buffer. I believe there were 5 units that had issues: Unit #28 we've revised and pulled closer to the common driveway which we would name Copperwood Way and have

shown that the limited common area is actually outside of the wetland buffer. In most cases where these units butt up against the wetland buffer setback, the wetland buffer setback also serves as the limited common area for the unit. There were 4 other units that were of concern where the limited common area extends beyond the 50' or 75' wetland buffer and we've addressed that. This driveway was originally in the wetland buffer, we've taken that out, flipped a unit so the driveway is now all within the limited common area. Again, these two units we've addressed both the limited common area extending beyond the wetland buffer and it also reduced the size of the units to address the proximity to the wetland buffer as well. Those are some of the changes we've made as recently as today to address some of the concerns that John has had. Vadney – Do you wish to see any of the alternate driveway layouts he mentioned? Bayard would like to see the alternate driveways. Mark Gross discussed the alternate plans and indicated the preferred ones presently shown on the plans. The comment the Fire Chief made with respect to that is this loop road is a better access for them rather than having long dead-end driveways that they would have to go down to address any emergencies that might be occurring at those units (Option A). Option B was to put in another road with a right-of-way and put in a cul-de-sac and reconfigure the units. As you can see, it's kind of ugly. Most of the units would have to be relocated and moved around. We think the current configuration is better in terms of how they are kind of spread out and they actually fit in with the topography versus putting a road in similar to this and kind of forcing the units in a row-like manner. That's why we think the waiver would be appropriate. Jutton – What we're really trying to create is a neighborhood neighborhood. There are alternatives but in terms of creating a neighborhood, this is by far preferable so if you don't find it acceptable we'll go to an alternative but we demonstrated the alternative so that we could also demonstrate that our preference is to do this. This will never expand; this will be what it is forever. There's no place else to go as you move out there and one of the things we were trying to achieve with this is using some of the principles of new urbanism to create a neighborhood and make it small enough so it's intimate but give people their own private areas. Vadney – The only part of that I would take issue with is using the term "new urbanism", but I actually do like this layout. The Fire Chief has confirmed that this is better for him to have the loop road, it puts fewer curb cuts on the main road and I would not like to see us wiggle around trying to fit some relatively artificial rule and make a layout that isn't very functional for the citizens. I think this layout would be the more functional one. Touhey – The Selectmen have determined that we only permit 2 dwellings per common driveway. John, can you explain how that came to be, what is the historical perspective there. Edgar – I wasn't here when the rule was adopted. The regulation that you speak to is a subdivision regulation found in the definition of a street and basically streets which are subject to road standards are that which exceed no more than a common driveway to 2 units. What complicates things is with that said, we then have the Selectmen's road standards and our practice has been while we are engaged in the discussions that will end up in a result that will rewrite those regulations. For the time being, we have the Selectmen's ordinance that deals with a one size fits all approach. We have a standard for the most part in the regulations that speak to 2

10' lanes and 3' shoulders and the Selectmen's regs go back far enough where they probably hadn't envisioned villages and clusters and that kind of thing. The only history we have as a Board in going beyond the 2 per driveway in recent times is the project on Powers Road where there were different circumstances but circumstances that suggested for a 100-200' stretch, a third unit would be permissive and the Board had recommended that back to the Selectmen. The Selectmen's road standards deal with a 50' ROW, they deal with the cross-sections that I mentioned so our practice has been up until we get the regs rewritten, we defer to those standards back to the Selectmen. In many of our subdivisions, we have nipped a few feet off the cross-section going with 9' lanes and so forth. I don't have a history as to when the common driveway provision went in. It is a subdivision reg in the context of how a street's defined. We then kick over to the Selectmen's street/road standards and when we have things that don't match the one size fits all, we bring it to the Selectmen. I would point out a couple of things. This is a cluster, it's not a conventional subdivision and the whole idea behind that is in part to create a more compact environment, not necessarily more units but a tighter alignment which would lend itself to this line of thinking. Secondly, if the 6 units were to be allowed off the loop, there's two conflicting dimensions in the text, one is 18' and one is 20', but even if we pick 18' that's a one-way road. That's 18' of traveled way for a one-way road. A conventional road would be a 9' or 10' travel lane so 18' although it's less than a two-way 26' wide road with lanes and shoulders, it's still substantial especially in light of a one-way loop. Vadney – I agree and I think we want to be careful not to set a precedent that any time somebody wants to put 4, 5 or 6 houses on a driveway that we would roll over and let them do it so I think we need to be careful and document the fact it's a one-way 18' road with better access for firefighting. Edgar – The fact it's a cluster, it's essentially density neutral worth it. Vadney – We certainly make allowances like this if it was a long skinny stub of a road, dead-end and they wanted to put 5 or 6 houses on it. I have a question about the easement. Is that easement with the current owners or in perpetuity? Jutton – In perpetuity. It will extend the 2 properties. What's the status, John, on the 600' of public road? What action have the Selectmen taken or the road agent to agree to plowing, etc. Edgar – That issue has not been addressed. The discussion from the applicant's perspective on the public road had to deal with the fact that in order to accommodate a public school bus and mail delivery, preferences were for it to be on a Town road. As I've mentioned previously, this Board cannot guarantee the actions of another Board and all roads are considered private until such time that either the Selectmen or the Town Meeting make a decision to assume maintenance responsibilities. They can design it and offer it as such but in the first instance this Board has to look at it as a private road network. They can begin that dialogue with the Selectmen and advance that but at this point that has not happened. Mike has made general comments that he'd like to see these as private roads just to lessen the impact to the community but the decision is the Selectmen's. Jutton – Let me clarify. It was not our intention to make it a public road, we were able to get the Post Office to agree to deliver mail as long as we constructed it to Town standards and then the School District said they would not pick up students even if we provided a space

down there unless it was a public road. Vadney – As John said, we have to approve the thing as a private road so you should be aware that if they don't go there, will you be prepared for the kids to walk up the hill or whatever for the school bus. Bayard – The yellow area that's going to have the easements on it is going to be deeded to the condominium? Jutton – The entire 169 acres including the only issue is that you heard at our last meeting there had been some pre-acquisition agreements so this will remain in ownership but there will be some limited use easements associated with that. Kahn – We were given back in January a copy of the agreement that you had with the Granfields which talked about 8 acres and it was designed to give them exclusive use of those 8 acres, now it's become 10 acres with also some sort of exclusivity. I have a real problem with that because it seems like a subdivision within a subdivision. I'm going to keep the title but I'm going to give all the rights to use it to somebody else but the condominium association will pay taxes on it, it will probably be in current use but it's a very odd creature that you're proposing that we create here. I wouldn't have any problem for you to give a view easement because a view easement doesn't keep anybody from going on the property. Here, you're going to fence it off so that only the Granfields and Juttons can use it. To me this is a subdivision, I don't have any problem with it if you want to do it, but I don't think it should be part of the basis for determining the number of units here. When you had only 8 acres, it was mostly wetland and maybe you were talking about one unit but expanding it to the south, you've included a good deal of dry land and now maybe you're talking 2 or 3 units. I would not vote to approve this on the basis of this easement. If it were a view easement, I would have no problem with it, but it's like saying I've given somebody a ROW across the land and I'm going to take the land under that ROW and use it to determine density for units. I couldn't go along with that. Jutton – When we were last here, the 8 acres related specifically to Granfield. The actual easement we were talking about the last time was substantially larger than the 10 acres so its shrunken. May attorney researched it and she advises me that this is legal under New Hampshire law and hence we're proceeding in that direction because the Board raised questions about how I was trying to proceed with it. If you have walked the land, you will know that this area is a field, it's a wide open field that's largely wetland soils but it is nonetheless an open field. Everything else is heavily wooded and there's a tremendous amount of wetlands so the likelihood of this being some disservice to the folks who live down here is pretty remote and frankly, I'm the person that has to market and sell if someone finds that objectionable, then I'll have to explain it away. Kahn – My concern is not whether the condo owners disserved, my concern is that you've developed a really unique way of subdividing within a subdivision and in effect having your cake and eating it too with respect to the density and that's my problem, not whether or not the condo owners are going to be permitted to go on the property. The fact of the matter is since they are not permitted to go on the property, it's somebody else's property, you've conveyed it away and called it an easement instead of fee simple, you've given them an exclusive easement. Jutton – The way I look at it at this point in time, nothing could happen on that land before I granted an easement and nothing will happen on that land after I've granted an easement other than you're perceiving that it

somehow is too creative. As I understand it from my attorney, it is within the law, it accomplishes what I was trying to accomplish with the two abutters and it accomplishes from what I understood from the last time I was here, the Board wanted to see the entire parcel in the ownership and under the control of the condo association. There are provisions in the easement that they must provide insurance coverage to the condo association and if they fail to do that, then the easement is voided and essentially the condo association takes it over. Vadney – I agree with all of that and I don't think there would be a legal problem doing what you did other than Lou's major point that it possibly shouldn't be used for density calculations. That really is the point. The idea giving the easement is not a problem but then using that land to justify density is a problem and we better be very clear on it from a precedent standpoint. Worsman – I'm entirely in agreement. I'd like to see it redone excluding the easement bringing the land down to 159 acres and work on your yield plan based on 159, but secondly as much as I understand the purpose of the one-way driveway, we're talking an additional 2 feet to go to the 18' driveway and if we're going to make an exception to bring it to 20' roadway A roadway is supposed to be 50 feet. If we're making an exception to bring it down to 20 feet that in itself is quite an exception for the Town but to go to 6 units on an 18' driveway, if one person has a party, you've got cars lining the entire loop and I think that's compromising too much. My feeling is that shouldn't be considered a driveway at all, it should be widened to be considered a roadway. I you want to make it one-way, fine, but it should still be at least 20 feet. Vadney – The ROW is usually 50' and in this case the ROW is "0". Edgar – That is correct. The extension of that discussion would be OK what are we trying to avoid by not having a ROW and that's really the root of the analysis in showing that it's essentially density neutral. I think if you could put the cul-de-sac example up there, now here again maybe that's not exactly how one would ultimately build it, but I believe the cul-de-sac example does show a front setback that would be typically applied from a typical ROW if I'm not mistaken, is that what we're looking at Mark? That example basically suggests that it was essentially density neutral, that they could theoretically comply with a conventional ROW and front setback so if you accept that at least for the moment, then the question is whether or not that is the best plan. That is sort of where you were going, Herb, I think is trying to look at what are facts underlying this scenario so that it's not just an absolute precedent. To some degree, precedent can be a good thing. These things are not uncommon in clustered environments or what otherwise is referred as Planned Unit Developments. The issues as to how the easement would work, it would be helpful for us to have a proposal in writing so we can evaluate that and that was something that Tim had recommended. I had asked him about the very subject that Lou was driving at and Tim's view was that we need to know specifically what they are looking to do and it was offered up in months past to have the attorney work with us to development something that at some point we would have something in hand that could be reviewed so I think we need to get to the point. I do agree that the legal review would be appropriate. As it relates to the open space, a similar comment that valid concerns have been raised about whether or not it can be resubdivided, whether or not it could be built on, what provisions there

would be for wildlife and things like that and typically in the condo declaration where we would have some descriptor of how the common areas would be managed, that's where we'd look to see various provisions and I've clicked off a few in the staff review, but here again we're at a point in this review where we would want to see a draft of that information. As Mark had indicated, there were several encroachments in the 50' buffer on the lower end of the road. Several features were taken out of that perimeter to try to lessen the impacts on the abutting property. There was part of a retaining wall in the buffer, some drainage improvements, some grading and all of that has been pulled back out of the buffer. Gross - We had been requested by the Fire Department for greater separation between the buildings so a lot of that has happened as a result of this. They have addressed a concern on the wetland front: Limited Common Area is essentially going to be an area that it's owned by the condo, it's part of the common area but it's limited to the use of the unit owner. In the case of a single-family condominium, the limited common area functions as your yard. It's your space subject to whatever restrictions are in the documents. Because some of the limited common area in 4 or 5 examples had extended into the wetland buffer which is upland, they could view that as their space. To try to avoid future conflicts and to get our arms around one cumulative level of wetland impact, we had recommended that they make some modifications to those legal lines on the plan and clarifications in the condo documents that we don't go into these buffers. As it relates to the water, it has been widely reported that the Selectmen have been wrestling around with several municipal water capacities and the analysis has been ongoing. Most recently the Board of Selectmen in consultation with the Town Attorney and the Water Department's engineer had voted to adopt a declaration that effectively says that if the proposed water demand of a project exceeds 10% of available spare capacity, then they would not be provided water. As I understand it, it's one of a couple breaking mechanisms are working on to make sure that they can maintain their first priority, the existing people on the system and those that ultimately already have building permits. The Selectmen continue to work on these issues and they've indicated until further notice, no new development that would exceed that 10% threshold would be permitted. It's been described to me as an interim measure. The Selectmen continue to work to get their arms around the capacity number. Part of this analysis has uncovered that the Water Treatment Plant is not operating at its fullest capacity so they are trying to get a feel for what the operational issues are and once that's figured out, what the implications may be to the long-term capacity questions. They are also working on a possible ordinance amendment. While the Board is working on the capacity and the plant issues, they are also discussing and reviewing publicly draft policy that would at some point potentially manifest itself as an ordinance amendment. They haven't said absolutely "no", but they have basically said if you hit this 10% of the spare available capacity, then the answer would be "no". With that said, this proposal has been initially presented as a well and the municipal water was being evaluated as an alternative to what was initially presented. We heard significant testimony from neighbors relative to well problems, particularly the Sky Acres subdivision which abuts the property on the other side of the width of the green space. I

discussed with Diana Morgan at DES and typically in a case like this where there are concerns about possible impacts to abutting wells, there would be some level of an impact analysis on those wells and the way that process was described to me and I'm not an expert in this, but the way it was described to me is when somebody goes to develop a community water supply such as the one we're looking at here, the first step is to identify the location of the well on a map and the state reviews that in terms of any potential environmental threats within a given radius of that well. When that process is finished, they would then go to drill a well and then there would be a pump test on the well to determine what the yield of the well is. In normal circumstances, the purpose of that test is to confirm that you have sufficient water supply to serve whatever the given demand is. In this case because of the concern that was also reinforced by DES, they would share the concern because they are aware of the Skyview Circle file and the way it was described to me was in a case like this there would be monitoring equipment either installed on, next to or in a wellhead of a private well of concern and as the source well is going through its pump test, the level of the wells of concern would be evaluated to determine whether or not an aggressive pump test on the source well has any hydrological effect on the well. In other words, are we all tapped into the same crack and drawing out of the same water or are we at different depths and different aquifers. When I had spoken with Mr. Jutton, I would like to touch base with the folks that would be doing the analysis and I would like touch base with DES on that. I feel strongly that the results of that analysis needs to be discussed at a public hearing and in discussing this with Diana Morgan, she had offered to participate at a public hearing to offer the state's perspective on whatever the outcomes are. Bayard – I was under the impression and there's a letter in our packet regarding the blowoff, I believe one of the options was to take the water from Livingston Road and the fact that we are currently blowing off a considerable amount of water there, might offset some or all of their usage and therefore it might relieve a lot of the concern about excessive takings from the current system. Is that something that would still be on the table or has the Selectmen's decision taken that off the table? Edgar – I don't think anything is absolutely off the table because it comes down to what is the effect on that 10% capacity. There are other considerations that the applicant has to consider, one of which is certainly the cost issue. This would probably be somewhere in the magnitude of a ¾ million dollar investment to bring water to the property so there are several variables. I don't think it's an absolute that you can't do it, I don't believe the Town is probably in a position to directly contribute financially to that extension because of all the capital needs that are obviously more pressing as it relates to water so the applicant certainly can continue to further the dialogue with the Water Department. At the end of the day, we would need some verification from the Selectmen that for whatever reasons they have water allocated or available to them or they would go down the role of the well. I don't think it's absolutely off the table, but there is a lot of uncertainty and how long it's going to take to resolve that uncertainty, I don't think it's going to resolve itself overnight. The other side of it from the utilities point of view is if we're dumping X amount of gallons in the ground for purposes of blow off and we could turn that around into revenue, that's not necessarily a bad thing. Whether or not that would eliminate

the blow off altogether, I think there's a difference of opinion between Bob and Ray as to whether or not 43 homes would eliminate the blow off and give us a savings as far as that goes. I think we've addressed the waiver issues in terms of process wise in terms of how they would go. Maybe Mark can give us kind of a quick summary as to how the drainages are going to be handled. There was a comment in an earlier hearing from an abutting property below right on the bottom side of the driveway coming in and if you could provide us with a brief overview as to how the drainage will be captured off of Pease Road, how it will be managed, how it will be discharged and whether or not we anticipate any downstream drainage impacts.

Gross – In terms of the drainage system, all the roads will be curbed and have catch basins that will collect the runoff from the streets. There will be no runoff that will go to any of the adjacent properties and we're collecting that and treating it through about a dozen treatment swales that we have in the property and basically this whole site drains from east to west and then goes into this large wetland system and travels downstream. We're currently looking at the downstream culverts on Corliss Hill Road to assess what happens at the fairly large tributary area to those culverts, as you can well imagine, it's not just this property but pretty much all the property that's pretty much west of Pease Road that travels down to that area so we're looking at what the off-site impacts are for that but essentially the treatment swales, the off-site or on-site collection system will prevent any runoff onto the adjacent properties, particularly at the entrance road.

Edgar – Another issue that I raised previously and I've spoken with the applicant about has to do with the erosion control for the project. This is a very critical element from my perspective, we haven't had the best of luck with some other larger projects when we've gotten hit with very large rain events and in this particular case we have somewhere in the order of 4,000' of road in total, I think the drainage report indicated about 780 sq. ft. of disturbed area when you look at all the dwelling units, drainage and road improvements. We have a reasonable slope to the property, we have a hardpan soil type with a relatively high water table and a fair amount of wetland on the property as well as some wetland and wetland buffer impacts that are anticipated so with all that said, the management of the site from a construction point of view will be very, very important. The applicant had indicated earlier that the project could be constructed in phases over 3-4 years and I've suggested in the staff report, raising the question rhetorically, how would that occur, what would be phases, would there be earth disturbance, would it be some infrastructure phasing, exactly how would that work out. I believe that a very construction specific sequencing, project phasing and stabilization plan is an important element that we would need to focus on as the review process continues. We have standard requirements in our processes relative to our performance guarantees and whether the applicant would choose to build under a conditional approval or under a final approval with a full guarantee, that decision would have to be made and we would get into those nuts and bolts at a later point in time. As I've indicated before, it's appropriate for us to request draft legal documents as it relates to easements, a letter proposed as it relates to the condominium declarations, the emphasis in the declaration would be things that we'd be looking for would be to make sure we've reserved necessary easements over the property for utilities, slopes and the like,

kind of a blanket easement provision. We'd look for statements regarding the private maintenance of the roads until such time if and when the Selectmen were to decide to take it over, all or any part of it, we'd be looking for clauses relative to exactly how the open spaces would be utilized. We'd be looking for provisions that would state there would no building in designated green areas, that there would be no subdivision and that type of thing, as well as what I mentioned before about the wetland buffers, no additional encroachments into wetland buffers beyond whatever is permitted at the outset of the project approval. As was indicated, the Fire Chief has reviewed the plans, several issues had been previously flagged and they've been addressed to the Chief's satisfaction and you have that documentation in the packets. I think there's significant information that needs to be submitted to the Board for review and discussion at the public hearing and that would include the results of the groundwater impact analysis that we spoke of if the applicant decides to go in that direction, if for whatever reason they can get an approval from the Selectmen and pursue water, we'd need to review that component if for whatever reason that option was chosen. We do need the submission of draft condominium declarations and other related condo documents and any proposed easements, the project phasing plan and erosion control relative to what I have just described. Our engineer has received the revised plans and he will be back from vacation on August 1st and will be doing his final review and then the standard performance guarantee estimates that would come at a later date. If the Board were to continue the hearing to allow time for submittal of this information, we would need to project it far enough out into the future and that would be a dialogue the Board would have to have. Finally, I've flagged for the Board's benefit and for the applicant's benefit that 676:4 provides in part that the Planning Board act within 65 days of acceptance. Obviously, we are well beyond that with the applicant's knowledge and consent so to clean up the record as far as the timeframe we're working on based upon how you look at the next continuance, there should be a discussion with the applicant relative to what's a reasonable time to mutually agree to the timeframe within which to make a decision. Kahn – I'm sort of surprised by this letter because it says if you exceed 10,000 gallons/day, you're out but I recall last night the number was 12 or 14 is that correct? Worsman – 10% of the balance of the remaining amount. Kahn – But 10% of the remaining amount was calculated at 12 or 14 thousand gallons is my recollection. How long that rule will hold, I don't know but as established it doesn't support the letter saying that you're out of the box, 10,000 gallons is not out of the box at least not as of last night. Kahn – It was over 100,000 gallons they had calculated as the remaining capacity. Worsman – That's correct, but the demand for their project is gross numbers and the projections we have far exceed the capacity that we have. Kahn – I just recall that the number per project last night, the cutoff numbers were something like 12-14,000 gallons. I've got to warn Mr. Jutton that that holds until the rules change and the rules are in the process of changing. Vadney – Would you prefer if it's available to pursue Town water? Jutton – I initially inquired of the Town and was told that there was not a possibility of connecting. Subsequent to that I received a letter from the Town suggesting that perhaps there was a possibility that there was a blow off in Meredith Center and if I was interested in pursuing it, send a check. I

send some money for the engineering study and they came back and indicated there were 3 options and the only viable option was coming up through Meredith Center and it required a pump or lift station and so I asked what they thought it would cost and was told somewhere in the vicinity of \$300,000.00. I then went out and had my environmental engineer chart a course, I contacted an abutting property owner and secured a tentative agreement for an easement and we laid out a potential water line, calculated the cost and frankly paying 100% of the pump station would put it over any kind of reasonable amount, however, I then proposed to the Town that since the amount of water they are pumping away is worth \$20,000-\$25,000 a year, perhaps they would be willing to split the cost. They would realize half of that revenue and we'd do a betterment against the properties to go in that direction. Then things got a little, whatever happened, happened and we went into a "no water" moratorium and I was called this afternoon and told that the project could not be considered at this time, there was a lot more study to be done and that we probably should pursue an alternative course. Edgar – There shouldn't be an excuse for the confusion and to be honest with you, I've been confused along this path for the last couple years myself. The best I can do is to ask Bob to confirm exactly where we are relative to the issue that Lou raised as to whether or not there is any eligibility of this project. My understanding was that the declaration that said there would be no further new development if the projects exceeded that 10% of the available spare capacity and I think that was the number that was presented at the workshop was somewhere in the order of 140,000 which would establish a framework. It's a fair question, I know I don't have the answer and I'll try to provide that for the Board for the next meeting or for the applicant's benefit, try to provide it in a very short order. Kahn – I would simply add, it was my understanding that the number was something like 14,000 gallons/day but as I said that's subject to change as soon as a different policy is adopted so you may not be willing to wait for that. I certainly think if we're blowing off 10,000 gallons/day in Meredith Center and that gallonage can be put to use and charged for that we might think about some exception to the strict rule where you can net out water that's otherwise going to waste. It's going into Winnisquam and not doing anybody any good. Perhaps a firm and fixed rule that ignores the use of the blow off water is really not in the Town's interest. How long Mr. Jutton is going to wait around to see what the rules are going to be, I don't know and I don't know whether or not his position as to how much he's willing to pay to bring Town water in, how that works out as to how much it's going to cost him to dig wells and set up a community water system. I would think in his favor, his neighbors who are having problems getting water will probably rest much easier if he's not drawing from the same aquifers so I think it's not just a matter of taking care of the developer, it's also taking care of the neighborhood, that's probably Sky Acres, it's probably along Pease Road, maybe there are lots between his proposed subdivision and the waterline on Corliss Hill Road that we'll also effect. Bayard – I just want to agree with Lou, I've followed the water stuff myself and there certainly are a lot more questions than answers. I do tend to agree that a lot of the blow off could be used for this project, but I think there's going to be a serious concern no matter what results come back from the well test, there are still people that are going to be concerned. It does appear to

be a desirable alternative but John's comment about all of the projects that need to be done and there are a lot of water projects that are coming out so it would take a lot of discussion and review if there were to be any type of betterment. Kevin Collins, 136 Pease Road – I'm the direct abutter to the driveway that's going in. I have a lot of concerns about this entranceway. We seem to be talking a lot about this down here but nothing about the access. My property line runs 313' down the side of that road. The way the road is set up now that's currently there, the sides of the road are about a foot away from my property line so I'd like to know how you plan on putting a two-lane road, sidewalks and the side slopes that are going to fit in that 50' section of area. Edgar – The road designs are in the application but your engineer who did the design is sitting in the room so Mark could you speak to that. The roadway including the pavement, curbing, and sidewalk, actually there is no sidewalk now because of the issue of the bus drop-off at the end of the cul-de-sac, the roadway which is located within the 50' ROW, actually it's a little bit wider than 50' at the entrance and then tapers down to 50' beyond Mr. Collins' property. All the pavement, side slopes, landscaping and slopes down to the right-of-way are all contained within the ROW. Collins – I'm assuming these are all going to be plantings, is that what you have in mind to protect my property from the rest of this? We measured from my pin down here 313' to the pin on the other side and that was 50' in this general area. As far as my driveway being relocated, I'm going to have to fight to get onto this road and I'm going to have to fight to get onto Pease Road, that's just more of a pain. There's no place in front of my house that you're able to put any kind of a driveway, it's an embankment like that. Lucien Groleau – I was an abutter, it's now my son's property, he's the abutter on the other side. Our concern is we've seen a lot of details on the specifics of each of the units and the driveways, we've heard very little discussion on the details about the entranceway. We have concerns that with the entranceway, specifically where the actual stakes are going to be, what the entranceway is going to look like when you come in. Could you explain to us where is Kevin's property line and where is our property line? Gross – The road is pretty much centered within the ROW and you have again at the entrance you have 16' and 12' and that was recommended by the Traffic Consultant at the entrance so with that you've got 28' which leaves you and I believe the width is about 55', that leaves you a little over 26-27' for slopes for the landscaping. Generally, when you get into the 50' ROW which is down here, you end up with about 12' beyond the pavement on either side to the property line. Boundary lines are the dark lines along the road and also define the ROW. Collins – (inaudible, no mike). (Groleau showed pictures) – When you look at this picture, the road (Pease Road) looks fairly straight but when you take a picture of it, you can see you've got a pretty good curve here. The question asked was if the school bus doesn't go into the development, you mentioned it is no problem for the kids to go up to the road. Where are they going to stand and how many children do you think are going to be coming up from the development standing on this corner, how many different times a day for the different class levels for the different buses that are coming. The only room you've got is in front of Kevin's house right at the corner. The other situation I wanted to point out was if you take another look at this picture, it shows the decline that you've got coming out of the development onto

this corner. By the way, it takes 4-7 seconds because we've timed it for a car to come around this corner which means you cannot back out onto this road. Also, if you take a look at this picture, you'll see Kevin's SUV trying to get out of there in the morning. If there's any inclement weather at all, that 4-7 second window in the dark or in the rain is dangerous and you're going to have a school bus here. My question is how many children are going to be walking up this road standing on the corner waiting for a school bus especially when we see traffic backing up and they come across this corner which is a blind spot and they don't see if it's 4 or 5 cars back up. It looks like you could just drive around them, but this picture shows the embankment off the side of the road which drops down about 8 feet. It's all sandy. On this side you've got drainage ditches. These drainage ditches go down through this property that abuts this corner, there's two major drainage ditches and it comes back through here. Where does the drainage go through for these two ditches, I don't see them on the map? Gross – There's a culvert that runs under Pease Road that drains down to here and then there's another drainage ditch that comes across. Groleau – And that's where the culverts going to be? Gross – yes. The big things we're concerned about are the curve, embankments and the fact that this road even during motorcycle weekend is used as a bypass for Meredith and we get an extraordinary amount of traffic. There's a lot of road rage and speeding which I mentioned the last time. We would like the Board to come and take another look at this road from different angles to verify the safety of this. WE are concerned that as the development gets bigger, we could be bamboozled into issues which might involve encroachment on our existing property and I don't want to see that 2-4 years from now. There's a lot of thought put into the development trying to make nice homes for people and I have nothing against that. I just want to make sure that those of us that are living there don't have our lives turned upside down because of these kinds of things. It's a safety issue and we really do see an awful lot of speeding on this road. Collins – The entranceway is my biggest concern and how long it's going to take to get my privacy back once they start tearing out what's there now. Groleau – Kevin did find a new stake on his property and he just wanted to make sure that was included in the surveying as far as the dimension for the width of the road. Vadney – Because of this issue on the width of the driveway, the ROW and the narrowness of it, we might want to think about doing a quick site walk at least for that entranceway so before we close out tonight, let's discuss that. Kahn – It ought to be staked out so that we can see it. It seems to be an issue as to whether it's 52' or 45' wide. Bayard – That utility pole does appear to be smack dab in the middle of everything. Typically, utility poles are further off of the paved road than that. I think that's something that ought to be looked into. Judi Tucker – Not only is safety a concern, it is a major concern for us because that road is heavily traveled and since the traffic circle's gone in, it's even used more and there is a lot of speeding on that road so if there's going to be a lot of kids coming to that road to wait for the school bus, that is a big concern. I have two other major concerns, one being the well. We're above and if they put in a major well down below, I would be very concerned that that might be taking some of our water table on the upper level of where we are. I'm very disappointed in what I'm seeing and hearing tonight because I didn't know about this change as far

as this easement went. It was my understanding and I have it in writing of an easement to my property from you, a view easement, but it's not mentioned here. This property seems to be the only one that's reaping any benefits and that was not my understanding when we talked about this, Don, so I'm very disappointed that you didn't call me. Kahn – Our Subdivision Regulations require that easements be shown on preliminary and final plats so if there are easements around, if they are coming out of the woodwork, we better see them. Lisa Garcia, 111 Pease Road – I do have two concerns. My first concern is also about the traffic. I drive down that road everyday. I see kids standing up there and that is a major concern. My additional concern is what 43 to 85 additional cars going up and down that road are going to do. In the past 8 years, we have seen that traffic magnify on Pease Road and with the addition of the traffic circle, we are now getting tour buses, trucks, 18-wheelers coming up that road and I can also tell you having nearly been killed on my way to work multiple times in good weather let alone when road conditions are bad, safety and traffic speed is a major concern for us. Where I am is going to be just at the point where cars are going to be accelerating and coming up. We already have a nickname for that section of the road and that's called "death speedway" because although that road is rated at 40 MPH when you hit this section, cars on average no matter which way they are coming are going well in excess of 50-55 MPH and with that curve in that road, there is no stopping distance. I would sincerely urge the Board when you come out and take a look at that, also look at the speeds. Don't look at what's posted; look at what is obviously happening there. We've only received one notice of a previous meeting and that discussion was actually withdrawn from the agenda so I don't know what happened at previous meetings. My question is what sort of use and easement and future restrictions are going to be on this blue area and also a concern on our wells since we do draw from above that area? Jutton – The common land will be essentially open land, there will be no future development, there will be nothing other than passive recreation allowed on it and that will be presumably restricted to these folks. Vadney – Presumably, restricted to the 43 homes so they could post it or whatever. In regard to Judi's comment, the easement's not shown on here because we don't have the final plan together but it is merely a view easement. I've already given her permission to go on the land and cut the trees, her property is much higher than this land so it was permission to remove the trees. Garcia – A follow-up question on that and the use of this land, you said open land. Right now that land is wooded there, although we do own some trees on the view, we don't want that land cleared and my question is how far from the boundary lines will you be maintaining trees? Vadney - When he said open, he meant as forest, not clear cut. Garcia – Will there be anything in the agreement that says they will not be clear cutting that land. Jutton – There will be a forestry management plan. Garcia – When will that plan be available for review? Jutton – It will be submitted with the condo docs. I don't know whether it will be finally developed but it will be developed by a Forester and will be incorporated in the condo documents. Garcia – Prior to approval? Vadney – You're the second one that has mentioned the additional buses and trucks since the traffic circle went in, are you really seeing an increase. Garcia – Major increase. Vadney – So you're saying buses coming east

on Route 104 are turning down Pease.. Garcia – Actually what we had this evening and we've seen 18-wheeler trucks going both ways which previously was extremely limited. This was coming from the Parade Road side heading towards Route 104. They are changing the traffic patterns noticeably. Gross – Mr. Chairman, I went through that circle tonight and I think that probably buses and trucks are hesitant to negotiate that circle and that's why you're seeing an increase on Pease Road. Fred Giebel, 117 Pease Road – I more than second the concern about the speed on that road. I have the highest regard for our Police force but they can't be out there all the time. I spoke with an officer a couple years ago and he indicated he had clocked someone at 60 MPH and this happens more frequently than you realize. I will second Mrs. Garcia's comment about the buses coming through now. We're getting a lot more traffic. One other thought and I don't know if you can answer this, John, or not, what prior history do we need on our own drilled wells if the question comes up of a new well drawing on it? Edgar – One suggestion that DES made is that when we get to a point of conducting that impact analysis, to the extent that property owners are willing to have the monitoring occur on their wells is very important. If the neighborhood that has raised well issues doesn't permit the wells to be monitored during that pump test, the state in all likelihood will just give it less weight and I don't know the prior history of the well but if we have history, I'm sure that's going to be part of what the engineer's going to be seeking out but probably equally important is going to be the ability to monitor the static level of a well during that pump test, that's probably going to be the data that is going to be largely relied upon to draw conclusions. That would be my suspicions so as that process plays out, it's very important for people not to necessarily access to have their wells monitored during that pump test. I don't know how many they do, I don't know where they do them, I'm not a geohydrologist so I can't explain that aspect but one thing DES shared with me to share with the audience that when we get to that level of impact analysis to certainly access to the wells so that they can be monitored during that pump test to determine whether or not factually if they're impacted by a big drawdown. Les Kelley, Woodvale Drive – I have a couple of concerns and go along with the people about the wells. That is a major concern of mine. Another thing that bothers me is the runoff, the runoff was kind of blown off as it's just going to run off. You go in there and cut all the trees, I think everybody knows what's going to happen to that runoff, it's going to increase dramatically. I live downhill from the development and I'm very concerned about that also. The other thing is the easement to this (pointing to the map), it abuts my property and with the easement I don't see any reason why at some later point in time that can't be developed. Edgar – Mr. Chairman, can I just speak to the issue that Mr. Kelley's raised regarding the open space. The state law provides that if there are open spaces established pursuant to a Planning Board approval, the Planning Board has the authority to enforce the restrictions so even though it may not be an easement to the Town, it is enforceable under the approval process. The significance there as was questioned and answered, what are the do's and don'ts in that area, that needs to be spelled out and essentially that's why we've asked that we get that in writing so we have something to review and respond to and at some point as those documents are signed off on that becomes part of the

approval process and all of that would be reviewed and discussed at a public meeting so everybody would have the same opportunity to look at whatever's being proposed for those open spaces. Vadney – In this case, he's speaking to the yellow area only, I believe. Edgar – I'm just looking at the abutting properties along the top of that that have raised issues in the past and the issues are reasonable issues, its just that we don't yet have the proposal in writing what the do's and don'ts are. Kenneth Sullivan, 20 Sky View Circle – We have a well system as you know. It was originally designed for 35 people, it's now down to 10 and for the first time with the 10 people on it, we are maintaining our level. I have put a new well in and it is beginning to bother me, it's down 440 feet and it has dropped off. Groleau – The number of children you project that will be using the school buses and where they would be standing for the development when it's at full capacity? Jutton – Our plan doesn't anticipate anybody standing on the road because our plan proposes a specific location for the school bus to pick up students. Beyond that as we indicated in the first hearing, this is age targeted, it's not age restricted. It's targeted for empty nesters for lack of a better description. Based upon Russ Thibeault's projections of about .4 students per household, worst case condition we're talking about 16 and that's assuming we were headed for that market but that's not the market we're looking for. Hearing closed at 8:45 p.m.

Vadney – If we do another site visit out there, I think we should look specifically at the drainage. I drove that road with John Edgar during a heavy rain event probably around April or May and there were several places along Pease Road where there was a lot of water running in the ditches, there was quite a bit of erosion coming off the easterly side and washed a lot of dirt into the road. I would like to get a good understanding of how that water that collects uphill from Kevin's house and runs on which side of the road and which ditch and particularly if there is a gathering of water coming down the ditch that would be crossing your driveway, we need to take a good close look at that and how you'd handle it. There's some minor damage on Pease Road. John and I went down to Corliss Hill and looked where the stream crosses right by the cemetery and during the peak of that, the twin culverts were running very close to capacity. The water was ripping down through the forest and the many years I've watched that stream, it was way more than I've ever witnessed before. This property to a degree drains right through that same stream. Gross – That was probably equivalent to a 50-year storm which all the culverts on this site are designed for. Kahn – We have a cluster here, don't we have a 50' buffer. Edgar – Yes. Kahn – So there's a 50' buffer all the way around this property? Gross – That's correct. Kahn – So the neighbors unless they are subject to a view easement, that creates a problem with the 50' buffer but we'll have to figure that out. It seems to me that if you're going to do logging in here, where are they going to get the access when you've got either a unit or limited condo space all around your circle. How would they get in here? Jutton – I don't have expectations that they are going to be doing logging. There's going to be a forestry management plan and I don't know enough about a forestry management plan to know that assumes logging but they will start out with logging initially to establish views and then they will maintain the views. Kahn – I would say that one of the things we're

going to need to see, John was talking about condo documents and things like that. One of the things we are going to need to see is documents regarding how the open space is going to be governed and what kind of cutting is going to be. That leads me to another issue and that's the long-term management of the open space is one issue, but just to reiterate something and that is from the standpoint of site stabilization, we are going to be very, very concerned about how you stabilize this site when you're cutting and moving earth to build your units and also when you're doing cutting to achieve views. We had a disastrous situation 2 years ago with a condo development uphill and we're not going to let it be repeated so the site stabilization is going to be very important to us. As I indicated and Mark has indicated and Mark has indicated, they are in the process of doing the downstream analysis to confirm that issue about downstream properties but the drainage that comes in off the highway and crosses the corner abutting lot is then picked up in a cross culvert and then carried on its way into the wetland on the uphill side if you will of that drawing. I think starting at the access and I'll also remind the Board that we do have the traffic impact analysis from Steve Pernaw that had basically from his point of view signed off on the entrance location so it's probably worth reading that in anticipation of the site walk but I don't think you need to review the entire centerline of that road again at least I hope not. Bayard – We might want someone either from the Water Department or their Advisor or something to come in on this depending on how things work out between now and then.

Kahn moved, Worsman seconded, I MOVE THAT WE CONTINUE THIS HEARING TO TUESDAY, SEPTEMBER 25th WITH RENOTIFICATION REQUIRED. Voted unanimously.

Kahn moved, Finer seconded, I MOVE THAT WE CONDUCT A SITE WALK INSPECTION ON THURSDAY, SEPTEMBER 20TH AT 4:00 P.M. AND THE SITE WALK BE LIMITED TO THE ACCESS ROAD WHERE IT JOINS PEASE ROAD AND DRAINAGE ISSUES DOWN THE ACCESS ROAD INTO THAT NARROW STRIP. Voted unanimously.

2. **MSS REALTY TRUST of 1995:** (Rep. Ben Sanders & Paul Fluet) Continuation of a public hearing held on July 10, 2007, for a proposed Site Plan to construct an 85-unit Senior Living Facility and related site improvements, Tax Map S17, Lot 16, located on Upper Mile Point Drive in the Shoreline and Route 3 South Districts. Application accepted July 10, 2007.
3. **MSS REALTY TRUST of 1995** – Continuation of a public hearing held on July 10, 2007, for Architectural Design Review of a proposed 85-Unit Senior Living Facility, Tax Map S17, Lot 16, located on Upper Mile Point Drive in the Shoreline and Route 3 South Districts. Application accepted July 10, 2007.

Paul Fluet – I'm going to give you an update in terms of design and layout of this whole project. Most of you did a site walk last Saturday. You could see that the lot has been cleared. We are in the process of doing soil probes to determine where

out ledge profile is going to be. Fluet pointed out the clearing limit on the plan. Dave Dolan actually did a stakeout of the clearing limits so the clearing people knew where to stop. The whole center section is cleared but not stumped at this point in time. Kahn – There was some talk that the detention pond is on an adjoining lot. Fluet – It is and the adjoining lot is North Country Senior which is Ben's wife. Kahn – So you have cut right to that lot line. (Fluet pointed out lot line.) We've cut over that lot line with her permission. Kahn – I'm sure it's OK with her, the question is, the question is whether or not its OK with us because we want a buffer. Kahn – (inaudible, no mike). It happens to be treed right now but it's somebody else's land and there doesn't seem to be any obligation to keep the trees there and we had been talking about having a buffer. The reason I got onto this was because this is something that's always bothered me so I had this recollection that I had shot my mouth off but when went back and looked at the two meetings where this subject had come up, I found that I hadn't said anything but that Bill Bayard and Pam Bliss both did. If they hadn't said it, I would have so the question I'm going to raise is what provision can be made to see to it that the adjoining lot stays treed to provide a buffer to the Mile Point development. Fluet pointed out a location on the plans. Kahn – It doesn't have to be from there, if you want to put houses on the eastern part of that lot, that's fine with me as long as you provide a buffer between that and the development. Fluet – AS far as I know, there are no plans to do anything with this at this point in time and I know that's not really answering your question, but there is a stream and a setback from wetland here that is at least 50 feet that is going to provide some buffering. Kahn – Carl Johnson tells us all the time that one of the things that's permitted in a wetland buffer is logging. Fluet – You can cut the trees in a wetland, it's legal to do that. I don't know how you want to handle that in terms of protecting this lot or this abutter from future development of this lot. Kahn – It seems to me you've got an easement for your detention pond and for your sewerage line and now you can get yourself and easement for a buffer. Fluet – I'd have to defer that to Ben. Ben Sanders – My thought was that if that other lot was to be developed, it would have to come to you anyway and then you would put the buffers in yourself. Kahn – We have you before us, we don't have your wife before us and we don't have any requirement that a residential development be buffered against a residential development. Vadney – That really isn't the issue he's raising. He's raising the issue that whether you ever develop it or not, you could still go out and cut the trees. We agree if you wanted to develop it, you would have to come back to the Planning Board for those things but next week you could go up with a chainsaw. Sanders – Only with the Selectmen's permission, we have to get our permit from the Selectmen to cut. That's what we did last time. Edgar – Mr. Chairman, just to be clear, the intent to cut permit is strictly for purposes of taxation and as you guys know this is a private road and a lot of the timber harvesting laws relative to road setbacks as an example don't apply to private roads so the timber harvest law wouldn't necessarily preclude this from being cleared. Vadney – I agree. Bayard – I think Lou's memory is better than mine at the moment, I don't remember exactly what I said there but we were looking for a buffer and the thought was that there's a likelihood there would be a buffer on the property and we come to the property and it's all

clear cut so then the problem becomes do you require planting. There may be a second option in this case because of the fact that you may have some type of influence on the other adjoining property or you may have an additional option that might be a lot simpler. There's a couple of reasons for doing that and the other thing is we don't want a huge clear cut, we understand that you may want some views and stuff from there but you have the entire place clear cut then that thing stands out from all over. It tends to make things stand out quite a bit. There is buffering on the other side that serves a purpose there but that's not residential. It's nice buffering but again it's things like that is what we're looking for and it kind of got precluded on that piece of property by the cutting and to do a lot of planting probably wouldn't work too well there either so I think there may be a third option.

Vadney – Just to show there's another viewpoint on that, I wouldn't mind if you clear cut it. I remember 50 years ago when you could see the lake without being in a boat and it's getting so there are no views of the lake so I take quite an opposite view to that. Fluet – Is that something that we think we can work out to the satisfaction of the Board? Vadney – I guess we need to look at the law for one thing. Edgar – Your regulations require a buffer when a non-residential use abuts a residential use or district and if you look at these as one property as a practical matter in the sense of the easements that are involved, that's why the issue was raised in the past, just don't lose sight of the fact that there is some buffering that should be considered and we have an extensive distance down to the wetland that runs on the lot line or more or less on the lot line I think and I in my view, I think there's a way to accommodate some reasonable buffer and do it at this point in time and not preclude the use of this property in the future. Vadney – To meet that regulation, they could cut that as long as they left 50-100' at the lower end, that meets that rule. Kahn – What I'm suggesting is that lot may be valuable for residential purposes and therefore put the buffer on the uphill land rather than on the downhill land. That permits them to, I don't know how many acres are down there but that would permit them to clear cut it and give those houses a view of the lake. Vadney – John's point is the legal end of it is, the buffer is at the lower end, whether we have the right to insist on a buffer at the upper end due to the fact it's two lots is not quite as clear. Kahn – The lower end is other lot also. I think what John is saying is we have a right to insist on a buffer on this lot. We suggested that we wanted one, Pam and Bill suggested it and you can find it in the minutes and we don't have it. Vadney – I agree we have the right to a buffer but it doesn't mean that it has to be up here. Kahn – I'm happy to have it on the other lot. Putting it down there may make the other lot less valuable for residential development.

Edgar – I think to answer Paul's question we need to move on, we've got a lot more briefing tonight is that, yes, there is an opportunity to come up with some mutually agreeable solution that addresses the intent of the buffer that doesn't impede the developability of the other property unnecessarily so and we'll work it out. Fluet – I'm going to proceed with the easiest to the most difficult. The next easiest was the sewer line which I think everybody understood that we had gravity flow down through the old woods road. I don't think there are any issues or questions on that. I guess I'll talk about water. What we have done and Bob Hill and Ray Korber did a little bit of this is they went through the water use records for Golden View and

there's two meters at Golden View. One serves 15 assisted living units and the other serves 106 nursing home units. The readings that we got were taken every quarter. What I did notice in the data that they sent me though that they didn't always read the meter on the 91st or 90th day, sometimes they went 100 days or 110 days so I kind of took the data and tried to translate it back into gallons per day based on the date that they took the reading so I did that for both meters and got kind of some interesting results. Going on for the past 30 days, Golden View has been taking daily readings on those same meters because I wanted to try and get more data than one shot at it every 90 days so I'm trying to see if I got a trend or what kind of information I have because looking at a quarter, you would call that pretty much an average day usage but I was trying to see over a course of a 30-day period what kind of fluctuations you got and they've actually related that back into how many people are in the facility during those 30 days so we're still working on that but the general numbers for Golden View seem to be the average day over the quarterly use would be around 6,000. For example, on the assisted living, they were coming up with an average between 40 and 50 gallons per person per day and on the nursing home they were using somewhere between 65 and 80 gallons per person per day. The new facility is actually smaller than Golden View so in looking at just what Golden View uses over the course of a day between both meters on an average we're somewhere in the 6-7,000 gallon per day range. Looking at the 30 days that we just took there were a couple little bumps in the 30-day meter readings that I'm not exactly sure why or what but in taking those numbers and looking at kind of the worst day, the numbers were a little bit higher but I think it's a safe statement to say that the new facility will be around or a little bit under 10,000 gallons/day and just what I read in the paper and hear from you people that 14,000 seems to be the 10% of the remaining capacity of the treatment plant so I'm hoping we're going to be under that 14,000 and we're going to be OK to connect to the water. The next step would be where do we get the water from. There's an existing pump station down at the Mile Point development, there's two pumps that pump 110 gallons/minute each and there's a fire flow pump of 500 gallons/minute. Carter Sprinkler did an evaluation of this building to determine just what they need for pressure and flow and those existing pumps won't deliver the pressure that we need and if we replace the pumps and put a bigger pump in there, the outlet or the discharge at the pump would be like a 160 PSI which is too high so the direction we're going now is we're going to try and provide our own storage and pumping but buy the water from Meredith and we can take that and put it into our storage tank at off peak times or however we want to do it at a low rate, in the middle of the night, something to that effect but we haven't worked out all of the details, but that's the direction we're heading with that because the pumps will pump water up to our property, they just won't give us the pressure we need at the highest fixture on the 3rd floor of the building. Vadney – How big is the storage tank? Fluet – We haven't even talked about that because its also going to be for fire protection so I imagine it's going to be at least 30,000 gallons. I know that's a number Chuck seems to like. Vadney – I had asked you last time to give us an idea what the design manuals for a rest home type thing, what would be the national average for water. Fluet – It's not your conventional 150 gallons/day per

bedroom because the older people don't use as much water and I think the numbers the state seems to think is a good number is around 100 gallons/day per bedroom. Vadney – Even that would only give you 8,500. Fluet – I think some of our units are 2 bedrooms so we have 104 bedrooms so even that times 100 is 10,400 so we're still under the 14. That's why we think we're in good shape unless something changes. In terms of water that's about where we are. We still have to look at a few things relative to working things out with Bob and/or Ray. Kahn – You have 41 supported independent living units, are there any such in Golden View? Fluet – No. Kahn – So these are more like condo apartments. Are they going to have dishwashers? Are they going to have kitchens? Now you've got something that's more like a condo apartment in terms of water usage but you haven't figured that in because you're figuring on the basis of your usage at Golden View. It seems to me you ought to be adjusting for 41 apartments, then you can use your Golden View numbers for 20 assisted living units assuming they are similar in terms of how they are set up and you can use your other Golden View numbers for the 24 beds but to use the Golden View numbers without making these adjustments, it won't work. Fluet – What I'm trying to say is that even if we used 100 which is the state number per bedroom which assumes a one-bedroom unit almost like Taylor Home, independent living and almost like a home, that's the 100 gallons/day per bedroom and I think that considers laundry and dishwasher, etc. I think the numbers we're getting are in the 50, 60, 70, 80 and I think if you use the conservative number like you're saying for a real apartment kind of thing, I think 100 per bedroom is a good number that the state will buy into so if it's a 2 bedroom, it will be 200 gallons. Edgar – I would just like to add that all well and good but at the end of the day this Board is not going to be deciding the issue, it will be decided by the Selectmen in consultation with the Water Department so I appreciate they are running the numbers and whether they are using state numbers or metered numbers, at the end of the day they'll need to be convincing the Water Department and the Board of Selectmen that they fall within an acceptable range and therefore it gets a green light to connect. Kahn – John, I would say it doesn't hurt for us to try to get them to supply reasonable numbers to the Selectmen and the Water Department. The Selectmen and Water Department have enough on their hands with this issue right now. If we can serve up a reasonable estimate, it will help them. Bayard – I realize since the original Golden View there are probably some additional regulations on water use and stuff like that so that actually may work to your favor. There are all sorts of stuff out there on water conservation. Are you anticipating irrigation or things like that on the lawn? Fluet – I don't think we're doing any irrigation at least from the water system. At this point in time, there's no permanent installed irrigation. In terms of drainage, we are still working out some things with Lou Caron. I understand he's on vacation and that's in the works. We still have a site specific permit to get and eventually get our storm water EPA permit so there's still some things we're working on relative to drainage and like you said, there are some water issues. Edgar – As I indicated in the staff report, depending on how the numbers go, the first level is to see if the numbers fall within acceptable thresholds for the Selectmen, potentially they could go with a well if they found themselves having to. The project is not density dependent on Town water. There

may be other adjustments they could make as suggested by Bill in terms of conservation practices and the like to fall within acceptable levels so that issue just needs to keep playing out with Ray Korber and Bob Hill and at some point the Board of Selectmen. With respect to the sight distance on the road, I wasn't at the site inspection but I understand there was a question that was raised and in your packet there are a couple photographs and I've suggested that the applicant verify what the sight distances are. First off on the gravel driveway, the construction entrance is not the centerline of the proposed entrance. At the centerline stake, that's where the photographs were taken from. The curve looking towards Route 3 is very, very gentle and my guess is that when you look down the road, it looks like you're on a crest but I think when you drive it, it's cresting but it's very flat so you probably pick up a car much further away than you would otherwise. With respect to the drainage, the drainage analysis itself hasn't been completed yet and that's a significant component for the project. As you saw, the site is very boney and so it probably doesn't infiltrate a lot of water and for purposes of the baseline drainage analysis, it's really important to make sure they have that soil condition as a starting point. Sometimes engineers might typically use the County soils surveys to flag the soil type, they are not always accurate and if that was representing a deep glacial till in the area but realistically we're shedding a lot of water because of the shallow to ledge, the numbers would be off in a way that would be important so I reviewed that with Paul and we just want to try to build as much conservatism as reasonable as we can in the drainage analysis. The clearing was done for the purpose of ledge probing and when I was out there today obviously it had all been probed and I don't know exactly when that was done but I guess one of the reasons for that was the presence of ledge in part may revise site plan features whether it's the underground parking or the building footprint and my question to the development team is whether or not that data has been generated and whether it's likely to affect any of the plans. I think the building is probably going to be more or less in the same location. Paul I think had mentioned there might be some questions about the degree to which the lowest level of the building for parking is actually constructed so the parking is something that we need to take a look at. The site plan showed 88 spaces or referenced 88 spaces and there should be a breakdown on how you got to that to demonstrate that you have adequate parking for patrons, customers and employees so we will need a parking summary to go to and if some of the parking is expanded at grade as opposed to below grade, obviously we would pick that up in a resubmittal in the future. We have standard requirements for performance guarantees and here again the main thrust from our point of view is that which the public has a direct interest in and would be erosion control which would be significant and then the connection to the municipal sewer and water. We do have the issue of the downslope easements. This project, because there are separate ownerships, would necessitate a formal easement burdening the more vacant lot and benefiting the developed for purposes of that sewer line as well as the drainage and possible some of the buffering we talked about earlier. I think that obviously the water is the big one that everybody's focusing on to get some resolution to that one way or the other and I think the ledge issue may make some adjustments to the site plan and then we would certainly look at the engineering

review to sign off on the drainage which is going to be an important thing so I think there are a few things that are still outstanding. The applicants have made some progress but there are still a few things we need to tighten up. Touhey – The extent of the ledge there was certainly significant when we visited the site on Saturday and I guess that remains a question as to just how extensive that is and how far down or how much of the lot is really covered so that's an area that's of great concern to me. Obviously, we have a detention pond that's planned but we have a history of detention ponds failing, we have a history of 50-100 year storms coming quite frequently so I think the information on the extent of that ledge and hardpan is going to effect the size of whatever kind of detention pond we end up with. Kahn – John, I would underscore your comment on Page 87 at the very bottom of the page, "erosion control should be put in place to address the existing clearing" before whatever earth there is gets through the next lot and ends up down the hill in Winnepesaukee. Paul, maybe that's something you could look at and provide some advice to the team. The good news is it's not a steep site and doesn't have drainage paths running through, however, the logging has pretty much disturbed things and we don't know exactly what the timeline is between some potential approval and construction so we should be looking at some form of stabilization. Kahn – This is a project that the Town needs and one of the figures that Dean Mullen threw out was how fast the 85 and over population group is growing in New Hampshire. Chuck Griffin, EGA Architects – Showed sketches of proposed building. He also had a sample color board with chips of the siding. Hearing closed at 9:35 p.m.

Kahn – I think we should continue it but, John, can you give us an estimate between you and the applicant when you think sufficient data will be in to make it make sense. Edgar – On the engineering review, Lou will be back to on August 1st to get back into it but his review in part going to be dependent on the drainage analysis so we can do some work and go as far as we can. We can't sign off on it until we have a good feel for the pond and water quality treatment. Water quality is a big one, as well. We can turn that around within reason, but it's partially dependent on the drainage study. The water issue is probably the big one and I'm sure Colette will put adequate emphasis to Bob and Ray and their counterparts to try to resolve it one way or the other. I don't think it's a two-week continuance, I think we need to address the issues that have been raised and it's important from a procedural point of view to make sure you have a due date that you can meet with any resubmittals and the due date for the next cycle is Monday but we're not going to have everything resolved between now and Monday so it's probably 9/11/07. We would be looking for the draft easements, some of the miscellaneous adjustments that have been commented in the staff report. You've got our performance guarantee worksheets at the tail end of all this, drainage and obviously the water is the big guy and whether or not the ledge makes any adjustments to the parking and how you plan to address that. Vadney – I want to make one comment about the water. It seems to me the numbers you've given are certainly reasonable and it looks like they'll probably in your favor and I would suggest you partly for the Board, but partly sooner or later its going to have to go to

the Selectmen and others, put together a small study that just shows the worst case. If you take the number of bedrooms and the assisted living as being more like an apartment versus the nursing home kind of numbers, make the worst case, the best case using the lowest days you got out of Golden View kind of number and then have something in between that we can make a judgment call on. From the standpoint of approving this process, you claim to have public water, we say fine that system would work with public water, if the Selectmen don't give it to you, that's not our fault so to speak. I think it would help everybody if we had that kind of common sense analysis. Edgar – I think from my point of view, especially if we're continuing it for a month and Colette do you agree we'd be in a position hopefully to have the technical people resolve these once they have the data from Golden View to try to resolve what the number is and determine within a few weeks time whether or not we're within the target? Worsman – Could not give any timeframe. Kahn – I would urge the applicant to get some good numbers together and submit them just as fast as you can to the Water Department and the Selectmen since it's not going to be our call. Bayard – It's possible we may need somebody from the Water Department again if that happens to come up.

Kahn moved, Finer seconded, I MOVE THAT WE CONTINUE THIS APPLICATION TO SEPTEMBER 11, 2007, WITH A DUE DATE OF SEPTEMBER 4, 2007, FOR NEW INFORMATION TO BE SUBMITTED. Voted unanimously.

4. **CROSSPOINT ASSOCIATES, INC.:** Continuation of a public hearing held on July 10, 2007, for a proposed Site Plan to rebuild and expand existing retail space with related site improvements, Tax Map U15, Lots 1 and 4, located at 38 NH Route 25 in the Central Business District. Application accepted July 10, 2007.
5. **CROSSPOINT ASSOCIATES, INC. –** Continuation of a public hearing held on July 10, 2007, for Architectural Design Review of a proposed commercial building, Tax Map U15, Lots 1 and 4, located at 38 NH Route 25 in the Central Business District. Application accepted July 10, 2007.

Fred Mock, MacFarland-Johnson – With us tonight are Brian Colburn, John Hueber, Brian Furtz and Peter Bolton from Chris Williams office. A couple things have happened, one is we received some information from the Water & Sewer Department, Bob Hill. The plans that we provided to John attend to all those comments. I spoke with Bob a couple of times to let him know where we were. He hasn't seen the final plans yet, but is comfortable with us having attended to some of his comments. We also received a memo from Chuck Palm and his comments have also been attended to. There is one with a larger point that speaks to the construction phase and how one might assure that there's no impact to the existing facilities, that it's a controlled site and things of that nature. During our meeting we had with John, we were aware of that. Crosspoint has begun talking with a CM if you will to help at the end of perhaps a positive approval at the end of this process to put together an approach that then will be met with the Town staff so that preconstruction meeting will be clearly laid out so relative to the plans and

the process, we don't have a position on that but we are certainly aware of the fact that we've got to maintain safe conditions, we've got to maintain opportunities to prevent a fire, fire access and things of that nature and not impact the existing operations of the retail space that will continue to operate during construction. Other issues that Chuck Palm had raised, we have attended to and I can get into that at whatever level of detail you would like. We had an initial meeting with NH Electric Co-op. The input we received from them represented on the plans that were submitted to John. After having done that, we did have a meeting a week ago or so with John to go through some of the salient points of outstanding issues making sure he was aware of what we were going to present tonight. Brian and John had a meeting with Barbara Goren to talk about what the project is relative to our position that with the proposed movement of the access easterly, the impact to that the access to the Flurries facility will have no change. The last thing that was accomplished was the site walk on Saturday with the Board. One of the main questions that was asked and has been raised a few times is the issue of parking. The plan that you see represents our efforts to increase the size of the parking spaces. If you look at that drawing, those spaces that are perpendicular to the front of the new building, those are all 9 ½ x 18. The peripheral parking are still 9 x 18. What had been asked was if you were going to have all these 10 x 20, how many spaces would you get. We've run that evaluation and it's about 240 spaces. What we're providing is 274 spaces, 4 of those spaces will act as cart corrals so the net spaces available are 270. If you take the square footage of all the retail space, understand that the cinema would act as shared parking and just look at the retail space requirement and applying your 5 per 1,000 and 1 per 600, 5 per 1,000 being the retail, 1 for 600 being the warehouse component, we come out to 263 spaces so we're very close to providing what the Town is asking and at the same time the total impervious has decreased and the green space has increased with this approach. One of the other elements here is the end user, the end user has a demand too and typically that demand is on the order of 5-6 spaces per 1,000 sq. ft and if you apply that, we're not near that ratio but the end users that both Brian and John are speaking to can accept the 273 as being an adequate number. The 240, of course, is so far from the mark that that becomes problematic for this enhanced opportunity. The last time that I spoke I summarized where we were with the permitting status and I'll do it again just to bring you back to where we were. The Conservation Commission has passed along a positive presentation to both the ZBA and NH Wetlands Board. Both the NH Wetlands Board and the site specific permit are still pending as is the driveway access permit with the District office. Leading up to that we had multiple meetings predominantly from a scoping perspective, we understand what the DOT is looking for and our understanding of what their requirements are have been demonstrated and represented in the plans you have in front of you. Overall, our traffic goal our traffic goal and I wanted to focus on two issues that came to light at the last meeting, one was the location of our most easterly entrance because we're proposing to move that easterly as it relates to the Dunkin Donuts facility and the other thing I want to go into in a little more detail is the point that was raised from the Flurries operation as to whether or not we were causing any conflict by also making some changes by how the site

operates from our side of the road. Understand that the overall goal was to assure that we had no adverse impacts to the corridor operations. Our traffic study that we've completed as a result of the input provided by DOT shows that without the project or the project operating under its current conditions, that corridor operates at a level of service B. With this project it continues to operate at a level of service B so we've had no measurable, adverse, demonstrative impact to the level of service in corridor operations. The question raised was from the Dunkin Donuts location would there be any conflict here given the fact that we've moved our entrance easterly providing this left-hand turn pocket and whether or not there would be any conflicts with these turning movements and as you can see from this diagram and movement for eastbound traffic from the site coincidental with the westbound traffic from the Dunkin Donuts site, there's plenty of room geometrically to have this occur well. Mr. Mock discussed in detail the questions regarding the traffic as it relates to the project site, Dunkin Donuts and Flurries. The other question raised was under future conditions whether or not Flurries would be impacted. Using a diagram, he discussed how the traffic would work as it relates to Flurries. With the changes 6 cars would be able to queue and the 6th car is queued even further north than the 4th car was before and the striping is no different than the existing so it's their belief they have no adverse impact on any traffic operations relating to access to Flurries from westbound traffic nor does it have any impact, it is exactly the same today as far as what this queue lane is what this activity is here. Vadney – What's the proposed queue length maximum from the traffic study? Brian – The traffic study we performed actually only computed about 2 cars maximum for the queue for the amount of traffic turning in. Mock – Another question was what could we do along the streetscape to do two things, one is aesthetics to provide some enhancement to that corridor and the second issue was to make sure that any eastbound traffic didn't confuse any westbound traffic coming down the hill that somehow these opposing lights would indicate that's the direction they should move in so what we've done is provide a fence that compares well with other fences along the Route 3 and 25 corridor in the village, provided some opportunities for planting boxes to sit on the top of that and provided the lower pedestrian scale lighting along that corridor so that the sidewalk is lit and it's clear to anybody coming in the opposite direction that this is not a travel lane, this is a parking lot. Again, it's a functional issue just to respond to the comments we received last time and then also an aesthetic issue which Peter will get into in a bit about some of the architectural elements that we've provided. The other question was to eliminate the more conventional parking lot shoe box kind of lights. We've done that. This drawing would show the additional lights and when we lowered the light level that caused us to have a few more lights in the internal islands and we've again provided a lower more pedestrian scale lighting along the perimeter of the property on the eastbound side. The choice of the fixture is Nantucket style very similar to the lights that are out front of this building in the drop-off area in front of the Community Center. There was a desire to provide some additional enhancement to the landscape plan. We have submitted a set to John that caused us to add additional trees, additional shrubbery and add some perennials, both along the front of the facility because there's some green space we've

accommodated and that is where the perennials would be and a bit of improvement for green space on that side of the building. Both the cinema and the existing retail space on the easterly side, we've provided some additional plantings in there. I know from the site walk that you're aware that this living screen, this green filter we provided that North American Cedar along the periphery of the edge of the wetlands and the edge of the parking lot. That particular plant type was chosen because it is tolerant of wet feet and it's also salt tolerant. Bayard – You said salt tolerant, what salt would be put back there? It seems you're just going to have trucks moving through there for the most part. Actually, it's fairly nice back there and I wouldn't be adverse to a break or two in the trees, I don't think you have to cover the entire place. Mock – The goal was to, as we thought we heard and we're certainly to take a few out, but we thought the green filter screen back there was desirable against the back of the house. Kahn – When we were out there, we were concerned that the traffic coming in at the easterly end because of the truck traffic would interfere with people trying to back out of the spaces in front of the easterly retail space and what we had suggested was that you cut down on some of the green space in front of that retail space to move that parking a little bit to the east. Have you done that, I can't really tell? Mock - That has not been accomplished. Kahn – Is it your intention to do so? Mock – I think it's the pleasure of the Board and it's a balance here. What we've tried to do is enhance the opportunity for green space so when I move that edge of pavement back if you will, I reduce the green space because I would be adding additional pavement to move that closer to the building so it's a balance. Kahn – I wasn't suggesting that you eliminate the green space but I think if those parking spaces are to be other than symbolic, you're going to have to let those people get out of there. I would cut it back so you give them a little more room to maneuver. I wouldn't say eliminate the green space but I would remove those spaces to the east. Mock – Maybe I chose the wrong wording, it would reduce the amount of green space and would increase the amount of pervious so it's a bit of a balancing act. One of the things was we were trying to provide an opportunity for increased planting areas, reduce the impervious because of issues of water quality and we felt that maybe this isn't the most desirable parking space in the world but that's sort of what drove our decision making. Vadney – Two points on the impervious, I see you've got a couple of percentage points there to play with on the impervious. History has shown there aren't 3 people in 1,000 who will get out of their car in you parking designated 10 in front of the greenery, you've only shown one walkway leading up to the main part, very few people will walk over and go up that walkway. I think it only makes sense to put in a couple more walkways and the same by the theater. Bayard – This is engineering the project I suppose but could you swing the line slightly down toward the street so you don't have to move the whole thing in. Mock – Make them more angular? Bayard – You could swing the whole line or just the end of it. I do think the last few spaces are problematic. Mock – This becomes the way the trucks leave the site so based on turning movements that's why you see a wider throat there to the rear but we certainly can look at that. Vadney – Let me make sure I understand the parking. If you went to the 10' x 20', we'd have 240. You can go to the 9 1/2' x 18' directly in front of the building. Mock – Yes, all these perpendicular

aisles (5) those are all 9's. Vadney – And then leave the ones by the front road by 25 and over by the Greenery and behind the building at 9's and that one would give you 273. Mock – That gives 274 actually, minus 4 _____. Vadney – And the amount of retail space allowing that the theater is basically off-peak, the amount of retail space calls for 263 so if we go with the 9 1/2' x 18' in front, 9' x 18' on the others, you need no parking waiver. Mock – Right. Touhey – Thank you for working on the aesthetics in front of the building, I think it's a big improvement over what you showed at the last meeting. I do want to make a comment about the east most entrance to the parking lot. Looking at it today and as we did on Saturday, really only one car negotiates the entrance at a time whether the vehicle's coming from the east or coming from the west, you don't really see two cars turning in at the same time even though the entrance is wide enough to permit that. What you've lined out on your plan is actually an exit lane and I believe two entrance lanes, one coming from the east and one coming from the west. Mock – One entrance lane and a free right lane exiting and a left-hand turn lane going east bound so there are 3 lanes that are coming there. Right now it's catchers catch can to the point where only one vehicle can negotiate at a time safely, how are you going to curb that so that more than one vehicle perhaps even 3 can negotiate it at one time? Mock – There certainly is capacity to stack wait for those opportunities but the potential for turning is always about the gaps available in the corridor so the greater the gap, the more the opportunity for two to move at a time. The lesser the gap the more likely it would be one at a time. It's not really anything we've done physically or not done physically, it's about the gaps available in that corridor which leads me to another point as to why we felt that moving it easterly was more appropriate because in general unless there's something that's happening at Pleasant Street, the gaps are more positive and more available at that easterly end so that's nothing that has to do with something physically we do or not do or the width of the turning movement or the number of lanes coming in, it's only about the gaps available. Touhey – There's striping I assume and you think people will feel comfortable enough with the striping that if the gap you speak is there, people will negotiate it. The left-hand turn pocket, the striping that's proposed there, the striping at the entrance, both the in and out, those are all very common and are based upon the standard bibles of traffic engineering. Edgar – Mr. Chairman, if I could just point out too, even if we get to a point where you have cars in both exit lanes, there's another way to turn right out of the site. To the extent that local people are using this and if they feel uncomfortable, there is another way out of the site. Worsman – You've presented a good project and you've addressed the concerns of this Board. The only comment I have and I hate to disagree with a colleague but the trees in the back, I know it would save you money but we have discovered that Hawkins Brook is pretty important to us and nobody's going to be looking at a view from the back of that building. The added trees and roots will absorb any contamination that's coming from the site. Is there any other product or tree or anything that could cut it up so we don't have a line of soldiers? Mock – It's nice to have them staggered, but there's not a whole lot of room there between the edge of the pavement and those poorly drained soils and the wetland so the alignment is almost defacto. Maybe I understood wrong, I thought you wanted that

conifer type of tree there that would provide a filter so you would screen the back of the house from anybody canoeing, kayaking, etc. Worsman - Truly, that is the goal. Peter Bolton – I have a light cut sheet that we’re proposing. It’s not the Nantucket style light but similar in nature to what you’ve seen around town, it’s the Sternberg Colonial style. Showed copy of rendering with the fence on the front. We took our clues from Rusty McLear, we canvassed the area and different establishments and came up with a fence that is similar in nature to other Rusty fences. I’ve also added some flowers which I took from Church Landing and it does extend the sort of atmosphere and the feeling that you get driving through Town. I think its a positive aspect. I think between the building improvements and the style of the fence out front offers a positive enhancement to the sort of fabric in Town. The only other change we had was in the renderings which added the fence and there was some fine-tuning on renderings on the architectural drawings (A1.02 and A1.01) of the elevations but just with the footprint on the site plan.

Edgar – Fred, could you address the issue of loading at the rear of the building?

Mock – Some questions were raised having to do with two locations, this hardened surface concrete deck which would handle the single truck loading bay and the loading that was proposed in this corner and a trash compactor that would sit on the inside of that. One of the questions that was raised and I think Chuck Palm had raised and John had chimed in as well, if a truck is sitting here in a loading position and there was an emergency and the truck had to make its way around, could that in fact happen so we have established the location of the loading dock such that the outside edge of that truck between there and the edge of pavement would be 16’ to provide that safe passage so that’s the first change and/or improvement or clarification we’ve made to this location. The other was, there is presently a loading dock for the retail space at the far right corner, then there also is a loading dock internally existing for Brooks. What we’ve done on the rear of this is provide a striped area so that a truck could come by, pull into this area and have a side-edged loading dock so he too would be outside the traveled way, next to the building and provide opportunities for unloading at this point. We are not proposing to change Brooks area. That exists and works well for their facility. At the end of the day, this coordination upon deliveries and trucks arrival and things of that nature is going to be mandated really by Crosspoint so that there is a conglomeration of everybody coming to the same spot at the same time. It’s tight, there’s no way around it, part of it is existing, that we can’t change so what we’ve tried to do is to make changes where we can to be positive. If trucks are parked here, it is possible to pull out into the most westerly of this pavement and make a turn into here and park. The likelihood of that happening at the same time is pretty low. That’s the coordination issue that’s going to have to happen between John and the users to help minimize everybody wanting to be there at the same time.

Finer – Will some of that area be striped and marked “Fire Lane”? Mock – What we’ve done is provide striping along the entire front. Finer – I was thinking of back there behind the loading dock in case there’s another truck waiting or something.

Mock – We could put the words “Fire Lane” on the pavement. There is a potential if somebody has to wait that they could park along this edge too so I don’t want to put that note over there because they could park here waiting to get queued in and

there still would be room for somebody to go around. In the back, we could put "Fire Lane" all along the back. Edgar – Mr. Chairman, the staff review is pretty extensive and most of the issues are things we've addressed before as signoffs. In this particular case, we'd have a signoff from the Water Department, the Fire Department, the Power Company and that type of thing. The one issue we haven't mentioned yet is the Performance Guarantee requirement for purposes of site stabilization as well as connections to the municipal utilities with inflation and contingency and all that kind of stuff factored in, the recommended figure is that which was estimated by Fred which is \$156,839.00 so that's recommended as the amount for those purposes as a Letter of Credit. Two other quick things, we would be looking for the easement to address the encroachment issue and there are two lots of record at this point and the plans have been amended to indicate that the lots would be merged and that addresses cross-easements, parking, drainage and that kind of thing as well. It also addresses part of what might be an issue for the Fire Chief in terms of propane separation from lot lines. Everything else is pretty much straightforward as has been discussed previously. Vadney – I would like to see a plan note that recognizes that we have made the agreement that we accept the parking and the waiver will pass based on the fact that the theater is basically an off-peak item and if they should ever want to turn it into retail space, it would require review of the whole thing by the Planning Board. Jim Goren, Flurries – I can see why the Town loves the project. I am ill-prepared tonight. We met with the gentleman from Crosspoint the day after the last meeting. They expressed their views on the project and we expressed ours to them. I had requested a drawing or some mechanicals of the road and what they propose and where they were going to move it. None of that was done, therefore, I do not have the drawings to work from nor do I have any communication with the exception of last Saturday during a busy day when they said the engineers here. I speak with pretty much with what we came from last time. The queue would average two cars, four cars are for Brooks, sometimes 5 now on any given Friday, Saturday or Sunday. That is without any impact from another store. One day last week, the cars were backed to here from Dunkin Donuts (pointed out on the plan). There is going to be gridlock as it is. I don't know when the traffic engineers took a look at this project maybe in October, November and December when there was no traffic there, but I think it's a nightmare waiting to happen. We already have based on this small traffic a large amount of accidents here. I think the traffic here is going to be a disaster. I asked if they had any other thoughts on the traffic or how to schedule the traffic. They had not. I don't think any consideration has been taken into the traffic nightmare that we have on Route 25 at this bottleneck. Road rage is impending, it's a nightmare. If you're there enough, you here every flowery word in the English language in combinations which you've never heard before and this is not going to make it any easier. As far as our business goes, we'll survive. People will get into us but not as easily as it could be with some method of expanding that road or taking part of their parking lot and moving maybe another half a lane. I'm asking the Board to give it more consideration, not only for our business but for the total impact of that small area between the lights and Dunkin Donuts and perhaps

the bank too because it gets backed up there. It seems to broaden out once you get past Dunkin. Hearing closed at 10:22 p.m.

Bayard – Two things, again this is somewhat separate from this but we do have a problem in the Dunkin Donut area. Both at our site walk and the following day when I was there a little early in the morning, there was frequently traffic backed up into the highway. There are other options that could be done there. I think it's something that needs to be looked at, especially if we are adding additional traffic into this area. The second question I have, do you have any idea what the additional water requirements might be with this project. I think it's something we need to throw into the mix of how we're going to deal with stuff. Edgar – I can take a stab at not so much the number but how it relates to the decision of the Selectmen recently. I have discussed this briefly with Colette, more in depth with Carol Granfield and Bob Hill and the Department's view of the effect of this project is well below those thresholds that we've been talking about so it doesn't rise to that level. Granted the whole facility hasn't been on the water line for many years since the grocery store's been out of business but the bottom line is it's a redevelopment, it's an existing use and the indication I got from Ray and Bob was they didn't see this as meeting that threshold. Edgar – Fred has had contacts with Bob and perhaps we could get a number for background purposes so the Department has a feel for what that would be.

Kahn moved, Finer seconded, WITH RESPECT TO CROSSPOINT ASSOCIATES, LLC, SHOPPING CENTER FOR A SITE PLAN AMENDMENT AND ARCHITECTURAL DESIGN REVIEW, THAT WE CONDITIONALLY APPROVE THE SITE PLAN AMENDMENT SUBJECT TO THE FOLLOWING:

- (1) AN NHDES DREDGE AND FILL PERMIT WHICH IS REQUIRED;
- (2) ANY APPROVAL IS SUBJECT TO BOB HILL'S SIGN OFF IN THE CONTEXT OF HIS REVIEW COMMENTS DATED 6/25/07;
- (3) ANY APPROVAL SHALL BE SUBJECT TO THE NHEC SIGN OFF ON FINAL ELECTRICAL LAYOUT PLANS;
- (4) AN NHDOT DRIVEWAY PERMIT IS REQUIRED;
- (5) AN NHDOT EXCAVATION PERMIT SHALL BE REQUIRED PRIOR TO CONSTRUCTION IN ORDER TO CONNECTION TO THE MUNICIPAL UTILITIES THAT ARE LOCATED IN THE STATE ROW;
- (6) AN NHDES SITE SPECIFIC/TERRAIN ALTERATION PERMIT IS REQUIRED;
- (7) THE BOARD HEREBY APPROVES A WAIVER TO PERMIT THE STALL SIZES AS PROPOSED TO THE EXTENT THERE ARE AT LEAST 263 SPACES REQUIRED FOR ALL RETAIL AND STORAGE EXCLUSIVE OF SHARED CINEMA PARKING;

- (8) THE PLAN SHALL NOTE THAT IN THE EVENT THE CINEMA BECOMES AN OTHER THAN OFF-PEAK OPERATION, THIS WAIVER IS NULL AND VOID;
- (9) EIGHTEEN (18) PROPOSED ON THE SIDES OR REAR OF THE LARGER BUILDING SHALL NOT BE ACCESSED BY THE PUBLIC AND SHALL BE DESIGNATED ON THE PLAN AS EMPLOYEE PARKING;
- (10) FINAL PLANS NEED TO INDICATE LOCATION, NUMBER AND SIZE OF ALL TANKS AND APPLICABLE LOT LINE AND BUILDING SETBACK DIMENSIONS AS APPROVED BY THE FIRE CHIEF;
- (11) A PERFORMANCE GUARANTEE SHALL BE REQUIRED TO GUARANTEE SITE STABILIZATION, CONNECTION TO THE MUNICIPAL SEWER AND WATER MAINS. THE TOTAL AMOUNT OF THE GUARANTEE IS \$156,839. THE FORM OF THE GUARANTEE SHALL BE EITHER CASH OR A LETTER OF CREDIT. THE FORMAT OF THE LETTER OF CREDIT OR CASH AGREEMENT SHALL BE APPROVED BY THE FINANCE DIRECTOR;
- (12) AN EASEMENT SHALL BE ESTABLISHED AS INDICATED ON SHEET C-4 OF THE PLAN TO ADDRESS THE ENCROACHMENT AREA AND THE EASEMENT SHALL BE APPROVED ADMINISTRATIVELY.
- (13) ANY APPROVAL SHALL STIPULATE THAT LOT 4 AND LOT 1 BE MERGED PRIOR TO FINAL APPROVAL.
- (14) A SITE SPECIFIC, DETAILED SAFETY PLAN SHALL BE SUBMITTED TO THE POLICE, FIRE AND CODE ENFORCEMENT OFFICER FOR REVIEW AND APPROVAL. APPROVAL OF THE SAFETYPLAN SHALL BE REQUIRED PRIOR TO MOBILIZATION AND THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
- (15) FINAL PLANS SHALL BE SIGNED OFF BY THE FIRE CHIEF REGARDING A DESIGNATED FIRE LANE.
- (16) WHERE APPLICABLE, THE FINAL PLAN SHALL NOTE ALL PERMITS THAT HAVE BEEN ISSUED.

THAT WE APPROVE THE ARCHITECTURAL DESIGN FINDING THAT IT DEMONSTRATES SUBSTANTIAL CONFORMITY WITH THE GENERAL AND SPECIFIC CRITERIA SET FORTH IN OUR ORDINANCE.

