

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

Flanders moved, Finer seconded, THAT THE MINUTES OF AUGUST 10, 2004, BE APPROVED AS PRESENTED. Voted unanimously.

1. **RUEL FAMILY REVOCABLE TRUST, JAMES AND DIANE RUEL, TRUSTEES** – Proposed minor subdivision of Tax Map S17, Lot 3, into two lots (1.33 ac. and 1.12 ac.), located on Sunset Hill Road in the Residential District.

Application, subdivision plan and abutters list are on file. Filing fees have been paid. Recommend application be accepted as complete. Based on an agreement with applicant's agent, I recommend this application be scheduled for public hearing at our next meeting on September 14, 2004.

Finer moved, Bliss seconded, THAT WE ACCEPT THE APPLICATION OF RUEL FAMILY REVOCABLE TRUST, JAMES AND DIANE RUEL, TRUSTEES, FOR A PROPOSED MINOR SUBDIVISION. Voted unanimously.

2. **PATRICIA NESTOR** – Proposed Boundary Line Adjustment between Tax Map S09, Lot 10 and Tax Map S11, Lot 22, located on Meredith Neck Road in the Meredith Neck District.

Application, Boundary Line Adjustment Plan and abutters list are on file. Filing fees have been paid. Recommend application be accepted as complete. Based on an agreement with applicant's agent, I recommend this application be scheduled for public hearing at our next meeting on September 14, 2004.

Finer moved, Bliss seconded, THAT WE ACCEPT THE APPLICATION OF PATRICIA NESTOR FOR A PROPOSED BOUNDARY LINE ADJUSTMENT. Voted unanimously.

3. **PAUL AND ELIZABETH WETMORE AND THOMAS AND MARSHA FAIRBROTHER** – Proposed Boundary Line Adjustment between Tax Map U05, Lots 47A and 48A, located on Water Street in the Residential District.

Application, Boundary Line Adjustment Plan and abutters list are on file. Filing fees have been paid. Recommend application be accepted as complete. Based on an agreement with applicant's agent, I recommend this application be scheduled for public hearing at our next meeting on September 14, 2004.

Finer moved, Bliss seconded, THAT WE ACCEPT THE APPLICATION OF PAUL AND ELIZABETH WETMORE AND THOMAS AND MARSHA FAIRBROTHER FOR A PROPOSED BOUNDARY LINE ADJUSTMENT. Voted unanimously.

4. **SUSAN AND TOR BRUNVAND FOR SCOTT CARPENTER** – Proposed Site Plan to establish a catering/take-out restaurant in an existing commercial/residential building, Tax Map U10, Lot 27, located on Daniel Webster Highway and Plymouth Street in the Central Business District.
5. **SUSAN AND TOR BRUNVAND FOR SCOTT CARPENTER** – Architectural Design Review of an existing commercial/residential structure, Tax Map U10, Lot 27, located on Daniel Webster Highway and Plymouth Street in the Central Business District.

Applications, site plan and building elevations are on file. Filing fees have been paid. Recommend applications be accepted as complete for the purposes of proceeding to public hearing this evening.

Bliss moved, Finer seconded, THAT WE ACCEPT THE APPLICATIONS OF SUSAN AND TOR BRUNVAND FOR SCOTT CARPENTER FOR A PROPOSED SITE PLAN AND ARCHITECTURAL DESIGN REVIEW. Voted unanimously.

PUBLIC HEARINGS

1. **LATCHKEY CHARITIES** – Continuation of a public hearing held on July 27, 2004, for an Architectural Design Review for proposed façade improvements on an existing commercial building, Tax Map U06, Lot 81, located at 92 Main Street in the Central Business District. Application accepted July 27, 2004.

Based on a request by the applicants, recommend this hearing be continued to September 28, 2004.

Flanders moved, Granfield seconded, that we continue this hearing until September 28, 2004. voted unanimously.

2. **MARY ANN BELANGER** – Proposed major subdivision of Tax Map U39, Lot 2-91, into two (2) lots (1.99 ac. and 15.79 ac.), located on NH Route 25 in the Residential District. Application accepted August 10, 2004.

Applicant's agent has submitted a letter requesting that this hearing be moved to September 14, 2004. Recommend this hearing be scheduled on September 14, 2004 and the abutters be renotified.

Finer moved, Kahn seconded, THAT WE CONTINUE THIS HEARING TO SEPTEMBER 14, 2004, AS REQUESTED AND THAT ABUTTERS BE RENOTIFIED. Voted unanimously.

3. **EQUIVISE LTD. FOR CRESTWOOD ESTATES SUBDIVISION:** Rep. Attorney Pat Wood) Compliance Hearing to determine compliance with conditions set forth in a conditional approval granted on 6/22/04 for a 59-lot residential subdivision, Tax Map S20, Lot 3, located on Parade Road in the Forestry/Rural District.

Plan will consist of five (5) pages of overview of the project. Detailed plans of different sections will be provided. Project is being constructed in 3 phases. First phase consists of 16 lots. The Development Agreement is almost complete. Unit costs and contingency are still outstanding. Construction numbers have been submitted. Applicant would like to start construction on the road as soon as possible. We would like to get a letter from the Town saying the construction can be started and we will come back for the final OK on the final numbers for the Performance Guarantee. Three conditions had to come back before the Board: Legal documents (#11), Project phasing (#16) and Performance guarantees (#17). Town Counsel has reviewed the documents from a legal perspective with particular emphasis on road dedication issues. Edgar's focus pertained to the common septic, open space, future development within wetlands and wetland buffer areas and any amendment related provisions. The applicant has clarified that the septic will be jointly owned by the nine (9) lots and share responsibility for maintenance. Overall, the Association has the responsibility to back up all of that up. There is confusing language regarding open space and mailboxes. Another element of common land is green space. Further alterations of wetlands and wetland buffers is in the declarations. Amendment clauses are included that required notice to the Planning Board for any changes to the declarations. The Board can approve the Declaration of Covenants and Restrictions subject to a couple minor revisions. The Development Agreement has been worked out.

Recommend the Board of Selectmen sign the document and Town Counsel has signed off as well. This could be approved subject to minor revisions. The project is back to three (3) phases. The understanding is that the plan will be recorded and the construction will be approached in phases. When they want to convey the lots, they will come back before you for a compliance status to make sure nothing has lapsed and what work is necessary to complete. This is a 59-lot development, Lot 34 is the septic lot and will not be developed. The engineering has been reviewed in terms of drainage and road design in the context of the three (3) phases. Those issues are ready to sign off on. The applicant needs to submit unit cost estimates prepared by the design engineer. These estimates are typically reviewed by staff and a recommendation made to the Planning Board. Since no cost estimates are available, no recommendation is made at this time. The applicant's attorney submitted documents as an alternative means to assure completion of the infrastructure. The alternative relies upon a contracted price with a contractor to form the basis of the guarantee as compared to a unit cost price. The agreement provides that if the applicant fails to complete the improvements, the contractor would honor the contract price with the Town. The contracted price excludes ledge removal. This arrangement is not recommend by staff nor by Town Counsel. Recommend Board specifically advise the applicant to have the design engineer submit a unit cost estimate for Phase 1 on the forms provided by the Town. Once all of the other conditions are met and all permits are in place, we will hold a pre-construction conference to finalize arrangements on construction and more. This would give them the green light to begin construction. This would allow John to look at erosion control and they would be given the green light to begin. The biggest portion of the costs are going to be the road preparation. That would allow us time to work out the view towards what the number needs to be when we come back to you and they want to record the plans whether it's in September or whatever that timeline is. As long as you're setting the big picture number and it's reviewed by you folks at a public hearing and we have contingencies covered for ledge, we don't lose anything that way, they are allowed to proceed to construction but when it's time to come back to the Board for the big number, then we are going to look at unit costs. Our regs talked about contractors estimates, there's no question about it, but we also have to review those contracted prices to see if they are based on legitimate quantities, unit pricing, so we're working through those perspectives and hopefully we'll have that resolved one way or the other at such time they wish to record plans. We are not in a position to sign off on the Performance Guarantee tonight. Vadney – The Performance Guarantee is basically to protect the taxpayers in case something goes wrong on this

project and it's left in an unsafe or environmentally unfriendly way, the Town has enough money rather than going to the taxpayers to clean it up. Flanders – I think the applicant has been pretty cooperative on this project and we've got it to a point where it's a pretty decent project. I was a little dismayed the other day when I walked into John's office and saw that he was wrestling with some of this at the last minute. At the last meeting it was pretty clear what the Board was looking for. I saw an e-mail from their engineer who was going to develop unit prices and get to John. It is my understanding as of yesterday, that had not happened. Edgar – That's the reason for the applicant, recognizing that we are not in a position to make recommendations, and that is why the applicant has asked that the issue be deferred until they can get those issues worked out. Flanders - As a taxpayer and as a Selectmen, we have a standard policy that adequately protects the taxpayers and does not place an unreasonable burden on the applicant. We have done it this way for a long time and what we are requiring is not inconsistent with what we have done with other applicants. I get the sense that you are trying to subvert our process and you're not going to get my vote to do it. Edgar – Part of the confusion may be the fact that for years we've relied on the conservative estimates generated by the engineers. The regulations also refer to contractor pricing provided that the Town reviews the numbers. What I mentioned to Pat earlier, we can either get to unit pricing directly or we can pick apart a contracted price to look for the unit pricing. One way or the other, we're going to have a safe number to guarantee because it is a very serious responsibility that we're incurring and it is a very real one. The likelihood that the developer will go belly up is probably not as great as it was in the late 80's, but we were sitting on bonds during that timeframe when we were on the way to the bank to pull the ¾ million dollar bond on a project at the last minute because we had issues. So things can happen and the purpose of this is to safeguard the interests of the taxpayers. I don't know if subvert is the right word, but I think they understand where I'm coming from, I think they understand where the Board's coming from and I think they need a little bit of time to reconcile and to get some unit pricing back to us. Wood – The applicant is proposing a bi-party agreement with the Town, developer and contractor. There is protection in that sense for the Town if the contractor agrees if the developer goes belly up, the contractor will still complete the work and look to the bond for the money to complete the work. That's sort of a different approach, but is something that adds additional protection. There may have been a little bit of misunderstanding between the engineering unit costs and NH Department of Transportation unit costs. We could deal with the engineers unit costs. It was when we were dealing with the NHDOT costs that the numbers go off the scale. If we have the engineer preparing them and we have time to look at them, we recommend using the DOT pricing

because that's the best in place pricing standardized that's available without making it needlessly more complicated than it has to be. The bottom line is if we have good unit estimates supported by calculations, not shots in the dark, not lines in the spreadsheet omitted, but we've got very detailed units and unit pricing for extended costs, we can then dissect those numbers to get a comfort level and then Mike can look at them and if he's comfortable with them because he's got a pretty tight figure on what the cost of black top and gravel and all that stuff is so we can take a look at that. We want to make sure we have all the elements of road construction covered. One of the things that was not covered in this hypothetical scenario was ledge and ledge is probably the biggest thing that can go wrong or guardrail and removal of unsuitable fill and some other things. This all came in on Friday and there wasn't sufficient time to adequately look at it, I bounced it off Tim and our initial reaction was not to support it, certainly not to recommend it tonight because we hadn't thought it through. The bottom line is we could have a contract with Hiltz, but who guarantees Hiltz's work. If we have a direct line of credit in the Town of Meredith's name and if anything goes wrong, we go to the bank, pull out the money, we don't file insurance claims, we don't have to sell land to generate money, the money's waiting for us under that worst case scenario if we have to do it. That's the simplest way to go. It will take a little bit of convincing over the next week or two for me to think that we would want to assume the risk of the uncertainty of the financial condition of a contractor. Having said that, as far as the unit pricing goes, if they want to suggest alternate unit prices, we'll take a look at that. I don't have a problem with looking at that, but I want the engineer who designed the project to balance all of the cut and fills, who's going to be doing construction engineering, who's going to be requesting the draw down on the letter of credit, that's the person I want the estimate from, not the person bidding the job because the person bidding the job may have a bunch of extra sand and gravel in the back forty and they may not have put that in the bid because they are going to throw that in to be low bidder on the job. The unit pricing is going to cover 100% of what we can anticipate in terms of units and extended costs and that doesn't necessarily always match exactly how the private sector bids the job. I would be very happy to take a real careful look at the unit pricing to see if we're overstated. Flanders – The scenario you represent puts the Town at significant risk because now we're assuming a potential liability from the contractor and a contracted price is very drastic. I know when we developed the new section of Prescott Park, the numbers varied by over 50% and the cheapest price is not always the best price. In fact, most of the time it's not so that's why we've gone with unit costs so I'm a little concerned that we are wasting a lot of time fooling around trying to reinvent the wheel when we have a unit-cost

system that works. Wood – We are not trying to by-pass the Town's policies and procedure, but we look at the numbers and we've got DOT estimates that are \$300,000.00 more than our contract price. That's a huge difference and for us to just say OK fine, so we're trying to find a way to bridge that gap. Flanders – What we asked for was unit costs from the engineer that designed the project. Have you done that? Wood – I don't have those to give to you tonight. A continuance was requested on that part of it, but we are in the process of doing that and we have that data in different forms, but I can't give it to you tonight because I don't have it ready to give to you. Flanders – What I'm suggesting is that if you had done that in the first place, none of this would have been necessary. Wood – I understand what you're saying, but at the same time we are trying to be economically feasible and reasonable without shorting the Town in any way, but we are trying to do it in a manner that is fair to both. What we proposed was an alternative which we did not present tonight, we are going to find a solution and we are not that far apart, we just need to get the final numbers to John to do that. We are not ready to do that tonight. Vadney – If we leave that as an open issue as a condition, the Town is protected. Basically, he's wasting his own time now. Edgar – The key to the extent that they are able to begin construction between now and the next two weeks, I don't know if that's realistic or not. That's neither here nor there, let's just assume it is. They are asking for the Board to allow me to set a Performance Guarantee amount for site stabilization and that's going to be a relatively small figure compared to the big picture. I don't have a problem doing that, you've delegated that level of authority to staff in the past on other projects. For purposes of the bigger enchilada where the risks start to show up, they understand it's got to go back to public hearing and they understand it's going to be unit cost pricing and we have to see the numbers and we can take our look at them. Bliss – One of my concerns is if we approve that you check over the site stabilization numbers, then we are in essence saying OK go ahead and start, but then what if we aren't happy with the Performance Guarantee that comes in after that. Edgar – Your leverage position has increased a thousand fold because they need you to sign off on something or they are screwed. Bliss – Are you comfortable doing this? Edgar – I don't have a problem with it. They are increasing their own risk and increasing the level of leverage you are going to have over them so I don't have a problem with that. I think the discussion is clear that it has to be unit cost pricing that we are comfortable with. We suggest DOT pricing because we know it's conservative. If they can make a case that Mike's comfortable with for some lower unit prices, we can look at it. If they have extensive amount of ledge probes, for that matter the owner should want extensive ledge probing because it's their costs they are

dealing with so if they want to go out and dig another 50 test holes to nail down a lower ledge quantity contingency in the unit costs, that's their prerogative. If they don't want to do that, then we are going to build in a margin of safety to cover the worst case scenario, the whole thing has to be blasted. They have some options and I don't think we're losing anything if we were to allow them to begin construction. We have to guarantee the site remains stable from a water quality perspective and if we come to disagreement, they don't record the plan, therefore, they don't have a subdivision. They need to convince the Board at the end of the day that the number's right and if they've already made an investment in the site and time is money, they need you more than we need them so as a practical matter, I think they'll have a little bit more incentive to agree with our airing on the side of conservatism, if we find ourselves having this conversation a month from now. If not, we agree to disagree. Flanders – If we go that route and if we don't come to an agreement at the end of the day, I would like to know what Tim has to say about any potential liability the Town might incur as a result of a suit by the developer. That's a real thing. I don't think they would have any case, but most people don't need a case to sue these days. Edgar – As long as we are acting reasonably, I don't think so, I'm comfortable with that. We can go to the left and end in the middle or we can go to the right and end in the middle, if they want us to pick apart the contractor's estimate on their nickel, we'll have our engineer spend a thousand dollars to pick apart their estimate. It doesn't make sense to go that way, it makes more sense to start the other way to get to the answer, but if they want to dig in and say follow your regulations to the letter of the law, we'll do it. It will be on their nickel, it won't be the taxpayers paying for it and we'll end up in the same place a month from now. I think once that settles in, we'll find a way to resolve it reasonably and that's what our obligation is to act reasonably. If they can come back with unit pricing that is something that Mike's comfortable with in our review process, we'll be happy to take a look at it. Flanders – In the past, unit prices usually have been reviewed by the engineer that represents the Town. Edgar – A lot of it is reviewed by Mike and in many cases, Mike has wanted to see the units bumped up, like the cost of black top because of the price of oil. Those DOT prices are a year old so chances are the black top might be even more expensive than what the DOT prices are. Vadney – We do have to move on. Wood – In light of our request to continue that part of this session, may we ask that you continue that part of it to the next regular meeting of the Planning Board so we don't have to notify abutters again. Flanders – I don't think we should allow anything to happen on that site until we've got these numbers nailed down. Bliss – I feel the taxpayers pay John Edgar as the Town Planner, he's just told us he's comfortable with the site stabilization and I think we should go with him. Richard Juve – Does the Planning

Board take into consideration the financial impact to the School District? This is a ½ million dollar impact to the Town of Meredith on the School District. Flanders – We required that they get a student generation report for this subdivision so we do have information done by a professional as to how much impact there will be to the school system. Edgar – This information has been forwarded to the School District. The Town of Meredith does not have an impact fee system. In other words, as houses are built in the community, we do not do like some of the southern tier towns will do, tack on \$10-\$15 thousand dollars to offset anything from library, school, roads and those kinds of things. We are not in a position where we assess those kinds of fees on a lot-by-lot basis. We have looked into capacity issues with respect to this project and they have been forwarded to the school. We have been able to generate that analysis to give the school a heads up that as this project builds out over the years, it is a 3-phase project, they have an idea of what's coming and trying to increase the communication between the Town and the School. Vadney - We don't have the authority to stop the project or tax extra under the current ordinances and under the current capacity of the school system. Edgar – One of the other things that is not completely understood by the community is that the District has basically had flat enrollment for a long period of time. It's a little bit hard to understand, but it is something that is not uncommon nationally. As the population is aging, the school-age population to a large degree is shrinking and when we look at the historical data, the enrollment at Inter-Lakes District has been fairly flat and then you break it down by building which is what we asked the consultant to do and in one of the building's, the enrollment actually declined. The actual enrollment today is significantly less than it was several years past. As we grow, we grew as a Town 23% in the last couple years, but we don't have a 23% corresponding growth in the school age population and that's because of the demographics that are going on in terms of the aging of the baby boom. People are having less kids and more are having them later in life, those kinds of things that are happening nationally are to some degree happening here. Some places around the country are closing schools because of declining enrollment. Vadney – The bottom line is that many homes in Meredith are populated by elderly people. Wood – New Hampshire is aging. Bliss – We are comfortable with the legal documents and the project phasing or do those all need to be continued together? Flanders – In the phasing here, I see it represented on the chart. What provisions do we have for hammerheads or turnarounds wherever the road terminates in the different phases. Temporary turnarounds are provided for in the engineering plans. Wood – They are not shown on the subdivision plans but are on the engineering plans. Hearing closed at 8:55 p.m.

Bliss moved, Finer seconded, THAT WE FIND FOR EQUIVISE LTD. FOR CRESTWOOD ESTATES SUBDIVISION COMPLIANCE WITH CONDITIONS SET FORTH IN A CONDITIONAL APPROVAL GRANTED ON 6/22/04 FOR A 59-LOT RESIDENTIAL SUBDIVISION, TAX MAP S20, LOT 3, LOCATED ON PARADE ROAD IN THE FORESTRY/RURAL DISTRICT WITH THE FINDING THAT THE LEGAL DOCUMENTS ARE COMPLETE WITH JOHN'S NOTE AND STAFF COMMENTS ADDED, THAT THE PROJECT PHASING IS COMPLETE, ALSO INCORPORATING JOHN'S NOTES, AND AS FAR AS THE PERFORMANCE GUARANTEE, THAT WILL BE CONTINUED UNTIL SEPTEMBER 14, 2004, BUT THAT JOHN CAN APPROVE A SITE STABILIZATION GUARANTEE OUTSIDE OF A MEETING. Voted 5-1 in favor of the motion.

4. **REI LAND DEVELOPMENT, LLC FOR BRADLEY A. LEIGHTON 1998 TRUST:** (Rep. Allan Clark, Lee Tessier, Peter Howard, Jim Gove and Steve Pernaw)
Continuation of a public hearing held on July 13, 2004, for a proposed Major Subdivision of Tax Map S25, Lot 11B, into 58 Townhouse Condominium Units located on Waukewan Street in the Residential and Business/Industry Districts. Application accepted June 22, 2004.
5. **REI LAND DEVELOPMENT, LLC FOR BRADLEY A. LEIGHTON 1998 TRUST** – Continuation of a public hearing held on July 13 2004, for Architectural Design Review of a 58-Unit Townhouse Condominium in 11 buildings, Tax Map S25, Lot 11B, located on Waukewan Street in the Residential and Business/Industry Districts. Application accepted June 22, 2004.
6. **REI LAND DEVELOPMENT, LLC FOR BRADLEY A. LEIGHTON 1998 TRUST** – Continuation of a public hearing held on July 13, 2004, for a proposed Site Plan for site improvements, including road construction, water, sewer, drainage, landscaping and lighting relative to a condominium subdivision located on Waukewan Street in the Residential and Business/Industry Districts. Application accepted June 22, 2004.

Applicant requested that the Architectural Design Review be continued to the next meeting.

This property is located on Waukewan Street approximately 500' in from Route 104. The parcel is 14 acres in size. Water and sewer is being provided to the development. Applicant is proposing 58 townhouses on 14 acres, impacting about 50% of the lot. Behind this site is Winona Forest. The closest abutter is Steve Stokes and our development is now 220' away

from his house much of which is heavily wooded. Some modifications have been made to the plans so as not to impact his property. The Winona Forest Recreation Area is approximately 800' from this development. There are 197 trees 6" in diameter or greater on this site that will remain. This development is 2200' from Lake Waukegan. The Winona Forest beach is $\frac{3}{4}$ of a mile away. It is important to note that the area where this development sits is surrounded by trees and when you look down the road we are building, you will be looking into a forested area. This development sits in excess of 500' from Waukegan Street. A no-cut buffer surrounds the perimeter of the property. One building was relocated allowing more no cut buffer in the area abutting the Stokes property. Applicant has worked with the Post Office to determine how the mail would be handled for all homes in the development. An area will be provided with mailboxes for each unit and will be located close to the extra parking. Four (4) parking spaces have been eliminated from the overflow parking area. Applicant is not comfortable further reducing guest parking. All roads and utilities are private. No changes have been made to the proposed drainage system. We have met with our abutter, Mr. Diederma, and he strongly supports our development. He had some concerns which we have addressed. (1) A water stub will be provided for his property and (2) a hydrant will be provided at the end of where the development's water main goes down Waukegan Street. He also had concerns about a 10" culvert which was an existing culvert. We have advised him the 10" culvert will be replaced with a 12" culvert. Mr. Waldron supports this subdivision. At the last meeting, Mr. Waldron had concerns because he was not fully aware of where his access was going to be. It is a 60' access and we are going to pave an apron off of his property so he doesn't break up pavement as he comes out. He is pleased with that. He also had concerns about the fence but I think he thought we were going to fence the front. He has asked that we continue the 4' fence up further to where his access point comes in. We are proposing a 4' fence, he would like a 6' fence because of the activity (dock building) on the site. Roland Kimball, abutter across the street, supports the development. The road into the site will have granite curbing to help contain the runoff from the site. We were able to incorporate all of Bob Hill's comments, as well as Mike Faller's comments. We have addressed a few concerns Fire Chief Palm had related to how we number. He was also concerned about a knock box and he wanted to make sure there was a note on the plan that these homes will be sprinkled. He's going to want to see the sprinkle plans as part of the building permit application so we've been able to incorporate the few comments he has had. Lou Caron's comments have been addressed. As indicated previously, a fire hydrant is being provided at the end of the municipal line which should have been shown but wasn't. A street light proposed at the end of the intersection was missing

from the previous plan. The lawn has been minimized to 15' around the buildings except in the front and any other area that has been disturbed would be a wildflower mix requiring no maintenance or very low maintenance. This would not require irrigation or fertilization. We were asked in an effort to minimize the amount of irrigation necessary, to increase the depth of the loam so the roots can be deeper and stronger and not require quite as much irrigation. We have been asked to make sure the loam meets the State's specifications so we can minimize the amount of fertilizer necessary. A landscape management plan will be part of the condo documents which specifies in some detail how the landscaping will be managed through a minimized use of fertilizer and how the lawn should be cut. It's a method to make sure that there's guidance to the management company and it is the responsibility of the Board of Directors of the Condo Association to make sure that those landscape management practices are followed. Concerns have been expressed about underground propane tanks for heating. Fire Chief Palm is satisfied with the location and the fact there will be propane tanks underground. Applicant checked with NH DES and there is no prohibition of underground tanks. Written documents will be provided. The condo documents have been submitted for review by staff. A Knox box will be provided for the Fire Department. A key will be in the Knox box for the Fire Department to access any of the homes in case of fire. Financial guarantees have been provided, changes may be required. The water main will be extended from Route 104 into this development. Mr. Stokes will be provided a pipe for a force main sewer and resources to plant additional vegetation buffer of his choice on his property. Both properties at the end of the driveway will have water stubs. We are still working on our architectural design, we've hired an architect that has experience in multi-family design. We have asked him to work with us to make sure our architectural design complies with the Architectural Ordinance. Vadney – The numbers on the houses, does that have anything to do with the 911 system? This was a direct request of Chief Palm. A traffic study was prepared by Steve Pernaw (see Traffic Impact Assessment dated February, 2004). Mr. Pernaw concluded that we are not dealing with a major traffic generator from these 58-60 condominium units. The roadway can handle it and the intersection can handle that volume of traffic quite easily as it's currently laid out. Clark – Mr. Pernaw's work has been reviewed by both Mike Faller and Lou Caron and they agree with his findings. To the best of our knowledge, we've worked very closely with staff, we've addressed all of the concerns that have been brought to our attention. There are some minor technical changes that will have to be made on the final set of plans. The condominium documents need some revisions. We still have some work to do with the financial guarantee, but I think the majority of that work has been done. State approvals are all in

process and we expect approvals any day. Applicant requested architectural design review be continued and that the Board consider conditional approval of the Subdivision Plan and Site Plan. Finer takes exception to the Traffic Study. Finer – I take exception to Mr. Pernaw's Traffic Study, I don't claim to be an expert on this, but when the developer's are marketing this as a "work force" family housing development, I don't think 40 trips at the peak are accurate and I'm curious, right now he's got 50% of the morning traffic and 55% of the evening traffic all coming East into town and suddenly after the development that's going to change to 75% of it going in the opposite direction. I don't believe that 75% of the traffic is suddenly going to turn around and go in the other direction and not come past my house. I will admit I am biased on this because I'm on Waukegan Street and I don't want the extra traffic. Granfield – Even though you said you don't see a need for a left-turn because it's an "A" or "B" in the PM, my question is do you not have a curb on the right-hand side? Even if it's 5 seconds, nobody likes to wait, they always go around. A left-turn lane is often based on those kinds of issues as opposed to the amount of time somebody waits because the following traffic is going to go wherever they can and most people have four-wheel drives and SUV's and they don't care how deep the ditch is. How are you going to prevent that from happening and why wouldn't there be a left-turn to keep that from happening even though you've got an "A" or "B"? There's a whole separate analysis on how you determine when a left-turn is needed. There are three possible answers, one no treatment, the existing thru-lane will be used as shared lane, another possible finding is that you need to widen the shoulder, we call that a bypass lane for thru traffic to go around somebody turning left and the third possible point is a full left-turn lane as you see on Route 104. We ran that analysis with quite a few different sets of numbers and came up with the finding that you don't need a left-turn lane and you don't even need a bypass lane and that the shared lane is adequate. Edgar – From a zoning perspective the proposed use is considered multi-family because of the grouping of the buildings. Even though they are individually owned, they are not apartments per se, but they are multi-family in terms of their configuration, therefore, a Special Exception is required from the Zoning Board of Adjustment. If the Board were to grant a conditional approval, it would need to be made subject to the ZBA review in consideration of a Special Exception. With respect to the watershed location, water quality has been the first and foremost issue that we spoke of a year ago. We have very detailed construction sequencing. The applicant has front-ended the development of an application that is required to be sent to the Environmental Protection Agency to deal with their storm water permitting requirements. In that material, basically developed in combination by Gove Environmental and the Civil Engineer working together on the detailed

construction sequence. Sometimes in projects, applicants can present boiler plate textbook construction sequencing. In this case, it has to be tailored to the site and it's also tailored to anticipation of winter conditions. We could get into the construction season, not have the site perfectly stabilized. How do we deal with that? Those contingencies are addressed in that document. Also in that document, it deals with a requirement that we insist upon and that is a pre-construction conference prior to commencing construction. We sit down with the owner, the site contractor and then construction engineer, the construction inspector and Town staff and in this case the Water & Sewer Superintendent, Public Works Director, Code Enforcement Officer, the Fire Chief and myself would all sit down and have a pre-construction conference going over all of the plans and all the permits making sure that we are all on the same page before we turn a spoonful of dirt. Also in the construction sequence is clear demarcation of limits of clearing. One thing that can go terribly wrong on any project is you let the logger loose without having clear flagging and construction lines so all of that has to be field flagged and signed off by the Town before clearing can begin. We require construction inspections on all of our big projects in town and this is no different. The process will require an engineer of record to be responsible for the construction of phases so the person who has a professional liability has an incurred accountability in terms of the oversight of the construction. That person will have the inspector paid for by the applicant. The engineer of record has to participate in the sign off on Letters of Credit releases and the engineer of record has to participate in the development of a very detailed as-built drawing with all underground utilities and signing off on all of the testing and certification requirements relative to all the materials that has to be placed in the road, the backfill, in this case, the dam construction is pretty particular and so forth, so there will be a construction engineer that will be involved. There's always a level of suspicion so we often have Town forces augment that inspection program so at the applicant's expense, Mike and Bob will be doing unannounced spot inspections during critical phases of construction. The site will be stabilized vis-à-vis a detailed erosion control plan and that performance on the applicant's part will be guaranteed in the form of a Letter of Credit based on unit cost estimates prepared by an engineer. Looking at another potential source of contamination to water quality could be the lawn and the landscaping and so we've asked the applicant to take a real hard look based on Best Management Practices. In essence, what we are trying to do here is to make sure that we have taken all practical steps to look at how we can minimize the risk of water quality associated with landscape maintenance. In that regard, we want to make sure we don't over water. Another potential source of pollution is sedimentation. We have catch basins with sumps and a significant level of care has been built into the

storm water treatment aspects of the project. There are about four state permits that back up this review process. We will be building into all the legal final documents to make sure there's very explicit responsibilities that are spelled out on the part of the Association. With respect to wetlands, there's a Dredge & Fill Permit that's required to construct that water treatment system and also requires a Special Exception from the Zoning Board of Adjustment as a condition of any approval. Utilities will be subject to our construction inspection requirements, testing requirements and as-built survey requirements at the applicant's expense. There is a Sewer Discharge Permit required from the Winnepesaukee River Basin relative to the construction of the sewer line. Bob Hill's review is ongoing of the revised plans and he had indicated in his initial review letter and he's in the process of doing a final signoff on the plan. Any approval would also be subject to Bob's signing off on the final technical plans. Tying into Waukegan Street is subject to permitting from the Town of Meredith Public Works. With respect to our engineer's review, they have basically made the adjustments with respect to the initial review letter. In that initial review letter, there were two things that Lou wanted to follow up on. He had a concern that he's expressed with the design engineer about some technical issues associated with storm drain grate design to make sure they can adequately handle flows so there are some technical minor details being double checked to make sure all that is going to work. Similarly, we would ask for some time to wrap up his review on the erosion control pieces so we are looking at one final signoff review letter from Lou. Basically, the lion's share of all these issues have been addressed and that's relatively minor at this point. There are gas and oil separators built into the catch basin so in the event we had an inadvertent spill of some sort on the parking lot, the catch basins are designed to separate the hydro-carbons. I've asked that they identify the best management practices relative to those facilities. Those have to be pumped out and disposed of properly. I mentioned before that the stormwater pollution prevention control plan has been developed. The NH DES has to sign off on the overall alteration of drains and the associated stormwater quality concerns. The DES also has to sign off on the construction of the pond because of its elevations. One comment Bill Finer mentioned to me was in looking at the pond from a safety perspective and whether or not consideration had been given to fencing to make sure we don't have any problems with any youth getting in or around that pond. With respect to the landscape management plan, I've also recommended that based upon some of the material I have, looking at the depths of the loam and the loam composition is important. If the soil is too sandy, it's going to drain too fast and necessitate either additional soil amendments, fertilizing or that kind of thing. One of the standard recommendations in this

area is to try and beef up the loam depth to make sure it is of sufficient quality and pH so it doesn't, right out of the gate, necessitate excessive fertilization. With respect to fuel, applicant has indicated that DES has represented that the underground fuel tanks that are propane in nature do not represent a contamination threat and I've asked that verification be provided to us in writing. With respect to the legal documents, I have done an initial review. This is your first view of those documents and so towards that end, I recommend that if the Board were to consider a conditional approval that we not sign off on those documents at this point because I want to make sure we've got all the T's crossed and I suggest that the Board would look at that as coming back to the Board in the context of a compliance hearing. Similarly, on the issue of performance guarantee, we are not ready to sign off on that number. Here again we've got to nail down exactly whether anything is built under conditional approval or recorded final approval and so we need additional time to work that out and bring that back to a public hearing. With respect to building architecture, as Allan indicated, a gentleman by the name of David White has been hired to assist with modification of those designs. Allan has also suggested that we consider invoking a clause in the ordinance that allows for a consultant to review his architectural work. We have not invoked that clause in the past, but it is certainly his prerogative to do so. The applicant has requested that the Architectural Design Review continue to September 14, 2004. Should the Board grant conditional approval, I would strongly encourage the Board to make any approval subject to the Board's subsequent approval of the architectural designs. At the end of the day, the project needs to conform to the ordinance just like the Special Exception for multi-family. Flanders – On the maintenance of catch basins, are there any documents here that requires them to submit receipts from the contractor doing the maintenance work. Edgar – Not at this point, but we can certainly look at that. Bliss – I have a question as far as all of these DES permits and any permit that is out and hasn't been returned at this point. Where are we with those being returned. The applicant just said that it has been a year and if we are still waiting for stuff to return, I'm a little concerned about the conditional approval. Clark – There are four (4) State DES permits, one is a Dredge & Fill Permit for 82 sq. ft. Those weren't submitted a year ago, we started the process of acquiring this land a year ago and went through numerous meetings, but that has not been an excessive period of time. There is a State Alteration Terrain Permit which is currently being reviewed and is actively being reviewed at this point in time. There is also a Dam Permit that relates to the retention basin and that is all within the same DES. There is also a Sewer Discharge Permit and that has not been submitted to the State. It was submitted to Bob Hill. He wanted, before he submitted it to the State, some minor changes to the sewer and some changes in some

connections and we made those changes and it is my understanding that it has been submitted or will be submitted very soon. The state permits have not been out for a long period of time. You can't file for State permits until we have all of our engineering done. Robert Wenstrup – With all due respect to Mr. Pernaw's traffic analysis, I suggest that his assumptions do not reflect the traffic patterns on Waukegan Street, but rather Route 104. In particular, Waukegan Street over the last two years has become a bypass to avoid the intersection of Route 3 and 104 and the traffic in both directions is very heavy and the time in November does not reflect the traffic patterns during many other times of the year, both winter and summer. We have experienced just the noise generated, there is an enormous increase in traffic in both directions on Waukegan Street and a lot of that pattern would not be known to Mr. Pernaw because he wouldn't have any reason to understand the traffic wait coming out from Meredith Village, goes up Waukegan Street and turns either right or left at the light or maybe turns back on Route 104 to go to Province Common. The same pattern going into Town may come from Parade Road or Pease Road and not come past Lake Wicwas at all. I think this should be the basis of any traffic analysis because we observe very heavy traffic during all times of the day, not only passenger vehicles, but transportation or construction vehicles and we think this should be taken into consideration. I think this is a very important part of any traffic analysis and I wish he had been provided that sort of basis for his study. LeBrec – Following up what he has said, I was amazed at the traffic on that road and I'm talking 12 months out of the year. When you're walking, after Wall Street there's no sidewalk. I have a dog and when I walk the dog at 6 o'clock at night, I better have her close on the leash because there's a lot of heavy traffic, trucks, cars and there's a turn there. It's not a good place, it's not a safe place and with the volume of traffic increasing with this condo association, I would consider moving. I am amazed at the noise and everything else. It's a heavy traffic area because a lot of people use it as a shortcut to avoid all the other stuff and that's not just summer people, that's year-round. Marie Valliere – I use Waukegan Street on my way home and I use Waukegan Street on my way to work. Where I find the traffic right now is at the beach and the other traffic and when you talk about your development, between Vutek and Wall Street because those businesses are there. M. Hodge – I have a problem with Mr. Pernaw's assumption that most of the cars will be turning right onto Route 104 and unless there's a sign there that says "no left turn", you can't guarantee that and the fact is that the Town Beach is a left-hand turn and that's where they

are going to be headed in the summer. Downtown Meredith is a left-hand turn and the Library and other facilities you might want to go to. Edgar – Long before this project was at the conceptual stage, the Town of Meredith applied to the NH Department of Transportation for something known as a Transportation Enhancement Grant. It was a very competitive process regionally and statewide. We were trying to access State funds in this particular case to build that missing stretch of sidewalk that would go from the beach to Wall Street. This was a couple years ago and we were successful in obtaining that grant. The NH 10-year plan covers major construction projects from 2005 to 2014. This project is in that plan but has not yet become a reality. There is Town funding in place for this and State funding. Irrespective of this project, we saw the need to make that connection because there is a significant pedestrian flow on that road and access to the beach. Independent of this project, we identified that need and went after some State funds and were fortunate enough to obtain that money in the context of this enhancement project and that's earmarked for 2005. Vadney – I do recall 6 or 7 years ago there were letters to the Editor in the newspaper and Peter Russell was under fire for building a sidewalk out there and everybody complained about it at the time. Chuck Braxton - The sidewalk should lead into the development as well so people aren't forced to get in their cars to go somewhere so if they can link the new sidewalk, they can walk to the beach and their kids can ride their bikes and I think that should be an important consideration to bring those sidewalks into the new project. Clark – That's in the plans. Chuck Braxton – Going to a different issue on site disruption. Everything we've seen has related to the plan view of the project and Allan's talked about the building heights being less than maximum. What I'm particularly interested in is in order to get things all flowing where they need to go, how much material has to be added to the site where the buildings are? How much above existing terrain are we dealing with out there? Peter Howard – I was responsible for working out a grading plan. Braxton – Am I right, it's about 12-15'? Howard – I think the greatest amount of fill in this area and the reason we did that was to minimize the slopes on the site to accommodate the sewer and water. The site is quite balanced as far as the amount of material that's going to be moved around to the cut and fills. There's not a whole lot of material that's going to have to be moved off the site, there's not a whole lot of material other than the structural box material that will be needed for the roads, foundations and that sort of thing to be brought onto the site, so it's quite balanced in that way which we were able to accomplish. In this area,

there's probably an 8' fill with a 3:1 slope that goes down to the tree line. Braxton – So the zoning requirement is 42', the building height is 35', 8' fill? The real height above existing grade, the buildings are actually going to be up quite a bit. Howard – Fire protection, it will be in the safe reach of fire vehicles. Edgar – The zoning ordinance measures the lowest point of finish grade to the ridge point, but it's not uncommon whether it's a development project or individual lot development. Howard – This area is the only area that has that much fill. Edgar – In this particular case, I don't think we're looking at an applicant trying to obtain elevation to obtain views or those kinds of things, I think it probably has more to do with some of the profile work for the utilities and it also helps accommodate all stormwater so that we can get the stormwater to the pond. We raised this so we would be able to put the water into catch basins and be able to get it into the pond and that will treat it before it leaves the site. Pat Mack - I have a couple questions about the pond. You're making the pond for the stormwater? Is that the whole purpose of the pond to treat that? It's not shifting water from wetland or wet area, redirecting it? Jim Gove – In essence, why we even made this pond the size we did is essentially because we wanted to provide the maximum treatment possible to the runoff. The reason why this pond is not only the shape it is, but the size it is, it's much larger than necessary from the standpoint of just stormwater runoff and this pond can handle over a 100 year flood event. First off, we want to avoid as much wetlands as possible so this is actually being constructed in such a fashion that we are avoiding all wetlands on the site. In fact, the only place we're actually going to be impacting wetland is one little tiny 82 sq. ft. area. What actually happens in the pond is that this is what we call a pool bay, it actually represents a pond where the central portion of this is about 6' deep. It will have water in it all of the time and when you look at it, there will actually be an area where you'll have pond lilies and pickerel weed around the edges of it. The upslope side will actually be thick with shrubs such as northern arrow wood, high bush blueberry and silky dogwood. In this area is where the sediments will actually settle, anything that made it past the catch basin. Most of the time everything gets caught up in the catch basin, but in fact it will have a settling area and you actually have an area where you can bring in a backhoe, if necessary, which to date we haven't found that to be necessary to clean out any sediment that might occur. It then goes through what's called _____. This is all sedges and rushes that are planted in a shallower area that is about one foot deep and this does a tremendous job of removing nitrogen, phosphorus and removes a whole bunch of nutrients and then it goes into what's called an after bay system which is another pond that's exactly the same as the first one and in fact it's been demonstrated in scientific and actual measurements, that once these systems are designed a further update takes place and discharge out of the pond. The primary purpose of

this pond and its size is for water quality. It's essentially the best pond system we have. Is it going to remove any water from any wetlands, no. All of the wetlands are going to stay as they are and so in essence what we are doing is taking any of the impervious surfaces and putting it through this particular system for water quality treatment. Finer – Is that going to have a fence around it? Gove – It certainly can. Finer – The term “attractive nuisance” pops into my mind for kids in that development who don't have any type of a playground designed for there and now you are adding blueberry bushes to the edge of a 6' deep pond, I think you're asking for trouble. Gove - It does have a 3:1 slope before it ever goes down into the actual pond itself. It certainly can have one around it. It's not going to detract from its essential usefulness for water quality, if in fact that is the wishes of the Board. The reason I put in the high bush blueberry around it is because it will be attractive to wildlife and it will be something that will attract songbirds. Vadney – There goes the water quality. Gove – Interestingly enough when you introduce this marsh system, it's pretty effective. Richard Juve – That runoff you have on your chart, I live at 23 Wall Street, could you show us on another chart where that water is destined to go. Gove – This runoff is actually going to, topographically going to go into the wetlands over here. The wetland that starts right here is the headwaters of a stream. It becomes part of this perennial stream which essentially comes down... There's a dug channel at least 4' deep and I think it's almost a direct line that comes off someplace on Waukegan Street and goes straight in. Juve – Right in my driveway. Gove – That may be, but the situation is this detention system will in fact cut down on the amount of runoff that goes off the site now. Edgar – You are coming at us with an important point and certainly one of the issues that they've factored and also has to play out for the ZBA is what are the downstream implications of anything. We know that in this case we have a whole bunch of woods, but have not only downstream water supply, but we have downstream property that could be impacted if the culvert wasn't done perfectly. Putting aside water quality, when the issue of the volume of the discharges that come down, I'll give an overview, but I think Peter can speak to it more specifically. There's a certain amount of runoff that occurs before this project gets developed. That's pre-development and we calculate that. Then they have to look at what is the runoff that's attributed to the project. The rate of runoff cannot increase between the pre and the post, that's the storm water volume side that Jim was eluding to in that pond. The pond is oversized so that as runoff is generated by this project is trapped in the pond and held back by the pond and through the outlet configuration of the pond, it's in essence a managed release downstream so that the rate of discharge after development is less than the current existing condition. That is part of what the engineers have to, as a legal matter, deal with because

they don't have a legal right to increase the rate of discharge to downstream properties. So that's where the pond comes into play from a volume perspective and what we did in this particular project, when we started talking about the volume issue, is make sure we got the civil engineer that's dealing with the hydraulic calculations to sit down with the environmental specialist to look at a state-of-the-art facility that could address both water quality and the volume issue in one facility, but we have asked them to look very specifically at the downstream conditions when we had our pre-application meetings when some of the neighbors in the Wall Street area and Waukegan Street were concerned about downstream, we reinforced that with the engineers. Vadney – No increase in peak flow. Wenstrup – I appreciate Mr. Gove's and Mr. Edgar's appreciation for runoff, however, we know that when Wall Street was resurfaced, there's a lot of springs in the area also. This development will add impervious area to the mix of what exists there now. Has there been any concern about the effect of the existing springs in what would now become impervious area and the effect of increase in subsurface or surface runoff, in addition to that stormwater runoff? Edgar – I do know that the engineers anticipated the groundwater movement issues because they have to back that into the calculations. Peter Howard – We will be intercepting the groundwater and running it through this pond. As already mentioned, the pond is oversized in terms of the standard drainage analysis for pre and post development and this pond has been designed with 3:1 size slopes which are actually flatter than is allowed by state requirements. When you design a pond that goes up like this, the volume increases geometrically the deeper you get into that pond. We have 2 feet of capacity over the standing water elevations in this pond which gives us a huge amount of storage capacity, much more than we would actually incorporate if it weren't for the stormwater treatment that Jim and I worked together on that he needed for sizing of the pond. We have a capacity in this pond that's already been mentioned to accommodate 100-year rainfalls. We recognize that you get water concentrating as it gets closer to the lake, but from our development we are going to run all of the water through this pond. We have curbed the driveway entrance so we would collect that water, we have raised the grades as already mentioned. This will attenuate the amount of water that leaves the site so we can actually decrease the pre and the post. It will accommodate that groundwater. We can't do much about what's downslope. We recognize there's a lot of water coming out of that hillside all the way down. As far as this site goes, we have a large amount of storage capacity for the site itself. It seems to me that you are going to collect a lot of groundwater and runoff water and combine them. What's implied is that it is going to be collected and then it's going to be diffused non-localized runoff so it doesn't go down this gentleman's driveway. Does that mean that the level is going to vary

with your 100-year flood level? How much does the level of that vary on a stormy, rainy day. Howard – The pond level is going to maintain an elevation of 712, that's an elevation on the site. That's the elevation of the outer structure. We have an overflow structure at 714 so between 712 and 714, that pond will go up and down. If in the event it got over the 714, some of it would start to flow out a rather wide overflow structure which all goes to the same place. The downslope properties have all channelized the water. Ditches have been made, there's a ditch down on Robin Way, there's ditching along there, all the water below us gets concentrated into seasonal and permanent streams down below this site. We are not going to put the water any place it doesn't already go now. In fact, we've gone out of our way to try to direct this water to the most stable outlet location, but we will have 2 feet of variation in the pond. That's what I'm trying to get at, if it's working it's great, but if there is an overflow, then it's going to be from whatever point it flows over and water will find the shortest and fastest route so then you really do have an issue. It's not capacity, I don't know that, I'm just wondering. Howard – I don't think this is the place to go over the technical aspects of rain, but rains starts out in the shape of distribution of rainfall and what we do, you add the volume of that rainfall over a 24-hour period. Clark - The pond is designed to accommodate a 100-year storm, so there's a substantial amount of capacity. Pam Finer – I would ask that you have something being done to the plans to put fencing around that pond or are you going to leave it open. Clark – We certainly are willing to place in the Letter of Credit the funds to put in a fence if in the opinion of staff a fence should be... We believe a fence isn't necessary. Finer – Are there children going to be living in this? Clark – There will be some children. Finer – A fence is necessary. Clark – We have no objection to a fence, we would like to review it once it's built, because I think that when you see how it's built, there's no fencing around Lake Waukegan now. This is a shallow pond. It's not a money issue, it's more aesthetics and we're more than willing to include in our Letter of Credit, the money to put a fence around it. Bliss – You don't have steps going down to the back yard, because you don't want people using their back yard. You are going to have kids in this development and where do you think these kids are going to play? Edgar – With respect to the fence issue, I agree I don't think we would want to compromise a safety issue over an aesthetic objective so to the extent that the Board feels that a fence is appropriate, that should not be left to a staff function, that should be a determination by the Board if you feel that a safe aesthetically designed fence should be done to address the safety issue, then you make that a requirement and I'll make sure it shows up on the plans, but that should not be a delegated staff function if you feel that should be required. Vadney – It does imply maybe that we need to put a fence around Lake Winnepesaukee. Vutek – I have two detention ponds and

neither one of them is fenced and the only problem I ever have is keeping skate boards out of pond one. Nobody has ever tried to go swimming in it, it's not terribly inviting. The second point I would like to make is Waukegan Street, as we are growing, we are up to 20 trailers a day, sometimes in the street waiting to get in because they show up at all different times during the day and at lunch time especially 240 employees, a good portion of them go to lunch and that street is a major thoroughfare. Vadney – I must point out to you, the more you show the traffic is bad, the less impact this small development's going to have on the problem. The percentages are there. Pat Mack - I'm curious how deep the "no cut" buffer is between the subdivision and the neighbors. You mentioned 197 trees, how far is it in terms of feet? Clark – In what location? Mack – In relation to Mr. Stokes. Howard – 30' – 60'. Mack – They say you can't see the buildings is that this time of year when all the trees are in full leaf state? Clark – This part of the forest is a combination of deciduous and _____, but when the leaves fall off, it would be more visible, but it's quite thickly forested through here. We have arranged for Mr. Stokes to plant additional conifers on his property so obviously it will be more visible, I don't know from this point because I didn't know where that was in the field, but standing on the wall I can just glimpse at the house under these conditions. What is the square footage of the units? Clark – Each home has a footprint that's about 650 sq. ft. Total living area is about 1300-1400 sq. ft. Flanders – When Steve mentioned this was one day in November, that gives me great concern. To be valid, it should be more than a 24-hour period in one of the slowest months of the year before Inkware got going. I'm afraid when you made that statement to me Steve, you just invalidated most all of your information. Pernaw – The procedure that we followed is the same that we do for all studies in New Hampshire. All of the studies that we do are based on the typical peak period so what we did for this study is no less than what we did for the Tilton Outlet Mall. We take one day of observations. The other point I should make is that traffic engineering consultants work on a 12-month basis. We didn't wait until November, we received a call in October and again we do counts during all 12 months out of the year and that's why regardless of when we count, we always make adjustments. That is why I was straightforward with the Board and told you that we increased our numbers over 40% to account for that kind of variation. Listening a little bit about Inkware, because our personnel were in the area, we happened to count those driveways. I think there were 3 of them. One observation I can tell you, I don't disagree that the traffic has grown there, I'm sure that's true, but it was either 80 or 85% of Inkware's traffic that goes to Route 104. A very small percentage of it goes by the site. You should know and you won't find it in the report, but we do what we call a sensitivity analysis. When we step back and are done with our projections we ask ourselves what if instead of

75/25 on that trip distribution, what happens if it's 50/50? We run the numbers more or less on the back of an envelope to see if it affects our bottom line conclusion. Even if it were 75/45 the other way, what we determined was that the level of services will still be "A" or "B" in the year 2015. Vadney – Out of that driveway is what he's saying. You may have a road problem, but that's a different issue. When we analyze that driveway and that intersection for 2015, with those different distribution patterns, we are nowhere close on a left-turn lane and nowhere close on a right-turn lane. Again, I am completely confident in recommending to my client all you need is one exit lane to get this volume of traffic out so there's some extra analysis that goes into this that you won't find in the report, but our findings are not borderline findings. Again, counting one typical day is what is always done. We could do another count and do it in August and we will come up with the same count. Flanders – I didn't mean to indicate that you waited until November on purpose and I don't have any great expertise or any at all on traffic studies, but I don't know how you can tell me that you can just pick a day anywhere in the week and it's a typical day. Without monitoring a number of other days, how do you know what typical is? Pernaw – The reason we know that is, and again that's why we go back and research available traffic data for the area. Again, we know what's happening on Route 104 and that particular count station is a permanent station. We get our comparison between what happens in November and what happens in July and August and that forms a basis for us to increase our trips on Waukegan Street by over 40%. Vadney – I want to make sure you're all clear that we can only on this project look at that driveway. If there are general problems with that road and there may be and I intend to agree with you, there are other avenues for that and the avenue isn't this applicant. We can't expect this applicant to put a 4-lane highway down Waukegan Street. He's only adding 58-units. Pam Finer – Exactly, and that could be 2-3 cars per unit in and out all day long. That's what we are complaining about. It's the extra traffic on an already overpopulated road. Vadney – It's a miniscule percentage change for Waukegan because it is a busy street. Pam Finer – Why add more to it, then? Vadney – We can't take the man's property rights away from him because other people don't like it. Pam Finer – We have a right to speak our minds on how we think and feel and I think and feel it's too many god awful looking buildings in a beautiful spot with too many people coming in and out on an already overpopulated street and I would like to see you turn it down. Traffic going by the beach is dangerous because children come running up the stairs and you can't see them and they can't see you. Isn't it the Town's responsibility to understand the impact that added burden has on the road. You already do have an attenuation of the speed limit there and a buildup of people because of that attenuation, what I'm saying is now when you add more

people to that because of that impact, how do you do the calculation coming from Route 104, certainly now more people are going to build up to slow down. How would you do that, how do you figure that out? Vadney – What you are looking at for traffic here is peak hour heading East down Waukegan going toward the beach at least when they pass this new driveway, there's about 130 cars in the peak hour. This new development will add somewhere between 3 is the official number or as Steve mentioned it could be 50-50 split or something, it might be more like 7 or 8 on top of the 130 that's on the street now. If you don't like that, wait 10 years because it's going to go up to about 200 whether this is built or not. I'm trying to be clear that there is a street problem there, but not a development site problem. There is an avenue for this if you really feel strongly and I don't doubt you do, talk to John Edgar and go see the LRPC because there is a 10-year plan and every 2 years we advertise, bring your problems to us because we want to know where the bottlenecks are and where the extra traffic is because that's what gets into the state 10-year plan for long-range improvements. Edgar – I would be happy to speak with anybody about highway projects, but the 10-year plan is improvements on state systems, not local systems. You wouldn't get a widening of Waukegan Street from the state. Bliss – I know Meredith is growing and I live on a totally different road and go through that same thing and we see it all around Town. The bottom line is the applicant has certain rights within his subdivision or whatever it is he is trying to do that by our regulations he can do. I'm not trying to minimize it, but we all go through that. Flanders – I've lived in Town almost 33 years now and I would like to correct one thing you said what I perceive to be an incorrect statement. You said people take the bypass and go down Waukegan Street to avoid Harley-Davidson. They are not avoiding Harley-Davidson, they are avoiding the wait to get out of Parade Road. There should be an improvement coming in 2006 at that intersection. There is going to be a meeting tomorrow night with DOT about installing a roundabout at the intersection of Parade Road and Route 3, but no matter what we do with that intersection up there, until something is done at the intersection of 3 and 25, it's not going to change it a heck of a lot. If you can get out of Parade Road fast it doesn't make any difference, if you can't get through the intersection in the center of Town. Braxton - I would like to add one positive comment to the revised layout. It is an improvement for the residents on the Winona Forest side. I think the layout is an improvement in terms of where the buildings are located. Pam Finer – You said you are going to be doing an architectural design, do you have any idea that you could share with us that's going to be different from the previous one? Clark – Our architect is on vacation this week and I am meeting with him on Monday. Bliss – I am very disappointed here tonight that we have not seen anything on the architectural design review, that was

one of our major concerns. Vadney – But that's going to be continued, they didn't have time to prepare. Clark – Also in our proposal which I failed to point out is a screening fence that will go in. If it's the Board's intent to fence this in, we have no objection to that. The homes are all two-bedroom homes and if sold today, the price range would be \$165,000. The rough estimate is .4 children per two-bedroom home. Pat Mack – It's a private road, correct? Will they be salting that road during the winter? We don't get salt where we live, we get sand which is fine, but I'm just wondering if that's going to be salted. Clark – That has been addressed in the Landscape Management Plan. Sand will be used, not salt. Kahn – I have a question about the snow removal and salt which I couldn't find in the Landscape Plan and I recall the last time this came to a meeting that's where it was supposed to be, so that will show up in some document? Clark – I think I took it out in this draft and we're going to add that into the condominium documents because it didn't feel like it was landscaping. Kahn – On the traffic issue, John, do we know whether or not the school district will send their buses into the development or will the kids have to be picked up on Waukegan Street. You've got a grade on Waukegan Street and if the bus is headed uphill, people are going to back up behind it, but I'm more concerned about the fact that you've got kids who are 600-800 feet from their homes and roaming around at the corner of Waukegan Street with no place to stand waiting for a bus. Do we know if the school district will send the buses in? Edgar – I do not know what the school's policy is relative to private roads. Kahn – If they will not go in, could some provision be made for an area where children can wait at the end without wandering out into the street. Why is there no provision made on the plan for a play area for children. Clark – We have more than adequate space here for a play area. Based on our experience, the number of children that will live here are a lot less than what our consultant states. If there's a demand for some type of children's play area, there is a substantial amount of land here where it could be. Within the condominium documents, it gives them the right to do that, it would require them to come back and present a plan so it can be approved by the Planning Board. Kahn – I wouldn't approve the plan unless you put something in. My view is you should put it in rather than say if the condominium owners want to do it, we'll think about it. Clark – I appreciate your concern. Our experience is that there will be a small number of children. Bliss – I'll vote for a continuance, but I don't feel it's ready for a conditional approval. Flanders – What we have here is two separate applications. The architectural design review is a separate application from the site plan and subdivision and so I don't think that we necessarily have to not do anything on the site plan and subdivision because the architectural design review isn't done. They've indicated they wanted to continue that right up front and they've got a different architect

working on it so I don't think we should tie those two together, it's two separate things. Vadney – Are you suggesting that we give a conditional approval for the subdivision and the site plan and then a continuance for the architectural piece. As motions, they require separate motions. Edgar – They are separate applications technically and you certainly have the flexibility of addressing one at one time and one at the other. If you were to go down that road, I strongly encourage that if you were to make a motion on any kind of conditional approval, you make that subject to a subsequent favorable approval of the other application. They are tied together at the end of the day and they all have to be approved. Hearing closed at 10:15 p.m.

Bliss moved, Kahn seconded, I MOVE THAT WE CONTINUE ALL THREE OF THE APPLICATIONS BEFORE US UNTIL THE SEPTEMBER 28, 2004, MEETING. Voted 4-2 in favor of the motion, 1 abstention.

7. **SUSAN AND TOR BRUNVAND FOR SCOTT CARPENTER:** (Rep. Joanne Carpenter)

Proposed Site Plan to establish a catering/take-out restaurant in an existing commercial/residential building, Tax Map U10, Lot 27, located on Daniel Webster Highway and Plymouth Street in the Central Business District.

8. **SUSAN AND TOR BRUNVAND FOR SCOTT CARPENTER:** (Rep. Joanne Carpenter and Tor Brunvand)

Architectural Design Review of an existing commercial/residential structure, Tax Map U10, Lot 27, located on Daniel Webster Highway and Plymouth Street in the Central Business District.

Applicant proposes a change of use of the existing boat storage building to establish a catering/take-out restaurant in addition to the existing apartments. Brunvand - We are trying to take the barn that is used for boat storage and make it into a catering kitchen as a first phase and then develop it into a deli of pickup and delivery food. Tonight we would like the Board to look at the site plan to see if we have adequate parking to turn this barn into a deli/restaurant type operation. There will be no seats in the restaurant to speak of. We are looking for approval of the site plan for the number of parking spaces. Carpenter – I included up to 36 seats based on the parking that would fit on the site because I was under the impression that you wanted seating. Brunvand – There's going to be a little seating but primarily it's pickup and delivery. It's not going to be a place that you would stop and eat dinner, but there will be some seats. Vadney – John, that 36-seat issue, am I missing something? Are there no seats at all? He's talking about waiting seats. Brunvand – Let's call it 36 seats, but don't get the

conception that you're going to come in, sit down and have dinner. Vadney – In that case, we don't care how many seats it is. Carpenter – I put up to 36 seats because that's how much parking I had so I figured we'd go for the max. Edgar – The number might come down when we get into the staff review, the floor plan suggests outside seating under a covered porch and I applied the fact that there was some work done on the elevations and unless I'm missing something, I'm not sure that's translated into the site plan. If it is, then the whole game changes a little bit and the numbers eventually may come down because of that. Brunvand – We took the outside seating away because it was taking parking spaces and we needed more parking spaces than seating. Edgar – I'm just saying there's an inconsistency between the floor plans, elevations and the site plan and you need to reconcile that and by taking out 8 groups of 4 under the porch, obviously, if you don't have outside seating, maybe it's not 36. Maybe the practical amount of seating you have on the inside of the building may be less is all I'm saying. Brunvand – We don't have a problem planning for 36 seats and parking for that amount, because I think the parking is going to be very critical. Carpenter – The architectural plans have changed. I don't know if we have revised ones at this time. Brunvand – I think we are getting ahead of ourselves. All we're going to do is take the building and change the look of the building. We'll change the structure because the roof isn't supported. Basically, all we are going to do to the building is re-side the building and change the windows, we are not going to change the footprint of the building at all. Carpenter – The only reason I brought that up on the site plan is because obviously there is inconsistency between what you've seen for architectural plans and what the site plan is showing, so the site plan is correct. Edgar – It's the elevations that are incorrect. We are looking at a catering business that wants to be able to expand into a deli and the idea is to try to look at the big picture here so they can go through this process once and not have to keep coming back. So we are trying to look at a worst case scenario in terms of the parking demand associated with both elements of the project. Vadney – But from a site plan perspective, there are some apartments either existing or proposed, there is a deli... Edgar – It's all indicated in the use table relative to the parking demand. The parking numbers of 20, let's assume they all work fine and the DOT allows for it, the number is not a bad number. We factor in employees, seating and the apartments and that's in the table. We have had a pre-application discussion and the Board reviewed this very favorably. We had the elevations at the time and we had a non-surveyed, magic marker version of a site plan and the feeling was that if everything panned out through the hearing process, that this would be a nice upgrade to the building and that part of Town. From a zoning perspective, there is a slight reduction in lot coverage from 79.5% to 73.3%. We do have some parking

in the setbacks that would trigger review by the Zoning Board of Adjustment. To draw your attention to the Route 3 corridor, for example, the building setback line is actually inside the building footprint so that whole bank of improved parking, right now it's kind of a gravel no-man's land, a little bit of boats and intermittent types of things, but basically that upgraded area to include that curbing in the parking lot would trigger a ZBA Special Exception. The density issue is irrelevant. With respect to access, you have driveway permits on both sides of the property because we are changing the use of the site to a commercial use and that will necessitate Mike's review on Plymouth Street and DOT review on Route 3. I would encourage the applicant to be ahead of the game dealing with DOT, particularly in light of all the improvement work that's called for in the ROW. So there are two permits that are involved. Mike doesn't have a problem with the configuration probably, but what he would be looking for though because of the increased traffic going into the deli, he would probably want to see a paved apron off Plymouth Street, not necessarily the whole parking lot. The parking is also going to require sign-off by DOT. In order to make turning movements work for right-angle parking coming in off Route 3, there's a major curb line to be established. There's a whole bunch of new curbing that's proposed on the Route 3 ROW, as well as the landscaping in that area, as well as looking at the drainage. Basically, the State has to sign off on where the water 's going to go because the prior plan basically had it sheet flowing out the driveway. They've got to train that to go somewhere other than onto the road. Obviously, the plans have been changed to reflect that, but the State's going to have to sign off through the permitting process on all that so it's good to hear that contact has been made and those issues are being worked out with DOT. There is a requirement for handicapped parking in the context of the deli operation, it's typically considered a place of public accommodation. You would need to identify handicap parking space. That's going to adjust the dimension of one of the stalls and possible the surfacing of that area. For this number of parking, we would only require one handicap spot. It should be close to the handicap entrance. Obviously, you don't stick it in the back forty somewhere, it needs to be level and it should be paved. Utilities in terms of plan information, we should see existing and proposed service lines. Obviously it's on municipal utilities currently and typically an applicant would just double check with Bob to make sure we have adequate capacities for running dishwashers and things like that just to make sure the service lines are appropriate and in those conversations with Bob, he likes to make sure we've anticipated grease traps and things like that to make sure there's no inadvertent impact to the sewer system. Any approval should be looked at subject to Bob finalizing stuff with Joanne relative to utilities. Stormwater management – On the Plymouth Street side we have a catch basin that shows an elevation

kind of in the middle of the parking lot. The swale to the North basically intercepts road runoff and I was kind of curious what the overall game plan is in terms of where the water is going to go. Probably on the Plymouth Street side, it's mostly going to be existing, we're pretty much keeping it gravel so I don't think there's a whole lot of site work proposed in that area so that's probably going to be status quo. I don't know where that catch basin outlets, but we'll probably have a little bit of sheet flow going over that bank down towards Route 3 in small amounts, not a big deal. The bigger question is in the DOT's hands in terms of where the water goes in terms of that driveway. Even small amounts of water you don't want... For our purposes, Plymouth Street is higher than the project site so no water can go on Plymouth Street. There's probable a 4-5' elevation change on Plymouth Street. The bigger issue would be in DOT's hands to make sure we don't have water sheeting out into the southbound lane on Route 3 and it sounds like that's all being worked out.