

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary; Worsman, Selectmen's Rep., Kahn; Touhey; Dever; Bliss (excused absence); Edgar, Town Planner; Harvey, Clerk

Sorell moved, Bayard seconded, THAT WE APPROVE THE MINUTES OF AUGUST 14, 2007, AS PRESENTED. Voted unanimously.

APPLICATION SUBMISSIONS

1. **RAYMOND BERTHOLET FOR THE SHOPS AT MEREDITH PLACE** – Proposed Site Plan Amendment for a change of use from retail to an emergency clinic for overnight care of animals, Tax Map U06, Lot 144, located at 8 Maple Street in the Central Business District.

The above application has been postponed at the applicant's request. Abutters will be renoticed when they are ready to move forward.

PUBLIC HEARINGS

1. **ROBERT HALE ANDREW & PHYLLIS ELDRIDGE TRUST:** Rep. Carl Johnson Continuation of a public hearing held on July 10, 2007, for a proposed Major Subdivision to subdivide 15.73 acres into 5 lots (3 ac. - 5.11 ac.), Tax Map S02, Lot 1, located on Old Center Harbor Road in the Forestry/Rural District. Application accepted June 12, 2007.

The Board's familiar with this application, it's a 5-lot subdivision located with frontage on Old Center Harbor Road and Gilman Hill Road. This is a residential subdivision. There are no roads to be built and all of the driveway access points have been reviewed by Mike Faller and they've been staked in the field. I understand the Board did a site walk and took a look at some of the issues regarding the subdivision. We had covered most of the information so I'm going to concentrate on one of the issues that we had continued to this evening regarding some analysis of the types, quantity and direction of drainage that would be coming from the site as a result of the development. The Memo from Mr. Faller based on a site walk he had with Mr. Edgar suggested that it would be a good idea to have an engineer look at this in terms of the pre and post development drainage, not necessarily prepare any type of detailed drainage report or drainage analysis like you would have with a big site plan or you would have with a subdivision similar to Clover Ridge where they were building a 3,000' long road and they had 18 lots but to analyze where some of the drainage is currently on the property and what would result as you built out these 5 lots. After that meeting, I did contact Paul Fluet from Fluet Engineering and he's very familiar with drainage issues and his basic comment was you're not able to really comment on pre and post development drainage situations without doing a drainage analysis. You basically have to run the calculations through in order to come to the conclusions and make any statements regarding what the issues would be regarding the drainage and that

particular process for this particular property would be about 6 weeks based on his work load and \$3,500.00 and based on what he was seeing, he didn't feel there was anything here that would rise to the level of doing that degree of analysis on the property. He based that on the fact that there are certain standards by which any applicant developing property is required to submit if they are going to be disturbing a certain amount of terrain. It's basically called the Alteration of Terrain and the Alteration of Terrain standard for residential development in the State of New Hampshire is monitored by the Department of Environmental Services and that threshold is 100,000 contiguous square feet of alteration. One of the things that makes this property a little bit different is because there's no roadway constructed similar to Clover Ridge or similar even to Corliss Hill Road that you most recently reviewed, the driveway access points with the exception of one common driveway are all separate so what that means is all of these developed areas are not contiguous so you don't rise to the level of having the review by the Department of Environmental Services under their Alteration of Terrain review. If this property were on the shore of the lake, the 100,000 sq. ft. threshold is reduced to 50,000 sq. ft. because it's a much more sensitive area and they are more concerned with the quality of the water surrounding the lakes. What I did was take an average amount of development, a fairly large house size, garage, driveway area and access area for each lot and computed what I believed based on my experience would be an estimated amount of alteration of terrain that would result. Keep in mind there's no way to tell exactly how much somebody's going to alter terrain but generally speaking, you don't alter any terrain any more than you have to because it's expensive and each one of these house lots would probably generate somewhere around 6,000-7,000 sq. ft. of disturbed area. The estimated area combined with the common driveway is a little bit higher but the total estimated amount of disturbance for the subdivision based on my judgment would be about 39,000 sq. ft. That's very low, that's far under the 100,000 sq. ft. and remember that's total and it's not contiguous. I did a little drawing that illustrated some of the areas that I felt would be disturbed and the common driveway area was if you had large buildout areas in each building envelope, it would be about 20,000 sq. ft. and then I had 6,900, 6600 and 5500 based on the other lots and that would be the 5 areas of disturbance, the one common driveway servicing two lots and 3 separate driveways so the total impervious was 39,227 or about 40,000 sq. ft. There is a Federal standard of an acre under a groundwater permitting process but again that's contiguous so we are not anywhere near even the lowest threshold of any reviewing agency in terms of disturbed area. This is an aerial representation of the property. Although it's difficult to probably see some of the details, you can see the big hook in the road here which is the big corner for Old Center Harbor Road and Beattie Road, Gilman Hill Road goes off here and you can also see the power line. Johnson pointed out the subject property and what we took a look at was the existing topography that we did as part of the subdivision application and we looked at the USGS topo map to see some of the slopes that are associated down slope from the property because it is downward sloping from the power line all the way to Route 25 and tried to get a handle on where some of that drainage was going. When you have a 3-dimensional terrain, auto cad allows

you to do what's called a water drop and after you produce your contours and you have your surface, you can actually take your cursor and you can put a point of anyplace on your property and it traces the theoretical line where the water would go based on the contours and it shows you a trail of where that water goes so what we do is take the developed areas based on the building envelopes of each lot, we put a bunch of tick marks and that demonstrates where the water would go based on the hard field information that we have. When you do that, you find out that all of the water gently slopes down from northeast to southwest and exits through the culvert which shows up on the southwest portion of the plan near the westerly corner of the property. That water then goes across Old Center Harbor Road and enters this large piece of undeveloped property which is between Old Center Harbor Road and Route 25. There's a fairly substantial buffering wetland complex on that property and the water gently meanders down into that area eventually coming out on Route 25, crossing Route 25 and from a practical standpoint I guess you probably call it from this watershed kind of the headwaters to Page Pond and the main point there is that this property right now is undeveloped and it's wooded at the moment and I know that John took a walk to look at some of this and I don't know if the photographs are in your packet but he also did a little bit of an analysis that he'll speak to probably with regards to how the drainage comes down through here. Basically what it boils down to is the information we have available shows that there would be a negligible impact if any as a result of any of the development of these lots. There is a tax map in your packet to show you where some of the properties are or is the Board comfortable with my description based on the aerial photography. The other major point that came up at the prior hearing was based on Mike Faller's analysis of some of the work to be done on Gilman Hill Road and Old Center Harbor Road and in his memo he suggested that similar to the Melo subdivision out on Chase Road that it would be beneficial to the Town to be granted some additional ROW width so in the future if any improvements had to be made to Gilman Hill Road because the ROW is fairly narrow now (33') that the extra 17 feet would bring you up to 50' that's how he gets the math of the 17' so what we've added to the plan is a strip of land 17' wide which fronts the lots that have frontage on Gilman Hill Road and this would be an easement just like the easement that was granted on the Melo subdivision and similar to the easement that is being proposed for New Road for the Ducharme subdivision to allow the Town to be able to make roadway improvements if necessary sometime in the future. It doesn't really have any effect per se on the lot design, lot layouts, the buildable envelopes and so forth so in discussions with my client because it was suggested pretty strongly by Mike Faller that he'd be looking for that, we've added it to the plan. We would be preparing a draft easement for review similar to what we did out on Chase Road and then similar to that would be draft deeds which would illustrate that the easement appears as language in each one of the deeds when the properties would be conveyed. Those were the two major issues that I saw as a result of the last meeting. Some of the concerns that the abutters had in terms of the drainage coming off the property, Paul has been an engineer for a long time, I think if he felt that it would be helpful for that information to be used by the Board in their analysis that he would certainly be willing to do it. In this particular case, the

very small amount of residential development on a fairly substantial piece of property really doesn't rise to the level of conducting a full-blown drainage analysis. I know John has a couple of other items to go over. We were asked as part of the first public hearing to define some of the drainage ditches that were along Gilman Hill Road and Old Center Harbor Road. Edgar – A minor comment from the prior hearing had to do with the presence of the power line easement. We have a PSNH transmission line that's been added to the plan up on the top of Lot #3 and we have kind of routine correspondence that comes in from PSNH every now and again and they suggest that if a development unspecified comes in to ask that it be reviewed by them to make sure there's nothing at odds between their easement and the proposal. In this case it's basically a driveway crossing so I doubt it's an issue but in deference to their request and consistent with the prior staff review, I've suggested that we get some confirmation that there are no inconsistencies there between the proposed driveway and the existing easement. Johnson – Could I address that real quick? We've been in contact with Public Service as late as 2:00 o'clock this afternoon. They are having a little bit of difficulty identifying exactly what the easement is that they have, some of these easements were granted in the 20's and 30's to the Meredith Electric Light Company. The easement they think they have is not where the power line is so we're working with Public Service to try and determine where the easement and what it is and it may result in some type of a new easement being granted accommodating the driveway but we would certainly agree to have that all done prior to recording the mylar. Edgar – With respect to the driveways, both lots are on Class V town roads that would necessitate DPW permitting. It's my understanding in discussions with Mike there is an agreement in principle subject to the Board's approval that the applicant contribute \$10,000 towards the gravel upgrading of Old Center Harbor Road and to some extent Gilman Hill Road. We had heard testimony at the prior meeting about some of the low areas particularly on Old Center Harbor Road that are particularly problematic in the wet season and this money would help towards that. The drainage as Carl indicated was an issue that was raised before and we had some testimony from some what I thought were downstream abutters concerned about to whatever extent there might be any additional drainage sent downstream that it might impact their properties. As Carl indicated the drainage does go from top to bottom but from east to west down towards that 15" culvert that's indicated on the bottom left-hand part of the plan. Effectively, the drainage migrates through these wetlands or at some point might bleed out into the ditch line and then eventually into that culvert so I walked it to try to get a feel for exactly what is downstream and if you could turn to Page 46 in your packet, essentially that's a picture of that downstream culvert or I should say on the low side of the frontage looking uphill towards the Gilman Hill intersection. The next page is the outfall of that culvert where we have obviously some sedimentation from the gravel road. You'll note the wetland environment as the channel kind of meanders into that wetland. The next page is a typical shot out in the woods of the forested wetland which is very substantial. The next page is an indication of some scouring that you have a little further down slope which you would typically find as water volumes increase in speed, you see a little bit of evidence of that in the wetland as you get closer to 25.

The second page the color's not real good but if you look at one of the signs for Moulton Farm on the left-hand side of the picture, you'll see that this is a little wetland that bisects two fields that are on the right-hand side as you begin to approach Moulton Farm. The last photograph is a picture of the outlet in the area of Gilman Hill and Beattie Road and essentially there's really no outlet there, there's a small amount of roadside drainage that comes down about a third of Gilman Hill Road and then dumps out into that field. There's no outlet, there's no real defined path so pretty much whatever water goes through that hole if you will diffuses downstream. The next handout that I have for you is essentially the same aerial photograph that Carl had but we've added some of the topography and some information from our GIS system and you can get a feel for property and the topography draining from right to left down into that corner and you can see that blue line is really the thread of the stream that we have in our GIS system so this is a planning scale, this is obviously 20' topo and that kind of thing but you get a sense as to the relationship between the parcels, the houses and pretty much where the water goes. With respect to legal documents, the common driveways would necessitate easements and typically they need to be submitted for review. We also have the fact that the sizes of the lots less than 5 acres, that would necessitate a state approval known as subdivision approval. There were several additional issues discussed on the 10th, one of which was the Fire Department's review and the minutes indicate that the plans be noted to reflect the sprinkler requirement as opposed to a cistern. There were also questions that were raised at the last meeting having to deal with whether or not the existing snowmobile use of the power line easement would be provided for in the future or not. There was discussion about the appurtenant view easement across the street and how that would attach itself to the subdivision lots. There was an inquiry made from one of our Board members as to whether or not we could look at possibly establishing no cut zones in some or all the wetland buffers to try to maintain the natural buffer as best we can from a water quality point of view and the issue of the additional 17' so those are a couple of other odds and ends that I pulled out of the July minutes and perhaps Carl can speak to those. Kahn – John, I'm trying to follow your photographs and I'm trying to follow the topo map and it looks to me like the entire western side of that property, all of those wetlands drain into that one 15" culvert down there. Have I got that right? Edgar – That would be my understanding, yes. Kahn – And that culvert drains across the street, then the flow goes where? Edgar – If you look on my aerial with the topography on it, can you pick out the subject property? Kahn – Yes. Edgar – So you know that the culvert is in that bottom left-hand corner of the property. Kahn – It looks to me like it comes out just west of the lot line on the south side of Old Center Harbor Road. Edgar – We're kind of going from a 100 scale plan to an aerial photo but generally you get a rough idea of where that pipe is and as it goes onto the property, it immediately enters into that wetland. The blue thread of that is essentially what is in our natural resources inventory which is essentially the wetland that eventually turns into a tributary that goes under 25 and into Page Pond. Kahn – The problem I'm having is I see the culvert as being over about where the lot line division is on the two easterly lots south of Old Center Harbor Road. Edgar – The reason why they don't match

perfectly is for purposes of the townwide natural resources inventory we haven't gone around and GPS culverts. Kahn – You're saying then that the water turns east and heads for that blue line. It looked to me like it would just spread out.

Edgar – If you look at the topography, it's going to head towards where it channelizes a little bit, you can see the channel on the topography so there's the low spot and that's generally the orientation of the landscape and the water tends to go to the low spot which is where you start to pick up that blue thread line.

Johnson – Mr. Chairman, we also, I can also offer some confirmation to that in that we did the survey of the property which was purchased from Mr. Eldridge which is opposite this and now shows up as being the Advent Christian Church and as part of that survey and mapping, we mapped the wetland complex and drainage system that this particular culvert you're talking about leads into and comes down through that property down and across 25. We have some on the ground topography, the problem is it was done at a point in time where we don't have any digital representation of it and it's by hand so we can just look at it, we can't do the fancy water drops without going through a bunch of work but that's where the water goes.

Edgar – That would be my understanding and not only does it go onto that property, but it goes into a very substantial wetland. This is a relatively flat very large wetland as you can see in the pictures and there's dispersed areas where the water just kind of filters into a big wetland and there are some areas towards 25 where it begins to channelize and that's sort of what's represented by the blue lines. The contours are 20 footers so to pick up a little thread like that on a 20 footer, what I'm telling from my point of view and I've suggested in the staff report that Carl or the engineer confirm this because it's not my application but based upon my walk of the property, (a) there are no downstream structures, (b) it drains into a very substantial wetland which is appropriate and we look at functions and values of wetlands in a lot of different ways not the least of which is their ability to retain water during storm events and those kinds of things so it's not like we're going to be generating a lot of runoff from 5 lots the way they're configured and the receiving area downstream seems to be pretty favorable and that's coming from a non-engineering point of view but that's what I saw out in the field and shot the photos for you and tried to depict it on the aerials so you can get a sense as to the correlation between what's on the ground and what you can see from the air.

Vadney – It would appear to me from the rough contours on this, water landing on the land basically toward the top of Gilman Hill abutting this particular piece of property but uphill, it looks like that would tend to drain to the southeast. There's probably not a lot of water running onto this site.

Edgar – You all were out there, we all walked it. There's no question that there are drainage issues on Gilman Hill Road and Beattie Road for that matter that exist today. My point here is simply is that the house sites and the far majority of the driveways and everything is going to drain consistent with those contours that you see there, from top to bottom, right to left down towards that one culvert so it was a very fair question to say what is the condition downstream especially if we don't have the numbers to back it up, my guess is it's probably a small number but I'm not an engineer so absence those numbers, I wanted to go first-hand for myself to see what's downstream. If this pipe discharged aiming at a piece of developed property or a developable piece of

property, I'd be singing a different tune but basically it disperses into a large wetland and then eventually under the highway and down into the Page Brook complex. Bayard – With the \$10,000.00, I'm a little concerned about the drainage on Gilman Hill Road. I don't think it's anything that can't be resolved but you have one drainage which had some discharge on it that appears to go right into the driveway which I don't think its going to be something that you want to design to so now you have to work around that and then at the bottom with that other culvert, there seemed to be some scouring down there that may or may not potentially get worse. We had some pretty heavy rains so I think we've seen the worst of it, but I guess what I'm getting at is the \$10,000.00 or does Mike normally work on fixing some of that stuff, would that cover some of the issues that are involved there.

Edgar – I can't answer that, I know that in his memo he refers to the use of the \$10,000.00 to provide gravel upgrades primarily for these low areas that we talked about. I believe Mike was at the last hearing if not mistaken. We could ask Mike to clarify that to determine whether or not he's planning to make any ditch line improvements to either Old Center Harbor Road or Gilman Hill Road. At this point, I don't have that answer, Bill.

Bayard – Normally, would the builder do a little something in there themselves?

Edgar – The one area if you go back to the subdivision plan and you look at the common driveway that would separate Lots 1 and 2, what's not shown on this plan is the fact, I guess its shown in the sense that there's a break in the pink line but essentially that's where there's an outfall from the ditch line onto the property. That's also where we saw a driveway stake so the issue there from a drainage point of view is making sure that as we pick up some of the runoff coming off Gilman Hill and then it discharges onto private property which in this case would be proposed Lot 3 that we don't aim the discharge in a way that creates an issue with respect to the septic or house site on Lot 3 and that's doable, that means you just kind of train it to be coming down a little bit closer to the road on the frontage of those lots. I believe that's why Mike recommended in his report that the driveways installed, roughed in because there's a couple of issues there in terms of the location of these driveways, he wants to see the common driveway to minimize the access points. We don't have a lot of flexibility with respect to wetlands and in this particular case we have the road drainage that has to be coordinated with that particular driveway permit so Mike is aware of that aspect of it but to answer your question specifically as to whether the 410,000 would extend beyond gravel upgrades and whether or not it includes stabilization or improvement to those ditch lines, I'd have to get back to you and Bill, I don't have that answer.

Touhey – I'd like to comment a little bit about Gilman Hill Road. It appears it was built many years ago and it has serviced what appears to be 2 residences up there, we're adding 3 O went pit to measure the useable travel way that's there and it's really between 13 and 14 feet so I'm very uncomfortable about more than doubling the number of residences on Gilman Hill road and not doing something about widening that road now. I'm grateful that the applicant is willing to grant a 17' easement to the Town to make it a 50' ROW but I think that the road needs to be upgraded as part of this project.

Kahn – I'm coming back to this culvert, it really bothers me. It seems to me that the last time this came up Ed had raised the question about whether or not there should be no cut zones and we kind of threw it

around and said well we don't really have a basis for that and what have you but it seems to me that if the western portion of this property which is mostly wetlands and wetland buffers not the house sites but if the western portion of that property is clear cut you're going to be putting a lot more water into that culvert sending it downstream into that culvert and that troubles me because I really am concerned about where that water's going when it comes out the other side of the culvert so I would like to see some no cut provision on the west side of the property. I don't think it interferes with the view because I'm looking at the map and it looks like the view and it looks to me like the view would not be obstructed and I don't know how you do it but I'm sort of inclined to do it with straight lines that leave plenty of room for people's back yards but have some restriction so the western side of the property is not clear cut. Jeff Merrill – I am one of the two residences on Gilman Hill Road. I have been a part of this property and have been living in it as such for over 45 years. I am concerned about a couple things and I first want to preface the fact that I was not able to attend the previous meeting about this so I'm coming in with somewhat of a blind spot so please bear with me. Going to the point about the road, I think you can make any measurement you want about a distance but with drainage issues that are recurring every year, the useable space which I think is a great term is quite limited and as I come up from Meredith I go to two roads, Old Center Harbor Road and Gilman Hill Road. I don't know what causes the difference in width but I think this is very close to that being a change for widening the road. I support in all candor the easement but I don't think it nearly goes far enough, I think if we do have houses that are new to Gilman Hill Road, the road should be widened and the drainage issue to the degree it can be should be solved. As I drive up the road and I see the stakes, I try to understand what they mean, I see one stake literally abutting the power line and I assume it's a driveway. I don't know what regulations or restrictions there are but I kind of find it very curious that you have a driveway abutting a power line. Maybe that's an acceptable variance or zoning qualification but as someone driving up there I think its very strange that you have a driveway literally abutting the power line. Ralph Pisapia representing the Meredith Conservation Commission – I just want to echo the concern about the wetland that was expressed by the Board members and also to encourage the Board to enforce some type of cutting restriction. Frank Marino – It sounds like these are view lots with views of the lake which means they'd be viewable from the lake and I'm just curious as a general practice, does the Town ever put any requirements on what can be done with properties, I know looking at Grouse Point they are looking at a lot of the slopes on the Gilford side of the lake. It can really have a tremendous impact on views from the lake as far as colors of homes or the amount of clear cutting that can be done. Does that ever go on. (Vadney is talking but not using a mike and I can barely hear him.) Edgar – We're not looking at a ridge line, we're not looking at steep slopes, the distance from the highway or the lake is fairly significant. Johnson – I'd like to make a quick editorial comment about the cutting restrictions. I know everybody's heart is in the right place but I'm going to tell you I've been doing this for a long time and if the Planning Board starts restricting properties with cutting restrictions, you are going to end up having more property in this town cut for no good reason other than they

are going to cut it before they come to you and ask for subdivision approval so you have to be very careful about what you ask for because you may get it. In the case of Clover Ridge, when I designed that subdivision, it was such that there was a ridge effect and we voluntarily created a no cut zone in back of where the lots would be so you wouldn't get the scalped off effect so the cutting restrictions in Clover Ridge were volunteered by the applicant. The other projects you're talking about that I'm familiar with, the Town was not enforcing any ordinance or regulation that they had, they were working it out with the applicant as part of the development process because of some visual aspects they had. In terms of the drainage, all I can tell you is when they do the calculations for Alteration of Terrain and drainage, it's irrespective of whether or not you have trees on the lot or not so be a little bit careful when you're asking about these restrictions because I see that you're going down a very dangerous path, there's still a lot of undeveloped property in Meredith, believe it or not, and any of it that has potential for views and so forth, the word is going to get out pretty fast that you've got to cut your property now and ask questions later. Vadney – I agree with Carl on that there are always unintended consequences that come with well intended policy decisions and something Carl didn't mention that bothers me on some of these types of restrictions, I don't believe in passing any type of directive that is difficult to enforce or basically impossible to enforce and we do not have the Town staff and hopefully never will have the Town staff to go out and count trees. You recall the State attempted this with their basal area on shoreline property and they gave up trying to figure out their own algorithm for doing because it becomes so complex and how you count a 3" tree versus a 4" tree and whether it's above breast height and all that stuff. Those are things that are very difficult to enforce and I tend to shy away from them myself. Bill Aucoin – I'd like to first applaud Mr. Kahn for making his comments about the drainage. I know on the site plans that he had on the map here, he said the wetlands will accept the water that's coming from across the road. I'm here to tell you that my yard which is 45 Old Center Harbor Road which abuts that wetland, the lower part of my yard becomes an ocean during a heavy rain. The ground fills up. It doesn't come in my house but I'm just afraid if they start cutting more trees down on that hill, it's going to get worse. Also, I know they are probably not here tonight but on Route 25 at the bottom of those wetlands before it crosses 25 is the Blake's house. That house was built on wetlands to start with and the house was built only on the corner where there no wetlands. That was built knowing above them where the water was going to go, change the property above them, now they are in trouble too. My other comment was you people are talking about Gilman Hill Road and Old Center Harbor Road, nobody's talking about Beattie Road. Beattie Road holds one car, you can't go side-by-side with cars. If you're going to put 5 houses up on that hill, we need access, there has to be access for fire, ambulance or whatever, you can't get 2 cars up that hill on a dry day, put snow on that hill, you can't do it at all. If you've got a car coming up the hill you're done so we're talking about widening Gilman Hill Road, I'm asking widen Beattie Hill Road to make access. Also too on Old Center Harbor Road, the culvert everybody's talking about that goes across the street, we had a heavy rain last year in the spring and the culverts filled up with sand because that road is sand. If you block the culverts,

where does the water go, my property so I'm just making everybody aware the pictures of the property are fine that they want to put houses up that's great, I just need to know where the water's going to go and I applaud Mr. Kahn for that to make sure that it doesn't come in my yard or the Blake's. Public portion of the hearing closed at 7:51

Kahn – First on Beattie Road I did my own site inspection the other day and the only thing I can say about Beattie Road is it's better than Gilman Hill Road, but it is badly eroded and not by much. I thought we had asked at the last meeting that Mike take a look at Beattie Road but it's not clear that he has and I have a feeling he doesn't want to look because he doesn't want to see. John has made his own observations about where the water's going and that sort of thing, maybe the answer is we've got to get Mr. Fluet or somebody to do a study here because I really do think looking at this and from the testimony that there's going to be a lot of water coming through that culvert and that it's not all going east, some of it is going south and west and the suggestion I was making about cutting, we have done as in Atteberry, although it hasn't necessarily been observed by the developer, we have made restrictions on cutting as an attempt to hold back water and erosion and all I was suggesting was it didn't look to me like from a view standpoint or even a use standpoint that the western end of this property had to be cut and all I was suggesting was I think if you have a lot of trees there, you're going to get less water going into that culvert than if you clear cut it, but on the other hand if the engineer says you clear cut it you get the same amount of water, he's got the engineering degree so I think we ought to have an engineer look at it and I think we ought to remind Mike to take the blinders off and take a look at Beattie Road. Vadney – We would pretty much never require a traffic study on something this small, however, that doesn't mean we can't make our own assessment so to speak which way traffic would come off of it. I know the bulk of the traffic would probably come down Old Center Harbor Road toward Meredith but there would certainly be several cars a day, a few trips that would head down Beattie Road and if it's as bad as you all described and I know it is, it may need something. We're faced with a 200 year old road now trying to handle modern traffic and it simply doesn't work. There would be some limitations on what we could do as far as the applicant and what the Town is prepared to put into that as well but maybe there could be some fairly simple fixes that would help solve some of these issues that they've mentioned. I guess that would suggest we continue this to sometime where we can get that additional data as Lou has requested. Bayard – I'm agreeing with Lou on this and Carl in a way and I think Lou's come up with the right suggestion because as much as I'd love to see a lot of trees left in there, I think it's good for the wetland and all, he's got a good point and I think we've already started to see a little bit about what he's talking about and I don't want to for a small benefit on one lot, again without our knowledge or really going through it, may or may not even impact it at all, I don't want to effect future development where people start doing stuff that probably is not going to really be beneficial by chopping a lot of stuff up so I think we have to reserve that tool and use it sparingly as far as putting restrictions but if that's what Paul Fluet's analysis shows, then maybe that would give us a reason to do it if

that's what we feel is appropriate. I'm backing up Lou on the suggestion of having it looked at. Touhey – I'm going to disagree. I really don't want to send a message out there that this Planning Board does not care about protecting wetlands and I think we might make a mistake sending that message. Vadney – Ed, if I might ask, I didn't understand what part of his would be the mistake from your point of view. Touhey – I think by keeping the trees there, we protect the wetland, certainly those trees are having some kind of a control there that sends a message to developers and sends a message to people that we are concerned about the removal of trees, the impact that it will have on drainage and the impact it will have on any of the wetlands that are there. Trees do protect wetlands, they do protect vernal pools, we know that. Kahn – I think perhaps Ed is looking at it as a choice that either you have an engineer look at it and cut the trees or you don't have the engineer look at it and you put a restriction on cutting trees. That was not my intention, indeed I might come to the conclusion after the engineer looks at it that I don't want to cut the trees. It could be either way. I think that the wetland that runs down the center of the property, protecting that is going to be too difficult, we have zoning buffers, etc., and the way the house sites are laid out, I don't see how you could reasonably particularly with the driveway running through the gap there, I don't really see how you could put no cut zone there. I was merely suggesting that it would reduce the amount of water going through that one culvert if somehow we could come up with something reasonable on the west side of the property but I do think maybe we just got to go to the engineer first before we think about it. Ed – I certainly agree that we have to go to the engineer first. Vadney – The thing that worries me about that from an engineering standpoint is one of the things we've used in the past on some properties is the building of retention ponds or basins to delay the runoff. In effect, Mother Nature has put a detention basin out there, that side of the property is a wetland and that's what it does, it holds water and filters and slows it down about as much as can be expected. What if the engineer comes back and says dig into the wetland and put in a retention, that wouldn't make a whole lot of sense, I'm exaggerating a little bit there but that's the kind of issue you're facing. The western part of that property where you're talking about putting the cutting restriction is basically all a wetland. Right now they could go down to the Selectmen and get a permit to cut and log it. We log wetlands all the time and the wetland continues to function in a pretty good way.

Jeff Merrill – I have a procedural question that I'd like to ask and that is I understand the discussion that you have a legitimate issue that is open. From the application standpoint, other than this one issue that you've just finished discussing, is the application as such kind of approved in concept? Vadney – No. In concept I guess we're not opposed to the project in the broadest of sense. Merrill – So where I might have a continuing concern about the traffic issue, that remains open until the application is completely approved. Vadney – I believe that will be one of the things that we ask for additional information. Regardless, until we've made the final vote, if we don't discuss it again tonight and we don't ask for it and you can come to the next meeting and jump up and down. Edgar – Mr. Chairman, if I could just interject, you've closed the hearing so if you want to have a

continued hearing, it's certainly the Board's discretion to keep the hearing process open. They could close it at their discretion and deliberate and take a vote yay or nay so the answer to your question is to the extent that the hearing process remains open, that's how we can provide for continued dialogue and until they decide at this point whether to continue that process to ask for additional information to bring it back to a public hearing, that's the step they are going to be talking about shortly but to the extent that they keep it open, it's open. If they decided they have enough information to act on it, then it would shut itself off.

Vadney – But John, I want to make sure he knows that if we continue this tonight it will be to a date specific, then there will be another public hearing at which time there will be additional input. There will be that opportunity. Edgar – I think trying to interpret the issue of the two roads and asking Mike to be more specific about Gilman Hill and Beattie Road, his last communication, he's read the minutes, he's aware of what the discussion was back in July, if the Board would like more specific input from him that's fine I'd be happy to do that but we have been schooled in issues of proportionate share and the condition of these roads on the one hand are not the cause of the applicant so the applicant's responsible for his impact to those roads but not necessarily responsible for their pre-existing condition which is problematic so if we go down the road of looking at bigger road upgrades, we have to look at issues of proportionate share out of respect for the legal rights of an applicant. With that said, I'd be happy to ask Mike to more specifically identify improvements that would be warranted. To what extent those improvements would be the responsibility of the applicant and at what time the Town might get to those drainage improvements, we'd have to work that out but I'd be happy to ask Mike to be specific with respect to his views on how those roads could be improved.

Vadney – Is Beattie Road a Scenic Road? Edgar – Not to my knowledge but I stand corrected on that. Vadney – So those are the issues, the two roads, the drainage, the culvert specifically and the west side of the property. Edgar – With respect to the drainage, the reason why I walked that downstream is Mike and I when we reviewed it the last time, we had not walked downstream but Mike had suggested having an engineer look at it. That's where he came out on that issue back in August but neither he nor I at the time had walked downstream so I wanted to at least make the Board aware of what was downstream at least in part and I wanted to share that with you. Vadney – Now, I know this has been walked by several once and many times by singles, do we want to schedule another site walk out there for any reason. Edgar – If the Board wants to go that's certainly the Board's prerogative, I'd be happy to take somebody there if you wanted to visualize. Bayard – I think we've gotten a good look of the property. The one other thing I'd like to have Mike address the issue of the drainage on Gilman Hill Road but I think we have a handle on where to go forward on the issues of most concern and sort of how we're going to deal with it. Vadney – Would we want to preface any requirement for an engineering study of it to at least allow the option for a signed and stamped professional engineer's letter explaining why it really isn't necessary? We've had it verbally, we will ask for the actual study but also offer if there's a really good reason not to do the study and if they can justify it via letter, that would be OK, that's up to you. Kahn – Herb, we've go abutters

saying there's a lot of water coming out of that culvert and going across their property and if the engineer wants to write a letter saying it's not necessary because there's no water going across the property, I don't believe him. Vadney – OK, then go for the study. Johnson – Mr. Chairman, could I ask a question. I've heard from a few of the Board members that are requiring a very detailed expensive and time-consuming drainage analysis for a 5-lot subdivision on 15 acres, I would wonder if it would be appropriate that we could just get a poll of the Board members that are in favor of that and those who are not. Vadney – That probably would be a good idea but I hesitate to it because I know you'd take as a precedent for many other meetings so I would say no. Bayard – That would be in the motion, if people object to it, they certainly can say no to the motion.

Bayard moved, Kahn seconded, I PROPOSE THAT WE CONTINUE THIS HEARING TO OCTOBER 9, 2007, AND THAT WE DO HAVE AN ENGINEERING DRAINAGE ANALYSIS ON THE PROPERTY AND THAT THE ISSUES THAT WE BROUGHT UP FOR MIKE TO RESPOND TO THEM EITHER IN WRITING OR IN PERSON.

Edgar – The issues for Mike to respond to on Beattie and Gilman Hill Roads essentially looking at the adequacy of the width and the drainage, is that what we're talking about? Maybe a little clarification for me as to how the \$10,000.00 will be used. Kahn – Let's make sure he takes a look at Beattie Road. Beattie Road's surface is actually far better than Gilman Hill, but the drainage is even worse. Voted unanimously.

2. **B & N DESIGNS, LLC.:** (Rep. Jeff Burd) (John Dever stepped down) Proposed Major Subdivision of Tax Map S25, Lots 30 & 38, into 5 lots (2.26 ac., 3.82 ac., 4.45 ac., 5.60 ac., and 6.94 ac.) located on Waukegan Street in the Residential District. Application accepted August 14, 2007.

Jeff Burd – I'm here with Randy Shuey from Gove Environmental as well. We're here to talk about the subdivision of the Knisley property which is now owned by B & N Designs. Briefly on the history, we started looking at this project last November. We looked at several concepts, met with John several times to review different alternatives for the development. We came up with several design alternatives and came into the Planning Board in February and presented those alternatives to you folks. Ultimately, what we're proposing now is 5 lots on 23 acres. This is a reduced density for this property, less impacting development from what's permitted by your Zoning Ordinance and this is what we talked about in February was basically the overall density. Basically, what we talked about then was the strict interpretation of the zoning would allow for 1 unit for every 2 acres or 11 units. We prepared a yield plan which demonstrated that we could do a conventional subdivision with 8 lots and a cul-de-sac road. Ultimately what we are proposing is again the less impacting 5-lot subdivision, no new road construction and we're doing this for a couple of reasons. We understand and appreciate that this is in the Waukegan Watershed, there's concerns raised regarding the

watershed protection, storm water runoff, erosion control and water quality so we were sensitive to that issue and that was one of the driving factors in proposing this alternative. The other reason is with the 8 lots a road is designed and with this concept we don't need to build a road so again less impacting but less cost for us so it works well for us, as well as the property itself. After our meeting in February, we finished our survey, put together some design plans and submitted our wetlands application to DES. In June we met with the Conservation Commission and discussed the project with them and what they had suggested, what we're doing is proposing common drives for the 5 lots. We need lots 1 and 5 share a common drive, Lots 2, 3 and 4 share a separate common drive. Originally we had Lots 1, 4 and 5 sharing a common drive and Lots 2 and 3 sharing a separate common drive so at the Conservation Commission's recommendation we've changed the design on the shared driveway concept and I can talk a little bit more about that because I do want to talk a little bit more about our waiver request with the Selectmen but I'm just trying to give you our history and how we've gotten to this point. After submitting to the wetlands, we redesigned the project again and submitted to you folks and that's what brings us here tonight. These lots are going to be served by Town sewer and on-site wells. Again, we do appreciate the concerns for drainage and erosion control. We did take some measures to address that and first and foremost being the overall density of the development. These are large lots, if you look at the average size its about 4.4 acres so most of the runoff runs through a significant wetland which is on the southeasterly corner of the property, crosses underneath Waukegan Street and goes down to Lake Waukegan. Some of the drainage goes through a perennial stream on the northerly end of the property. One of the added measures that we did take is each house we're proposing will have an infiltration basin and what that will do is we'll route our foundation drains and roof drains into the infiltration basin and allow it to reach a groundwater and attenuate some of the increased runoff. We understand and appreciate there are concerns downstream and it was interesting the applicant before us talking about drainage on his 15-acre subdivision and we know there are similar concerns on this one but I do want to add that the last few seasons we've seen some severe storms and unusual weather patterns so I just want to emphasize that these are oversized lots, we feel that the wetland should absorb a lot of the increased runoff and this is much better than a denser subdivision that would warrant a road and detention pond. We don't anticipate that this should require any kind of detention other than what we are proposing for the houses. A waiver is required for the common driveways or for the common drive that's serving the 3 houses. We are serving more than 2 on a single drive. I would like to ask the Board to consider that tonight and give us some kind of a recommendation so that we can move forward with the Selectmen and present this to them. I want to back up again and tell you how we got to where we are. Originally, we proposed a common drive for Lots 1, 4 and 5 and what that required was crossing a perennial stream, constructing a box culvert in order to get this common drive to these 2 building sites and then we had one drive serving 2 house lots, 2 and 3, on the other side. After meeting with the Conservation Commission, their comment was we can eliminate this perennial stream crossing by just having the common drive serve Lots 1 and 5 and the drive

servicing 3 houses to be on the other side servicing Lots 2, 3 and 4 so that's the change we made. That is a less impacting alternative. Vadney – You've got me turned around here now; the 2 lots that are on Waukegan Street going up the hill, their driveway will come in off Waukegan Street? Burd – Lots 1 and 5. The thinking was that if the waiver wasn't granted by the Selectmen for Lots, in the previous concept when we had the common drive serving Lots 1, 4 and 5, if we didn't get the waiver on that, we could split the drives and have two driveway entrances anyway. Vadney – I guess it's not clear to me if this map we've been handed is the current one or the previous one. Burd – The map you have is the current one. Vadney – That's what you are now proposing? Burd – yes. But it's important to make the distinction. Kahn – How do you get to the buildable area on Lot 1 without crossing the wetland. Burd – The buildable area is in front of the wetland. Kahn - You would use the buildable area down by the road? Burd – Yes. Again, I'm making the distinction because with the previous design, we didn't necessarily need the waiver, we could have split the driveway on the Waukegan side and had two drives. With this concept now, the reason for doing this is to reduce wetland impacts and now we have to have the waiver with this alternative so that's why this is important to us and this was a design decision to satisfy the comments of both NHDES Wetlands and the local Conservation Commission. Kahn – Where's the driveway for Lot 3 does that involve a wetland crossing? Vadney – That was right where we entered the woods, correct off of Birch Hill Road? Burd – I have a drawing I can hand out. Kahn – When we were there, you were showing us a driveway that came in off Birch Hill Road and kind of wandered all over the place and we couldn't figure out where it went. Kahn – Lot 3 goes out to Birch Hill Road? Burd – Yes. Kahn – When that driveway goes in to Lot 2 and Lot 4, it involves a wetland crossing does it not? Burd – Yes. Kahn – Herb, that's the wetland we were trying to figure out that came down from the sign, the old signs that were piled on the ground. Edgar – Between 2 and 3. Kahn – So we've got one wetland crossing at least here. Burd – And coming up the side, we have two minor impacts under 1,000 sq. ft. coming up along the stonewall on the south. Kahn – You mean you're in the buffers, you're not in the wetlands, you're in the buffers. Burd - We do have minor impacts in that area. Again, I want to tell you what that did by changing the driveway configuration, we eliminated the crossing for that perennial stream. That reduced our wetland impacts from 2,600 sq. ft. to 1,700 sq. ft., very minor impact and 750 sq. ft. of that is temporary just to get the sewer force mains across that stream so it is a reduced impact and that's what DES looks for is minimization. Edgar – According to the engineering plans for the common driveway coming up the side of Lot 3 off Birch Hill, there's a 450 sq. ft. impact and a 200 sq. ft. impact where they're nipping the edge of what we were walking through on Saturday and then as the driveway comes up and approaches 104 and starts a little more parallel to 104 when we're in the general vicinity of the billboard, I think we witnessed what appeared to be that very narrow thread coming down out of that 15" pipe where there would be a crossing at that point. Kahn – The driveway would not cross the wetland that's kind of up toward Waukegan Street but the sewer does? I'm seeing a sewer easement here for Lots 2, 3 and 4. Burd – Yes, the reason for that is when we presented this to you back in February,

what we proposed originally was the 2 lots over next to Waukegan Street we were going to tie right into the sewer, the sewer's right there on Waukegan Street, the other 3 lots we were going to put on septic. Kahn – How's the sewer going to cross the wetland? I was there when you were there and at that point where you show the sewer easement crossing the perennial stream which was dry, that's a gulch. Burd – We were originally proposing septic on those lots but it's the watershed protection area, I think some of the feedback we got from the Board when we were here in February was, let's see if we can tie that into the sewer so what we're proposing is sewer force mains for those 3 houses so they'll be pumping into 2" lines that will actually be going underneath the brook and that's why it's a temporary impact so we temporarily excavate that brook, put our force mains in and then backfill it and no culvert. This has been reviewed by Bob Hill. Again, there are some revisions we need to make to address Bob's concerns and John's comments and also DPW but again I'd like to ask you to consider a recommendation to the Selectmen for the shared driveway and if it's in the Board's favor, we'd like to ask for a conditional approval tonight. Kahn – I hate to take issue with the Conservation Commission but I think we were looking at how you'd have to bring that driveway into Waukegan Street and all the cutting and filling and clearing away of the hill that you'd have to do, it just looked to me that putting a culvert in that gulch would not do a lot of damage, would not do a lot of harm, would not hold anything up, there are no plants, there's nothing in there but rock and that it would make more sense to bring a street in and bring it in from Waukegan Street and bring it across the culvert, across that gulch and leave the other wetland alone. You're going to be creating a disturbance there for a sewer line anyway, it just makes a lot more sense to do it cleanly and be done with it, have a street, then there's no waivers, there's nothing. Burd – I should have invited Randy to talk about the wetlands because again this is the least impacting alternative. We didn't take the Conservation Commission's comments lightly, I don't know if Randy could add some distinction to the impacts why we feel this is the better least impacting alternative. Randy Shuey – We delineated these wetlands several times over the past couple of years and I've spent I don't know how many hours out there walking this property getting to know it through the different phases of the development that have been going on since, the Job # for us is actually 2001 so I've been out here for a couple of years. The stream has been mentioned as perennial and that it's dry. I think it's probably in the upper reaches on this property is more of an intermittent stream, I know it will run every time there's a storm event but as you go further down obviously, it turns into a perennial stream. This is also the stream that about a year ago there were some concerns because there was some sediment running down through it and this was the same time that I think the Habitat house was going on, Waukegan Village was going on and I think around the same time the Knisely property was cleared so there were a lot of concerns about water quality heading down in through there and this stream is a major straight shot for all storm water heading down to the lake. When we're looking at crossing this stream whether it's an intermittent stream or a perennial stream, we've got to look at a couple of things and the first part of that is the habitat, we did an evaluation, this is some of the higher value area in some sections, it does act as a small wildlife

corridor and obviously it gets the flood flow down through the properties in a very quick manner and putting a culvert in here, we're talking 2,000 sq. ft. more or less, it's not a major project but whenever we're doing a wetland impact project, that the Wetlands Bureau looks at and the Conservation Commission is least impacting alternative and the simple fact of the matter is when the Wetlands Bureau looks at a project, if they can avoid a stream crossing, this is one of their high priorities right now, they don't want to see stream crossings, they are very concerned with when you put a crossing in whether it's a culvert, an open bottom culvert or a bridge, there's going to be some change to the dynamics in the stream in that area and one of the things we're starting to learn as wetland scientists and stream hydrologists is we look at these things, that it has some impacts up and down stream, not just wildlife impacts but sometimes other unintended consequences no matter how well engineered it is. The Wetlands Bureau is really trying to avoid stream crossings where they can try to make them much larger where they can and in this particular case, we can demonstrate that there is a least impacting alternative by bringing in a common driveway up around the top of the property.

Vadney – So from a square footage standpoint, this one would be 2,000 sq. ft., the crossing of this stream would be 2,000 sq. ft., the other method would be how many on the proposed plan here? Burd – This impact here would be 1,700 sq. ft. and 750 sq. ft. of that is temporary. The previous design impact was 2,600 sq. ft.

Vadney – All that having been said, I still agree with Lou on what we saw out there the other day and I'm not going to at this point ask anymore questions about the stream dynamics there, it did seem that would be a manageable item and it also would play into the location of the houses. The proposed driveway, the one that is staked for centerline cuts into the embankment on Waukwan Street at a point that is probably close to 12' above the existing grade of Waukewan Street and I pointed out at the site walk if that was moved downhill toward the Manita property probably 100 feet from where your current centerline is pegged, you'd be entering at something more in the line of about a 6' embankment. I'm wondering what the profile, if you cut into the 12' point that you're proposing and you have 3:1 or 4:1 side slopes on that cut, you're going to be leveling a large piece of property along there and in order to get the sight distances you need, I think you're going to have to cut that embankment substantially uphill and the whole thing seemed that you could by moving that driveway about 100', you could lessen that by at least a factor of 2 or 3 so have you considered that? Burd – I want to make sure I understand the question, you're talking about drives or roads? Vadney – Driveway. I know that was a comment when we went on our field walk. I think we can make some adjustments to that drive, right now it's favored on Lot 1, I'm not sure why we can't push that downhill a little bit and have it accessing through Lot 5 to get to Lot 1.

Vadney – I don't know what the rest of the folks on that site walk thought, but to me that cut at the current place were extremely problematic. Burd – And moving it downhill a little bit will improve the sight distance. Vadney – It would be better for sight distances and it would be much better from the standpoint of how wide you had to make your side cuts in order to accommodate that depth cut. Kahn – I don't know if I understood you, but what I took from what you were saying was that it was going to be such a substantial amount of cutting and filling, why not make it a

street, why spend all that money to build a driveway. Not only that, it looked to me like if you could make it a street, you've got 5 buildable areas and the buildable area on Lot 3 becomes unnecessary. Edgar – Mr. Chairman, if I could interject for a second, I think the sight distance issue is very, very important. We have significant travel speeds on Waukegan Street and if we're looking at anything less than 400', we're going to have issues with Mike on permitting and we should so to the extent that we can kick the driveway down lower on the property and then just kind of bring it up with a reverse curve and get to the same building sites, I think is essential relative to the viability of that driveway permit. Randy, before you sit down, given your familiarity with the property, could you speak to the distinctions in general terms about the functions of the wetland because we could talk square footages all day but I think it's important to speak to the stream as a wetland versus the nature of the other wetlands where we're looking at the driveway impacts from a functional point of view. My guess is that may have had an influence on deciding what's least impacting so other than square footage could you speak to what the wetlands are doing and why in your judgment from a functional impact point of view, this is less impacting. Shuey – As we talked about the stream coming down along the western property line, is the stream itself. There are some houses and activities going on fairly close to the stream over there, but it does have some value as a flood conveyance, there is a small amount of storage in there. As we get down further into the property, I think the biggest thing everybody notices when they first get out there is it's kind of hard to walk around, it's been clear cut. When we first did this delineation, this entire property was forested. Previous history with the Knisely's, I believe some of this was in farming, it was probably cleared years ago so it has grown back up into a forest now it's been cut again. As we get closer to Waukegan on the northern side, the wetlands become wetter, we have more water standing in there. This is a kind of interesting piece of property where this whole hillside is in that we have a lot of hardpan soils in there so the water tends to kind of percolate out of the ground everywhere you start getting a flat area and that's why we have a lot of wetlands in some of these areas. It doesn't take much of a change in pitch to get a shallow land so we're looking at some higher functioning wetlands towards the northern area. Along the driveway coming in off Birch Hill Road, the soils in there are poorly drained, there's a little bit of pitch from the eastern side coming into the property. I think when you were out on the site walk you might have seen some wetland vegetation coming in there, it's pretty obvious I was out there this afternoon just to kind of refamiliarize myself with this area a little bit and some cattails growing up, those are species usually associated with some fairly wet areas and I think as we see some of those pine trees that were growing up in there and the red maples, there are starting to resprout and all. A lot of the vegetation that's out there now is going to be changing back over to what it used to be which is a red maple swamp with a mix of some soft woods, some hemlock and white pine coming in there and then probably cinnamon fern and that type underneath. We have a lot of filtering going on in the lower part of the property, edge impacts along here are really not going to impact any of the functions that we identify which are flood storage, water quality renovation or wildlife habitat and then we have a couple of smaller drainages up in the southern

part of the property which are also fairly low value. I think just in quick summary, the impacts along here along the edge of a fairly large forested wetland of moderate value overall but in this particular area, we're not having a big impact on the overall functions or values by bringing a driveway up here is much easier for the Wetlands Bureau to accept than coming across a stream over here when it doesn't take anymore impact to get to Lot 4 or Lot 2 and I think they would really frown on putting a bridge in there when we can show there's least impacting alternative.

Vadney – Well, making DES frown has never bothered us much in the past so I don't know that I'd let it bother us this time. Kahn – If you can't get a waiver, you don't have an alternative. Vadney – Just from a common sense standpoint, putting that driveway off of Birch Hill Road and extending it in there 800' or something like that, how long is that driveway proposed to be? Burd – To the last house is over 1,000'. Vadney - Cutting that in there just above the major swamp and putting the house at Lot 3 and the house at Lot 2 where it sits to me common sense says there's going to be more overall impact up in there by chopping the land up that way than if you brought a street in off of Waukegan, put it out in there into a couple hundred foot diameter cul-de-sac, you could even throw in a 6th house on the amount of uplands you've got and you'd have less impact overall when you look at the whole property so I must be missing something here. Shuey - If you came in with one wetland crossing, you might have less impact from a strict wetland impact when you're trying to come in that way but I think if you take the larger picture and go beyond the wetlands and look at the whole watershed in this particular case, you're going from a driveway to a road so you're going from say 12-14' in width to 24' width in a road, you're adding in drainage, concentrated flows going away from a lot we talk about with low-impact development when you're adding a lot more impervious surface and it seems to me it would actually be more impact, you would end up with a larger impervious area out there I think if you tried to put a road and a cul-de-sac in there. Kahn – I just want to throw in another thing and that is Birch Hill Road, we've been dealing with Gilman Hill Road and Beattie Road, Birch Hill Road to me didn't look like a prize specimen and you're putting 3 houses on it. If you go off Waukegan Street, you're not doing anything to Birch Hill Road. Vadney – You're saying if you came off of Waukegan Street, come in there a couple hundred feet and then went to a cul-de-sac in your upland area, there are some fairly distinct upland areas you can see there big enough and it would take a little gerrymandering on what the out ends of the lot looked like to be 2 acres but I'm sure you could do that and you'd only have the one crossing at that deep gully and then you wouldn't have a lot like the current proposed #3 which although it's sitting on a piece of upland is pretty much surrounded by a wetland. Maybe that's what wetland scientists like but to meet it doesn't make much common sense. Burd This actually was the plan we showed you in February and this was our conventional subdivision layout and it's the yield plan and this actually shows 8 lots, we'd be running the cul-de-sac basically within 100 feet of 104, the last lot would still be where we have one of our lots anyway and we'd have to cross that one wetland to get a driveway back into there so there would be actually two wetland impacts. The impact we'd be avoiding is the impact on the southern side of the property but overall this impact was 3,400 sq. ft. to cross the stream and another

300 sq. ft. for that driveway so it's like 3,700 sq. ft. Vadney – But that was your 8-lot, what I'm saying is move that cul-de-sac to the northwest about 200' and don't go for the 8 lots, go for 6 lots and don't come out all the way to where your current Lot 3 is. Burd – But you can't feasibly build that, that's unfeasible. Vadney – Because of expense you mean. Burd – Right, and that's what led us to the 5-lots. If we start getting into roads, drainage systems, extending sewer and water, and building detention basins, we have to have 8 lots as a minimum and I don't think we'd even do this, I think we'd look at more like a multi-family either cluster if we could get more it would be even better. That's why we thought going with the 5 lots was a tradeoff. We weren't maximizing density but we weren't building roads either so we felt we were doing what the Town wanted us to do in minimizing overall density, overall impacts to the property and again, these would be smaller lots, more dense and more urban in nature. The development we're proposing is somewhat rural; it's a rural area so we feel it fits the area as well. Bayard – I appreciate that explanation. I did have a little bit of concern about some of the delineation of the wetlands and there was not real good delineation out there, we couldn't follow a lot of stuff that was going on, what flag meant what and exactly where the wetlands were wasn't clear and then where the proposed road and the houses were was kind of vague. It appeared that the wetland might be more in that driveway but maybe we didn't have the exact line of the property too so it was kind of, as I said it wasn't real clear as to what was going on. Burd – I think the Chairman suggested we could go out there again if we wanted to walk up that one side and Randy could come with us, we'll make sure that those impacts are all flagged out. Edgar – The premise upon which the waiver would go forward if the Board were to entertain the 3 houses off one driveway and as you know 3 off one driveway would require waivers from the Board of Selectmen under our current practice and in doing so, I think it would be critical to be able to factually demonstrate that some of the numbers that were thrown around tonight in terms of disturbed area, impervious, and direct impacts in terms of the functions of the wetlands because that's the logic behind going with one long driveway to serve 3 lots as opposed to bringing in a road. At some point, my guess is that the Selectmen would want to know where does it sit with the Planning Board. I doubt the Selectmen would want to entertain the waiver until the Board's comfortable with the plan and I'm not sure yet whether you're comfortable with this particular proposal. When we did the 3 off 1 on Powers Road, the fact pattern was different but one of the rationale was to lessen some environmental impacts relative to in that case was buffer impacts and so I think that if we're representing and we've talked about some of the numbers that this is the least impacting alternative in terms of square foot of disturbance, the amount of impervious that could come from the project and so forth, I think that needs to be kind of pulled out. Vadney – That one also had the opportunity for a second driveway parallel to it, is that correct? Edgar – That's correct. To be ridiculous, they could gerryrig flag lots and do the same thing run two driveways parallel to each other then say we don't want to do that. In terms of the things that have been on the table before, this is being viewed as a lesser impacting alternative from a watershed point of view because of disturbed area, total impervious and direct impact to higher functioning wetlands. I

think that needs to kind of get pulled together and documented and submitted to you so you can get your arms that because that's really the crux of the issue if this particular layout were to go forward and we've had testimony from Randy but I think that needs to get documented. Mike has reviewed the plans and has spoken to the concern about downstream properties given his involvement in trying to resolve some of the issues of the drainage problems we had downstream and so he's just reiterated his concern that way. As was indicated, in this particular project the applicant has recommended, in essence, these infiltration basins to capture the clean runoff coming from the buildings. DES doesn't consider the building runoff to be something that needs to be something that needs treatment so therefore there's more flexibility with the relationship of the basin and the water table and I've asked to have more clarification from the engineer on that because this is something that wouldn't be installed until the house sites are actually located so it would be a requirement the way this is currently structured to require these types of facilities but they would be field determined once the house sites are nailed. I think they can also be located, Jeff, in a way that directs the overflow pipes away from downstream structures in terms of exactly where they go I think we can probably improve upon that a little bit to direct them more towards the wetlands and less towards some of the lots that are along Waukegan Street. I did speak with our engineer about this as to his familiarity of the technique and I think under the general direction that a lot of other towns are going, there seems to be a trend to do more and more of this kind of dispersion where you're trying to capture relatively clean runoff, get it back into the ground. Colette, I think you were at the same briefing as I was with Jeff Slosch?? Who was also reiterating that general concept. I do have a couple questions just to make sure that the viability of these works on each of the properties so we don't have these basins sticking out like a sore thumb in the landscape, but I think that at the end of the day they'd be doable. I also suggested that we look at erosion control plans for each lot as they become developed. We do have the stream, we do have the downstream wetlands and the sensitivity of the watershed and I suggest that we look at requiring erosion control planning for each of the lots pursuant to our ordinance which allows a lot of flexibility on how that is actually accomplished but something that could be incorporated in the Building Permit process and we've done that before as well. I've also suggested we note the zoning requirement that we don't have any underground or outside fuel oil tanks. We have typical performance guarantee language on the driveways and the sewer lines. We will need easements to be reviewed relative to any private or shared facilities such as drives or roads and the sewer and there is a plan note on the plan about a possible easement to the Town off Birch Hill Road for a utility that could potentially at some point extend up to Route 104 and that's something that should be explored further with the Water & Sewer Department. That has significance potentially as it relates to the Business & Industry District that's across the street that is significant to the future of the Town from a non-residential point of view and to the extent that we can tie that portion of the District into sewer and water someday is something we should look at so I'd be looking to Bob for some additional guidance on that. Kahn – I find that just about every application that comes in here now wants a 3-house driveway waiver. We

did it once and where we did it, I think the area where the 3 lots were on one driveway was about not more than 80' and now we've got 1,000 feet serving 3 houses, I just think we're getting to the point now where we get these all the time and now we're going to start getting requests for 4 houses on a driveway, that's the next step. I think we should try to stay away from these waivers, not only that but I was reading that case you mailed out, John, and it looked to me like if you waive something, I'm not sure if it applies to the Selectmen but it looked to me like if we waive something without standards in our ordinances as to when one grants a waiver, we probably can't waive anything. Edgar – The waiver is not a function of this Board, it would be the Selectmen's issue and the issue in that particular case that I shared with you was if you're going to have a waiver, make sure you're following the provisions for the waiver that are spelled out in the regs. In that particular community, they had criteria in their waiver provisions that they didn't follow and the judge picked up on the fact that they had certain words, phrases and language in their waiver clauses that they did not have a record to support that they came to a conclusion that was required essentially in their own regulations. I think

Ralph Pisapia, Meredith Conservation Commission – Since several Board members want to take exception to our recommendations, I need to provide a little clarity. In June, we met with the applicant and John to look at the plans they were going to submit to the State DES and subsequent to that to the ZBA. The plan that we were presented with is the plan that is being presented tonight, the plan we looked at was 2 driveways, one to serve 2 houses and one to serve 3 houses. We were not presented with this alternative that you all are talking about and that did not appear to be anything viable for us so I just want to clarify that so you don't think that we were recommending this alternative. However, having said that, we do feel and we provided these comments, the proposal that the applicant has offered is more preferable than a single road going into that site even though there are some minor impacts, we think the impacts to the wetlands and to the overall site is less than if you put a road through there and I just want to make sure where the Commission is coming from on that. They took our recommendation to move the access to 3 lots off of Waukewan to access only 2 lots. I'm a little bit concerned that if the Board goes with the full road, the applicant will come back with another proposal to put a residence in that little spot right there and that is a substandard building envelope. They would have to go for waivers from ZBA to build on that site and we don't believe they can build one there. Vadney – Because of offsets? Pisapia – Because of offsets and also impacts to the wetland so we think the impacts are going to be greater if you go with moving that building envelope. Kathryn Herald – My family owns property on Pollard Shores Road and I'm the third generation of living in the same home there, we've been there 70 years and we're downslope of the activity that occurred two years ago and we were one of the residents down there that were severely impacted by the clear cutting on the north side of Waukewan Street right opposite of where this proposal is planned so we're quite concerned about what's going to be developed there and how it's going to be developed. I'm not really concerned so much that there's going to be 5 homes there as much as how its developed and the controls that are taken during

the construction. If there's all this earth moving like there was on the other side of the road and no erosion and sediment controls, we are likely to be impacted yet again and we're still suffering from the impacts. There's about a 3 to 4 foot delta that has now formed out into the lake. We have a property owner that's now moving, they incurred several thousands of dollars of home repair and their home was almost washed away from it. The railroad has two culverts that were severely impacted and it doesn't look like they've ever done anything about it. I was surprised to see Scenic Railroad crews come down through the other day on this debilitated track that's been impacted by the runoff from the same drainages where this development will drain so we're still suffering and there's nothing that's happened yet that's rectified the situation and so any more inputs to the stream or to the watershed are really not, unless it's controlled. If it's controlled it's not going to hurt us, but if it's not controlled the stream is not adequate to take on anymore runoff and I don't believe that the wetlands from what I saw there are adequate to take on more runoff. I'm not familiar with the wetlands at the site or the previous public hearing that you just heard so I don't know the nature of those but it sounds like from what the property owners were saying is that they are already maxed out. I have a 30-year background in streams, wetlands, erosion control and storm water management so I'm speaking with a little bit of knowledge about these sort of things. I have to say I'm really impressed that you guys are taking an interest and concern what we would consider in Virginia a non-reporting impact. They don't even report impacts of 1,700 sq. ft. so I'm really impressed. The kinds of wetlands you have out there on this site are seep wetlands and they are very valuable in their own sense in terms of holding some waters infiltrating but they are not depressional wetlands where its kind of like a basin sort of scenario where they dry out, they fill up and their greatest capacity to do work is when they are in their dry stage because they are sitting there waiting to receive the water and then they evapotranspire or they infiltrate the water. These are not depressional wetlands but if they are indeed hardpan soils, someone says they might have some clay matter and when they dry out, they also have capacity but that's going to be this time of the year so when they are wet, when you have your spring thaw and in the winter when you have no evapotranspiration they are not going to absorb any more water, they are maxed out so the water will then just like overflow like an overflow pipe for septic or sewage or whatever so that is a concern. If they build in filtration trenches, they need to build them big enough to take on the capacity from the runoff so there's no increase in the current runoff coefficients that currently exist there so post development should not exceed pre-development runoff in terms of quantity not so much quality and most of the BMP designs are really kind of looking at water quality unless it's a really big facility, they might be looking at containing the 10% storm or 100% storm or something like that but most BMP's and a lot of the infiltration designs are really looking at the water quality runoff and that's usually the ½" or the 1" storm and really what we would be concerned about downslope would be something in the order of 3". That would be not even a two-year storm so and hopefully sites would be stabilized by then but we're very, very concerned about E & S control during construction and grading and all that. Somebody mentioned low impact development designs, there's a whole host of

things besides infiltration trenches which they can take which would basically blend in the with landscaping, berming, level spreaders that could also be a swale berm kind of thing so it level spreads the runoff before it goes into the wetlands if you indeed are going discharge in a dispersed manner to the wetlands so that would be my suggestion that's essentially a no-cost item, infiltration trenches can be kind of costly if they are built to quality, it's really not going to affect the lake that much, it's the quantity that's really of concern to us downslope. Worsman – There isn't any infiltration in this plan. Edgar – The engineering plans indicate an infiltration basin for each property that would collect the roof runoff, possibly the foundation drains and depending on the grading possibly some of the driveways that would be directed into the basin. Worsman – So it's just per house, it's not anything elaborate. Harold – The more dispersed the better, if all four corners of the house or garage went their separate ways all the more better, the more that you concentrate it and even if you collected it to one spot and then discharge it to the wetlands if went to the wetlands in a concentrated manner, it could actually create a channel through the wetlands and that would actually drain the wetlands if you created a concentrated flow through the wetlands so you really want to discharge it to the wetlands in a dispersed manner as well, level spread it. Vadney – The erosion you mentioned, we do take precautions on the construction phase and if things work as we planned that shouldn't be a problem. We do need to look though at the long-term. Edgar – Mr. Chairman, to share the concern that Kathryn's expressed, the applicant has indicated on one of the sheets that the driveways will be constructed and stabilized prior to any house construction so that is a major stipulation that minimizes or at least lessens the amount of total disturbed area that could be happening at one time. One of the lessons we learned on another project was that we had the roads and utilities and a whole series of footprints under construction at the same time and then coupled with a major storm event, it was just too much disturbed area and the erosion controls were inundated and so the plans do stipulate that the driveways will be constructed and stabilized prior to any house site construction so that's a significant improvement. I have suggested we take it a step further and flag at this point that regardless of how much disturbed area there would be for the house site development that there actually erosion control plans developed for each site at the time of construction and that they be approved prior to issuance of the building permit. We typically do this on shoreline properties and I'm suggesting we kind of extend that upslope a little bit given the sensitivity of the site and the proximity to the lake so I share the concern and that's the basis for that recommendation. Public portion of the hearing closed at 9:10 p.m.

Board discussion: Touhey – The driveways in all cases are gravel surface? Kahn – I thought we were going to look at it again. Vadney – Whatever you like. Kahn - Let's move to continue it subject to a second site walk with better flagging. I'd like to see the wetlands flagged. I found a couple wetland flags in there but mostly I found cattails. Vadney – I would like some hint at least where the house sites are. Kahn – That would be helpful too. Bayard – Add the centerline of the driveways and the lot lines. I think the lot lines were pretty well delineated but there were a lot

of different flags and whoever goes out with us assuming someone does, they should be able to explain what the flags represent. Like they said, I think it has been surveyed multiple times so I think there were a lot of flags out there that didn't pertain to this particular development that's going on now so it was very confusing out there and there was a lack of flagging where we would have liked to see it.

Kahn moved, Bayard seconded, I MOVE THAT WE CONTINUE THIS HEARING TO OCTOBER 9, 2007, AND SCHEDULE ANOTHER SITE INSPECTION FOR SATURDAY, SEPTEMBER 29, 2007, AT 8:30 A.M., AND MEET ACROSS FROM KNISELY'S RESIDENCE. Voted unanimously.

Vadney – One thing on the driveway, if there's a good solid reason to cut in at the high point I certainly won't oppose you doing that but from a common sense standpoint if there's a place you can cut in that's 6' tall, it should make a lot more sense so something you evaluate and just let me know and I'll let the Board know. It's more of a helpful hint than a directive. Edgar – If it's flagged early enough and the full Board goes on the 29th, I could go out with you Bill before the hearing.

1. **HARRIS COVE ESTATES, LLC:** (Rep. Dave Walker, Bedford Design, Attorney Steve Nix, Vatche Manoukian and his son) Pre-Application Design Review of a proposed 13-lot subdivision off Meredith Neck Road, Tax Map U32, Lot 11, located in the Shoreline District.

Dave Walker – We're here tonight for a preliminary design review on our new layout. We were here about a year ago and probably in January again where we discussed the access of Happy Homes Road, Meredith Neck Road, the State controlled DOT, and Town jurisdiction, Cattle Landing Road and Harris Road. (All of these road locations were pointed out on the map.) We do some frontage along Winnepesaukee and our previous discussions involved opening up Happy Homes Road and making the connection to Harris Road. The last time we were here, you asked us to look at the possibility of using Meredith Neck Road and Cattle Landing Road as access to our site. Since then, Attorney Nix has talked with the abutters here, they are in communication and discussing the possibility of doing a land swap in this area so we can have access to Meredith Neck Road and Cattle Landing Road. If you recall on the original subdivision plan we only have about 25' of frontage here on Meredith Neck Road so we do not have enough frontage to have a legal Town road of 50 feet for access out onto Meredith Neck Road so we would have to do a land swap here, a lot line adjustment in here to have proper frontage and enough land so we could deed the Town a ROW. We looked at a number of scenarios in this location, all of them involve relocation of Meredith Neck Road and Cattle Landing Road. If you recall it's a very sharp corner and very steep grade. One of the options that we've investigated is possibly relocating about 700 feet of Cattle Landing Road to the northeast and bringing the road in here where there would be a change of grade of 7 or 8 feet in this location where we'd be taking out the steep road and making the curve less sharp. We have investigated this according to NH DOT standards because actually this location is in the NH DOT

jurisdiction so we would have to have 400' of sight distance looking down towards Happy Homes Road and then also looking down Cattle Landing Road so we based out design on a NH DOT standard and if this is what we chose to do, we would have to apply to the State for a Driveway Permit. Some of the things different on this plan versus the other one, there were several issues that were talked about 6-8 months ago, one of the issues was ownership of the property. Since then Vatche Manoukian has taken ownership of the property so that issue has gone away. If we use this access of Meredith Neck Road and Cattle Landing Road, the whole issue of the connector through Happy Homes Road is eliminated. One of the issues on the site walk that we had was when we were coming in off Happy Homes Road, our road was going up through this steep area in here. The topography of the land is such that there's like a ridge line right in here and this area drops down towards the lake in the fashion and there's kind of a ridge in here and we've got wetland networks that drain two ways. I believe one of the concerns was that we were having deep cuts and fills in this location trying to get our grade from Happy Homes Road up through into the site. By using this access coming off Meredith Neck Road, we've ended the cul-de-sac at really the high spot of the ridge here so we're not doing any road improvements in this area so all drainage from the road would then be going back and then in through these wetland networks and these over in here. There would be a driveway that would be improved to these lots so there is some improvement down there but not to the extent of our previous application. The other concern was if we had taken Happy Homes Road and connected it through, what improvements would we have to do to Happy Homes Road. I know there were some citizens out there that didn't want anything done to the road so if we came out on Meredith Neck then we wouldn't have to do any improvements to Happy Homes Road. There was also a concern of the Flynn lot, this is the existing lot that was in the previous subdivision. Right now I believe Mr. Flynn has a driveway that goes out and connects out to Meredith Neck Road. If we had come in with our previous application proposal coming in off Happy Homes Road, there still was a question of unauthorized use or access going out through that road through the difficult location. Again, if we improve Meredith Neck and have this access, then the unauthorized use would not be an issue. By eliminating and not going down through Happy Homes Road all the issues of the legal status of Happy Homes Road would get postponed to another day and maybe another generation, it's not part of this application. The Town and their review consultant looked at our previous layout and they had some concerns about the geometry of the road and the steepness. You can see that we've got a very smooth road in here and those geometry questions should be eliminated. There was also a concern on how we match Happy Homes Road into this intersection of Harris Road. There are a number of driveways that come in and this was something people had a concern with. Again if we don't use that, that is no longer an issue. I believe it was also brought up on the narrow width of Cattle Landing Road further on down the road from this intersection. If we don't do any looping in here, then our subdivision doesn't impact that narrow ROW issue. One of the drawbacks with this subdivision proposal that we didn't have with the previous one is we will need a wetland impact down here. There is a wetland network that comes down in here

and drains down through the abutters land. We have since mapped these wetlands, surveyed and located and done the soils mapping in this area so we're looking at somewhere in the order of a 700-800 sq. ft. wetland impact there so that's something that is different from the previous proposal. Of course, we have to get Conservation Commission approval, NH DES and those approvals. We would also be asking the Selectmen to reduce the road section in here from 2 10' sections of pavement down to 2 9' sections of pavement and also ask that the shoulders be reduced from 3' down to 2'. We're looking at that from a standpoint of reducing the number of trees and the impact to this area for the construction of the road. One of the other issues I believe was we've got a narrow area in here between these two wetland complexes with their 50' wetland setbacks and I believe part of the ROW on the previous proposal impacted that setback. We've moved things over now so that we don't impact any of those setbacks. One of the other issues was the method of drainage that we were going to have trying to drain this area, trying to treat the water, that will not be an issue now because we'll have ample space in here to put whatever systems the Town and your consultant. One of the concerns I believe also was the storm frequency given the history of rain in New Hampshire in the past couple of years, a lot of towns are concerned over the frequency of storm events and I think there was a request for us to evaluate what a 50-year storm event would do and we don't have any problem with evaluating that and reporting back to you. Right now we're proposing that this be a private road and that we would have a homeowner's association established for the maintenance of that because we understand during the construction process, we would have to establish one anyway until either 50% of the lots were sold or built out before the Selectmen took over as governing agency for maintenance of that so right now we're proposing this be a private road with a homeowner's association. The last item that I could find in going through my notes was a concern of where the houses would be, where the building envelopes would be, we've got some 1 acre, 2 acre sites in here, we've got some 9-acre sites. When we get further on through the design, we can provide building envelopes and show where somebody can put certain size houses in there as the Board wishes. Just to reiterate, there are some existing buildings in this location and those are slated to be removed.

Vadney – At first glance, it does appear to be a couple of giant steps ahead of where we were and the improvement at the intersection of Cattle Landing is certainly something, chop it down 7' and move it enough to straighten it out. Few could complain about that, I didn't say they won't, I said few could. I think that does clear up a lot of the extra mileage required to go all the around Cattle Landing and into Harris Road for all this additional traffic so it does seem to be a giant step forward.

Steve Nix – I want to thank the Sleeper, Ekstrom and Gard families for allowing the surveyors and soil scientists onto the property so they could map it in the northern area. Since this plan was drawn, I mailed copies to all of the owners and I've had e-mail communication with Dave Sleeper and I spoke with Jim Sleeper. Dave indicated there were a couple of issues that the families wanted addressed which haven't been addressed on this plan but I'll just do it verbally because this is a design review. This plan shows easements for drainage and they would like to do fee simple land swaps so the engineers are working on that

and the other big issue and I'm sure they will speak to this a little more, they would like to see the 1926 ROW that connects the two that exists as a legal entity at this point somehow discontinued so that Happy Homes Road wouldn't be able to go through in the future. With that request, all we can say is that is a function of the Town Meeting and we haven't gotten into detail about how that will work because that would have to be worked out with the Planning Board, Selectmen, the Town and Town Meeting and we haven't gotten into detail about how that will work because that would have to be worked out with the Planning Board, Selectmen, the Town and with the abutters to come up with a plan to make that happen and I think that's it, Dave pretty much covered everything else. Vadney - The throwing up of that never build extension probably makes good sense. This Board will have to go very carefully with it because I don't know how we could condition any approval based on that happening kind of thing because it's so far beyond our control it does require a vote of the Town at Town Meeting so that is something we can certainly study and it makes a lot of sense. Kahn - In the bottom right-hand corner of the property is that no-man's land? Nix - There were some discussions early on with Mr. Krochina and he had indicated an interest in some land down there so that is essentially shown as no-man's land down here because there is theoretically no road frontage to it. There haven't been any agreements but we did show it on the plan so that it is a viable option that could exist. If that particular deal doesn't happen, that would simply be attached to another lot. Touhey - We have the one wetland crossing, do you anticipate that any other driveways are going to involve wetland crossings? Walker - No, when we get into the building envelopes, the way we've worked out these lot lines in our office, yes they work from a soils standpoint, from an area standpoint, we may have to do a little tweaking in here so this driveway stays out of the wetland setback or maybe it's a shared driveway over Lot 3 but our attempt is to stay out of all the wetland setbacks so there's no issues there. Worsman - Can you just tell me what the lighter green, is that not Mr. Manoukian's property, is that the out lot. Walker - No, that's just areas where the road comes and this is kind of open field and this is kind of the path that goes down here so it's just areas that don't have forest. Walker pointed out the out lot for Worsman on the map. Vadney - The very important part of all these applications is that we know your thoughts as abutters and citizens so I will now open the meeting to the public and ask for your comments. Tony Mika - What's not clear to me is how far are we going to move into my property to straighten out this road? Vadney - The Town owns a piece of that but I'll let Mr. Walker show where the lines go. Walker - This dark line right here is the property line between the Town's ROW and your property and all improvements will stay within the Town's ROW. Mika - Right at this point, this road changes from 40 to 25 MPH and nobody travels 40 MPH on this road, it's more like 60 MPH and so if you straighten this out, this is going to be a nice speedway down here, but if they do that now they'd be in the ditch because there's a sharper turn here than what this seems to indicate. Walker - This is not the existing road, this is what the proposed road would be. The existing road is way over in here. Vadney - What is the maximum delta there between the existing road and your proposed road? Walker - Probably close to 35 or 38 feet. Vadney - So they're moving the centerline at the maximum piece of that

curve about 35 or 40 feet, moving it toward your property. Walker pointed out the approximate centerline of the existing road and we're moving it over in here.

Vadney – I just want to make sure you're clear sir that the Town owns a piece of property right there. Mika – I understand that but it's not real clear to me where that is. Vadney – Is that clear to you all that the Town owns kind of a curved triangle of land right at the sharp corner that we're discussing here. Walker – We are really not cutting off, we're filling because we have to raise our road and we still have the hill of Cattle Landing Road that we have to look over from our sight distance so we're raising the road from our subdivision, we're raising Cattle Landing Road and Meredith Neck Road so it doesn't dip down anymore so we have proper sight distance right and left of 400 feet. Mika – When you raise that is that going to slope all the way here to Happy Homes? Walker – The change would be somewhere halfway between the existing, Happy Homes is here and the existing driveway comes in here so somewhere in here we would be matching into...

Vadney – And you're moving what the driveway is today, you're moving your new driveway about 60 feet or so? Walker – Very good, about 60 feet. Mike – Right now the State road ends here and the Town road begins here. Walker – Right here is where the State road ends right here at the top of the hill a little bit where the pavement changes. Mika – The sign is right a Flynn's driveway. Vadney – The sign may be in the wrong place is what he's saying. Walker – The pavement changes where the State came in and paved and where the Town took off and paved. We had a meeting out there with your road agent and the State DOT and I asked where the road changed. Mika – You're going to raise this up so it is now going to slope down more into these wetlands. Walker – We won't be touching those wetlands at all. Mika – When you raise that that's the only place the water can go. Walker – The water goes down there now. Today there's a catch basin there that dumps the water across into this wetland complex. Vadney – What it is, he's going to straighten the road and change the grade. Frank Marino – What's not being talked about is any of the wetlands impacts down slope from this which is a big problem for me. First off I'd like to say I have no opposition to anybody doing on their land what they are entitled to do by law but when somebody wants something that's outside of the law, I would like to strongly object.

To the Chairman of the Meredith Planning Board.

I would like to strongly object to any multi-lot development of Tax Map U-32, Lot I I, that is not clearly within all codes, rules and statutes, or that would require any variances, special exceptions, town or state road alterations, or town or state expenses.

I have reviewed the Preliminary Layout Plan of Harris Cove Estates LLC, dated 8/4/07. The main or only access for the new development, just north of the current S-curve that lies at the transformation of Meredith Neck Road with Cattle Landing Road, is diagonally across Meredith Neck Road from our property and uphill from the large and pristine wetland that straddles our property and our neighbors, the Mika's of 12 Cattle Landing Road, and among my many other causes for objection, I believe this development would pose a serious threat to this valuable source of wildlife and enjoyment at the end of Meredith Neck.

This proposal would put almost all of the burden of the development-caused traffic increases, construction mess and noise, road improvements, wetlands destruction, water quality destruction, septic run-off, drainage, and the other inadvertent by-products of such a project on us, the Mika's, and our wetland. All the years worth of heavy excavation and construction vehicles during development, then all of the commuting trips, shopping trips, oil deliveries, snow plowing, garbage truck visits, road sanding, school bus visits, etc, for this neighborhood and its construction would be pulling out or turning in right out across from us and our large and very functional wetland.

I can imagine not only two or three years of listening to heavy equipment going in and out directly across the road, but then forever listening to the traffic that a neighborhood of this size will bring. Traffic that is too much for the entire Neck will be focused right at us and our property.

I've heard it said that a house generates 5 round trips per day. This times 13 houses equals 130 cars and trucks per day either aiming at or exhausting towards us. While we have that wetland buffering us somewhat from the road, you'd be amazed to hear how close it sounds when an oil truck turns onto Happy Homes now, but luckily there are very few permanent residents on Happy Home. The thoughts of a full blown development of permanent residences right there is really frightening. The current residents of our small and rural tip of the Neck appear unanimous in their opinion that such a major construction project and the resulting suburban-type neighborhood it will create are contrary to the public interest, conflicting with the atmosphere and environment of the surrounding area, and would have a drastically negative impact on the quality of life and safety on the Neck .

And while many might think of our wetland as "just a swamp", or is just ours and the Mika's, it is not difficult to appreciate what it really does for all of the surrounding residents and for Meredith Neck as a whole. It is not something we could ever or would ever develop, so it is as much to the benefit of all as it is to us or the Mika's. This multi-acre wetland is a large and pristine parcel that is fed by flow from the very uplands that would be developed by the proposed plan, changing that land from a source of nourishment and purification of the wetland into a source of pollution and run-off, with a direct conduit down its entrance road.

Were **it** not for such a development, our wetland could continue to provide for the Neck for a long time, yet it is clear to anyone reviewing the plan that this development and its entrance road leading downhill in a perfectly straight line towards the wetland will bring nothing but road salt, oil and gas run-off, lawn fertilizer run-off, road sand, habitat destruction, noise, and traffic-causing road-kills of its inhabitants.

Besides its aesthetic value, this wetland is a very valuable breeding, nesting, brooding, and wintering area for much of the wildlife we all enjoy down on the Neck. Besides the deer and bear that we have all seen enough of this year, we see many mink, fishers, moose, wood ducks, owls, pileated woodpeckers, and occasional bobcat and otter tracks. These animals are especially frequent in the wintertime when they are most susceptible to the dangers of increased human population and traffic.

In the spring, we watch hundreds of giant spotted salamanders, tree frogs, and spring peepers march across Meredith Neck Road from the very woods that are to be developed, to breed in the swamp. These huge mole salamanders, many 10" long, are relatively rare, and in fact have been wiped out over most of their range, but we have a very strong population down the end of the Neck in large part because of our swamp and this piece of undeveloped property adjacent to it.

And even if we never see them, who wouldn't miss listening to all those spring peepers that this development will eliminate, if only by its impact on their breeding pools?

What are 130 cars per day pulling out and turning in at just the crossing point for all these amphibians going to do to their population? What is all the road salt going to do as it runs downhill on the paved entrance of this new development and directly into the swamp?...especially when this happens during the brief spring thaw period when these animals are trying to breed ...the very cause of their demise in Massachusetts.

Also, as to the straightening of the S-curve, I strongly believe that would have disastrous safety consequences, as I explained at last spring's Planning Board meeting on a prior proposal by this developer. Such a serious change should not even be considered, let alone done, whether for this development **or** for any other reason.

Nobody can appreciate how much that curve now slows traffic coming down the Neck as we do. We walk our dog around that bend every day, making a circle from our house, out or driveway, around the bend to the Mika's, and back down. Cars often come down the Neck at 60 or more mph, and it is only the S-curve that causes them to slow down. We rarely see police that far down the Neck and get no speed limit enforcement. I've had to jump off the road to avoid gettin^g hit by speeding cars more times that I could ever count, despite the "speed bump" that the curve now provides.

I've pulled several road-killed deer and turkeys into the woods at the curve, which is the preferred crossing point for animals heading into and out of our swamp. Imagine what it's going to be like with more cars that are going even faster and that don't need to hit the brakes to make the curve?

While I'm glad that the latest plan leaves Happy Homes and Harris Shore disjoined, and keeps all this traffic off of Happy Homes, it does not change the fact that this development simply does not belong down here at all, and I believe I speak for most if not all of the area's residence when I say that it should be denied to the extent the planning board has any legal basis for doing so....in fact, isn't that the very purpose of the planning Board, our Town Plan, and our zoning laws?

Why should the town feel the need to make concessions to enable this development? The very purposes of our planning and zoning rules and our planning and zoning boards, are to see that any development like this that is not in the public interest and that does not meet codes without some variance, special exception, or special arrangement by the town. is simply turned down...period. That's what our laws and codes are there for. That's why we elect the very members of your board...to protect the rest of us from land use and development that is not wanted and outside at least one rule, code, or law.

If this was a project that was being proposed for the public good, like a fire station or a new school, we'd all agree that concessions like straightening the road would be worth considering, but why would the town even consider straightening a road and causing unpredictable safety consequences for the remaining public, just to enrich a private developer in a project that does nothing but hurt the surrounding area and the town's other citizens?

Many studies have shown that developments like this cost a municipality much more than they contribute in taxes. These are not going to be summer homes that pay high taxes and take little in return. This is a suburban-style neighborhood that will attract permanent families. There will be more kids to school, more roads to plow, more services to provide, more taxes for the rest of its to pay to subsidize. A few more of these developments and we'll be attending meetings about the tax increases needed to build the new schools, buy the new police cars and fire trucks, etc.

Those if us who lived in Mass during the past twenty years of over-development know exactly where this all leads, despite what the naive might expect when they only think about the added RE taxes this will bring **in**.

This latest proposal is not a "solution" to the problems of the prior proposals...it merely transfers the problems elsewhere. There would be no satisfaction to most of us in seeing this proposal approved, no matter where it makes access. This very board has opined in the past about the special value of Meredith Neck, and its desire to protect it to the extent that is possible. This proposal, and the underlying development in any similar form, are a bad thing for the end of Meredith Neck, and it should be flatly denied.

Sincerely,

Frank Marino
394 Meredith neck Road Meredith NI
10323

Vadney – I would note on the corner and you may have some very valid points there but the reason the Town owns that section of land was it was envisioned by some folks about 20 years ago or more that sooner or later that corner had to be straightened and fixed whether or not any other land was developed down there just because it is a problem so that actually preceded this proposal. Marino – Some of the things you didn't have 25 years ago or whenever was a Hell's Angels community down at the end that rides through there on motorcycles. You didn't have as much development down there as you have now, cars didn't go as fast as they do now and all one has to do is spend some time down there late on a Friday afternoon or a Sunday afternoon and watch the traffic coming down Meredith Neck. Scott MacKenzie, abutter at 20 Harris Road – I'd like to address the other side of the property if I might. This string of homes is all very steeply graded land going down towards the lake and I'm very concerned about development here, Lot 8, Lot 10, and Lot 7, that as we pull trees down here, there will be more water coming this way towards the lake. What's being done to prevent that runoff? Vadney – I can't comment on that right now. I understand your concern and we'll be looking that when we see the details. As far as the pre-application, this is more of a conceptual review but that's one of the things we'll certainly look into. MacKenzie – That's one of my primary points is this area of land right here, I'm just very concerned with water flow towards us and my second point is with this number of lots, there's going to be a lot more traffic. I don't know how many of you tried to get out of Pleasant Street last weekend but it took me about 15 minutes so we're adding a lot more traffic onto Pleasant Street and I think that would have to be addressed if this were to go through that there would have to be some kind of traffic resolving thing done to Pleasant Street. Dick Seiss, 26 Harris Road – Back in the beginning of the year you asked to make up some opinions and questions and send them in to the Board. My wife and I did, I don't know if you got it. I asked if you would let us know what you think or give us some information on it so I have a few questions that haven't been discussed. Has DOT officially approved any road changes that you want to do? Walker – We have not applied for any. Seiss – Where do you stand, you own a piece of land and you're not sure whether you can use it so far, am I right or wrong? Vadney – No cross examination. This review we're doing tonight isn't actually required. We don't have to have a pre-app. They could just come in and throw this on the table and have all these details but what they are saying is we'd like to have a public hearing and let the people come in and express their concerns. They are taking notes so they can answer those questions. There was another item, the road at one time they were going to put a spur into the rear off Harris Road where the road turns from blacktop to the private road which we live on and that was going to go past the mailbox. I don't know if that's still in the program. Vadney – There would be no change at all as far as far as this project goes. Seiss

– Only one road in and out off that proposed change of road to a cul-de-sac and everything works off that. Another thing which I thought was important, we kicked around so many times how many units were going to be on this property, have we got any final figure on that? Vadney – The number they are saying right now is 13. Seiss – This might have a big legal impact, you’ve got a piece of property down there on the water, you have one individual, Mr. Flynn, who has access to that legally, suppose he sold it to someone on the property as they move in and there’s a change in the deed, can he in any way change that deed to pass that on to one or other people. Vadney – To one maybe but no more than one, no. Seiss - There was also a possibility, let me read something that I wrote down on my proposal to you. Mr. Nix and Mr. Jim Commerford, Town Assessor, who has suggested to Mr. Nix that 3 or 4 owners of units in subdivision could possibly have use of beach on Lot 1, what is the meaning of this statement? I think that was kicked around and my point of all this is can anyone in a change of deed or sale change the number of people using that beach? Vadney – There has to be 100’ per unit and if they’ve got 400’ and if they’ve got 400’ and didn’t want to use it for Lot 10, they could say Lots 6, 7, 8 and 9 can have 100’ down there. I believe that is the way it would work out but we’ll legal folks work it out. Edgar – I don’t have the number right in front of me but the waterfront lot needs to have at least 150’ of frontage that’s dedicated to that lot. There are provisions in the zoning that would regulate how many backland lots could have access to the beach and I think it’s 100’ per lot or something to that effect. There are state rules that govern the number of boat slips but in terms of the actual deeding of access, there are provisions in the zoning. What was represented at the earlier application, Mr. Flynn has rights to the water and his rights would be preserved, his rights run with the land and I don’t believe they are transferable where he could just convey that to anybody but maybe that needs to be clarified but I’m pretty sure the origin of those rights stems from the subdivision of that lot and my guess is those rights run with his property. He could sell his property and someone could inherit that right when they acquire the property. Notwithstanding that, I believe what was represented under the earlier applications that it would just be the house lot and that one right and that there wasn’t any other waterfront rights that were being attached to any other properties. I don’t know if that is still the current thinking but maybe you could speak to that as to what your intent is as to whether there would be any backland access to the waterfront other than Mr. Flynn. Seiss – I think it’s important to know that and be discussed at great lengths. One other thing, any kind of stand pipes running out of this area down to water for fire prevention in anyway, especially you’re going to have a whole bunch of homes up in that area, is there anything with the Fire Code that you have to observe. Edgar – The Fire Department would do a review based on the applicability of the NFPA codes. There could in theory be a dry hydrant coming off the lake, there could be a cistern located on the property or there could be a requirement that each of the properties have individual sprinkler systems so there are a number of mechanisms or ways in which those codes could be addressed and the Fire Department would participate in that review process. Nix – Under this proposal that we’re bringing forward tonight, there would only be one lot that would have beach rights down there. Vadney – That would be Lot 10? Nix – Lot 9. Mr.

Flynn obviously has his rights under this proposal. Edgar – And if this were to go forward, those are the kinds of things we would want to have memorialized. Nix – Absolutely. Vadney – It's clear that Mr. Flynn's right to access the water remains with this property and proposed Lot 9 would be on the water and would have water rights, no other lot would have water rights. Marino - There's nothing legally that the Town can do to stop a Trust from buying Mr. Flynn's property and the Trustees having access to that as owners of this piece of property because it goes with the property. Vadney – I believe our ordinance would cover that. Kahn – Our ordinance would not permit that. You can't do a subdivision of the water rights, one right. Marino – Who does the right go to if the property is owned by a Trust. You're saying that these 8 people cannot buy his lot and get water rights. Shaun Flynn – I'm the owner of the lot in the middle with my wife Julie. As far as that right issue goes, there's also a document on file that does specify the beach rights to one nuclear family so I think that's actually already addressed somewhere. You have probably seen it somewhere along the line. I don't think that's an issue. Vadney – He's saying that it is not just to the property but to one nuclear family using that property; it couldn't be a combination of families buying up the land. We would also have control of it with our Town ordinances but it sounds like its in his deed as well. Flynn – I do have one question about access to our lot from the new proposed road, I do have a map but I guess this one is different than the one I have, where is it? Walker – It would probably be an easement right now over Lot 5. Flynn – So it would remain pretty much where it is. Chris Krochina – I have a couple questions for them first, Mr. Chairman. We talked about this before. The deed to the Town, has that ever been found? Is there a Book and Page number? Vadney – The deed to the Town for the Class VI road? Edgar – We can provide that. Krochina – If this intersection was so critical, I'm curious why it was never done from the Town's perspective when they just did Cattle Landing Road over. Vadney – Actually, it's quite amazing that the piece of property was bought. I don't have anything to say why it was never done. It's been on the books for a long time, I suppose money. Krochina – Another question is on the quality of the water runoff, is there anything addressed as far as not just the volume of water that's going to go into the new wetlands but the quality of water. Was there any ledge on the property, I don't see any ledge depicted on there? Vadney – I want to be careful we don't spend too much time to engineer this tonight. The real thing is to raise the issues. Most of them if we answered them, the answers wouldn't be very complete because we weren't prepared and the applicant wasn't prepared. We want to get these things on the table so we know what the issues are and they have to have time to research them. Walker – The intent of the design of this road is to raise the road up so we don't do any blasting, there's no underground utilities, the only cross culvert would be (location pointed out on the map). No water, no sewer, no catch basins, no utilities and an open drainage system. Blasting, that was one of your issues before so that's why we put the cul-de-sac in here. Vadney – The previous plan that extended that cul-de-sac another 200-300 feet south required going through a deep ledge with big side cuts, they were substantial. Krochina – I'm still saying the ledge has never depicted on here. I've asked numerous times, I'm just saying when these things come, I'd like to get them

depicted on the plans. Edgar – What’s going to happen if this goes into a design mode, they will be test pitting and providing ledge information as part of the engineering submittal. Krochina – But the test pitting on this lot has already been done. The ledge should already be determined. Vadney – Test pitting has already been done for septic. Edgar – It’s all a function, Mr. Chairman, of the road profile and I think they’ve indicated they are going to try to elevate the road a little bit, the ledge is a fair question but we don’t have that information in front of us tonight, it’s on the checklist and these guys are going to be coming in with a full plan and profile if we get to that point. Vadney – I just wanted to be clear that test pitting has been done, I think, for septic reasons but no test pitting and what he’s asking for is a ledge probing. Krochina – I know some of the ledge test pitting indicated “0” which indicates there is ledge out there. Edgar – At the site inspection there was obviously exposed ledge around the farmhouse. I think we all acknowledge that there is ledge out there and to the extent we can minimize blasting that would be a good thing and when we get to the point of plan and profile and the probe information, we’ll have a much better feel for that. Krochina – Mr. Flynn’s easement, has that ever been drawn when you purchased the property? I don’t see Mr. Flynn’s easements drawn on the map. Nix – This isn’t the final plan. His easements will be on there. Vadney – Mr. Krochina please, you need to raise the issues, we’ll write them down, we don’t want to analyze each one of them. Krochina – I brought up stuff in a previous Board meeting and you said the same thing, Mr. Chairman, in all due respect and I haven’t received any information yet. Vadney – That’s because the last proposal went down in flames and I don’t think we were duty bound to answer all of that mail in that case. This is a totally new proposal as if you had never seen stuff before. Krochina – So everything is off the table right now, there is no pending things before the Board? Vadney – It’s a new proposal, the day starts today. Kahn – Mr. Chairman, I think we should stipulate that anything that’s in the files from previous hearings is part of this file. Vadney – We will include it. Kahn – We do not have an application at this point so in a sense, we don’t really have a file. When we do have a file, I think everything from the previous files should be in it. Nix – There is an application on the table for a 18-lot subdivision that shows the road going through and the Planning Board tabled that. Vadney – I’m going here from a legal standpoint tonight, this is posted as a pre-application design review and if you go forward from here, it may be what we do is untable the last one. Edgar – If we go forward from here, it would be a separate application that’s what we had agreed to the last time if they decide to go forward it’s a separate application. If they wanted to resurrect the other one and battle out that whole myriad of issues that would be their prerogative to attempt to do that but this is set up to be distinctly separate from the other application for purposes of procedure. Kahn – All I am trying to achieve is to save folks the trouble of rewriting letters, if we have letters in the file we have letters in the file. If you want to rewrite them fine, otherwise, let’s stipulate they are all part of this file. Vadney – I hesitate to make that blanket statement tonight because we haven’t seen all of this proposal and many of those letters to say they still apply, they don’t apply because it’s been overcome by the lay of the land. I hesitate to make that determination now. Kahn – All I’m trying to say is if somebody feels that they’ve

had their say, they don't have to say the same thing twice. If they feel there's something in this application that's different that they want to comment on, let them comment but if they are just going to say the same thing twice, let them save the paper and save a tree. Vadney – I want to be careful that some of them may not want to say what they said once before. We may want to be careful and have some of these things resubmitted and make sure they are written to apply to this proposal because the words that were written a year ago applied to a different proposal and some of the statements are now in effect foolishness. It's an ugly process I'll admit. Krochina – Could you just give me a ledge thing on this proposal or the information I asked before. Vadney – Please ask the questions to the Chair we are not going to sit here and negotiate and engineer this tonight so you raise the issue, John and the applicants will take the notes, we'll all hear them and everybody that's raised as an issue to be answered. We have to do it that way. Krochina – So ledge on the property is not an issue? Vadney – It's an issue, we now have it on our radar screen, we will be checking what ledge requirements are but we are not going to determine how many probes how many probes they have to make tonight. Krochina – I didn't request that. Looking at this thing after the last meeting, I was wondering if anybody put any thought into instead of making this turn less sharp on the plan, it's pretty straight right through and possibly putting a STOP sign on Cattle Landing Road and it would be less impacting to the wetlands because you'd be going up into the other one. Vadney – I will give you a quick answer on that, it's the end of the State road they might go along with it but they don't normally like to put STOP signs in the middle of a State road. Krochina – Not on the State road, at the end of Cattle Landing Road, reverse the two. Vadney – It might be doable. Krochina – Another thing, I'm just talking theory here, if you came up here you'd be out of the wetlands and the cul-de-sac was up in here, you could probably get the same amount of lots, less road, less impact to the wetlands, just throwing the idea out there. I'll be able to get that deed from you, John. Edgar – Yes, tomorrow. Bob Erickson, Patricia Drive – My lot is right here at the corner so we're not heavily impacted that way but our well is not too far up from here and I'm just wondering if 13 new wells is going to have any impact on the water table of the whole area. Vadney – We certainly can't answer it tonight but it's something but it's a good issue for us to look into. Ralph Pisapia, 22 Harris Road – I'm an abutter and I'm not representing anybody else. As a taxpayer, I have some issues I'd like the Board to respond to at some point. Mr. Kahn raised the issue of previous comments and I had some extensive comments on the two previous proposals and I would prefer not having to bring up those wildlife issues that I brought up before and some of those drainage issues and well issues. I would feel a lot more comfortable if we could just assume that those things will be addressed rather than me writing again. Vadney – I can't imagine that any of those things won't be addressed. My hesitancy in saying all that stuff is going to apply is many of your comments, for example, related to the way the Class VI road and Harris Road, those are now moot. They are history. There may be some others in there that are kind of in a gray area, for example, I would prefer if you sent us something last time, you look at it this time in conjunction with whatever plan they bring forth and just sign it and say, new date, I still agree with everything I

said then. As we all know, we all pay property taxes that do pay for the vital Town services such as schools, local road construction, maintenance, fire, police, libraries, and recreational areas, etc. Based on studies across the country and including New Hampshire residential housing for every dollar that a residential house brings in to the Town, the Town provides \$1.15 worth of services so in other words, the more houses, the more deficits we run. I think that's an accepted fact on residential homes. Regarding Harris Cove Estates and this proposal, I would like to know the estimated number of children might be estimated for this 13-lot subdivision since it is probably going to be a year-round type residence relatively low-cost for Meredith in that it's not going to be waterfront, I would assume we are going to attract folks who are going to be younger and in childbearing mode so I think it would be valuable to know what the impact would be. Vadney – We'll have that and I'll give you the short answer right now is between 5 and 7. Pisapia – Let me give you an example of why I'm concerned. The Board has approved several subdivisions at the end of the Neck and the building department has approved several building lots. The last two neighbors we have that were not on the lake, both families have 2 children and we can expect that something similar to that for any lot that's off of the lake so I think that's reasonable. Vadney – I'll tell you the reason I made the statement of 5-7. We had a study done by Russ Thibeault and he is one of the major demographic kind of people in the State and his study in rough terms is about .4 students per new household, it varies a bit with number of bedrooms but not as much as you would expect and take my own household for example a few years ago there were 4 kids there and now there are "0". Pisapia – But you are not the type of individual who would be moving into these new homes. Vadney – Ralph, what I'm saying is, all we can go on is a statewide study by the way, the answer is very slight somewhere between .29. Pisapia – Your point is well taken, I just would like to get that information. I've heard that it costs approximately \$11-13,000 to educate a child in Town. I think it would be interesting to have that included with that estimated number of children. Also, another cost to the taxpayer will be that a new school bus route will have to go into this area. Vadney – If it's a private road, no. They would have to walk up to the end. It would be interesting to know what the estimated new property tax income would be from this subdivision. Meredith Neck Road, Cattle Landing Road upgrade the curve, I'd like the Board to investigate how much public funding will be needed to implement this. Vadney – The upgrade at the intersection you mean? Pisapia – Yes. What is the source of those funds and I think we need to include signage and things of that nature in that estimate as well as construction costs. On safety, what will be the impact of a new road that's being proposed at the intersection of Happy Homes Road and on Meredith Neck Road, I would like that to be addressed? Will the sight distance issue for Happy Homes be affected, will they have a more difficult time getting in and out of Happy Homes Road? Also, for the driveways that exit onto Cattle Landing like the Mika's if the speeds are increased there, what impact is that going to have on them? I think the Board should address this. Also Rocky Brook Road is another road that exits into very close to Happy Homes Road. If any improvements are needed on Happy Homes Road who pays for this? Pisapia – Obviously, I don't agree with the zoning in this area or on other parts of

the Neck that are mis-zoned. Fire protection – What is the distance from the Fire Station and the response time to this proposed subdivision. As I understand it, the Fire Station is about 7 miles away and the closest fire hydrant which is a dry hydrant is about 2 miles away. The last house fire in our area resulted in a near total loss and eventual tear down of that residence. What measures will be required on new residences that are constructed in the subdivision and will any new Town services be provided? Police protection – For police protection new routes and frequency of visits will be required. These will add expenses to the current taxpayers, what amount of impact fees will be assessed to the developer to cover increased infrastructure. Vadney – The short answer is we do not have an impact fee ordinance. Pisapia – Actually we do have an impact fee ordinance if I'm not mistaken, I just read it. Kahn – Some years ago the Supreme Court of this State got confused as to what an impact fee was and so municipalities adopted impact fee ordinances to satisfy the Supreme Court but they are not impact fee ordinances, they are really off-site improvement ordinances. Impact fees as such we don't have an ordinance. Pisapia – I would like to find out how these added expenses, because the Board continues to approve subdivisions. We talked about two other ones tonight, the Board is probably going to approve those. These new subdivisions do not pay for themselves, they add more costs to all of us and there doesn't seem to be any way to recover these added expenses for a new fire station, a new police station. The issue is we have to start someplace. You are making every single development in Town a retroactive on individuals like myself. Kahn – We don't have the ordinances that would permit the Town to do what you want. We don't have a growth control ordinance, we don't have an impact fee ordinance. We don't have any of those. The zoning laws would permit this subdivision. Pisapia – The law generally says that a landowner has right to a reasonable use of their property, I think we can all agree on that. Can someone on the Board answer "What is a reasonable use of this property?" Is one lot a reasonable use under the Zoning Ordinance? You don't have to answer that now, but I would like that answer because right now this individual has a reasonable use of their lot. I'd also like to know what special exceptions and/or variances will be needed from the Town Zoning Ordinance in order to implement this proposed subdivision and at what point in the approval process they will be sought. I'd like an explanation if there's going to be any relief needed from the State from the road standards if they build this area up. We already heard that they are going to need relief from the Board of Selectmen to have a substandard road in the subdivision itself. A question was about this out lying lot down in this corner. I think if you look at the plan they have before us tonight, there's also another out lying lot right here next to the Flynn property and I would submit that this is not a proposal for a 13-lot subdivision but a proposal for a 15-lot subdivision because that's what they have proposed so that needs to be clarified. If the subdivision is given conditional approval, will the Planning Board or the applicants seek Town Meeting approval to discontinue this ROW road to connect Happy Homes and Harris? What water quality improvements will be implemented to insure that the increased runoff from this subdivision does not flood out downstream abutters or further pollute the lake? Sherry Cheney and my folks own property here – I just wanted to know if they were

planning to come off Happy Homes Road with driveways to the lakefront lot or the one right behind it? Vadney – There will be no access from Happy Homes Road. Roberta Russell – My husband and I are new to the area and we just moved to 88 Cattle Landing a few months ago and my question is if there were no variances given, what would be permitted now on that property of 50 acres? Vadney – Not too far off of what this is depending on whether we could work out the road situation. How many houses could you have? Vadney – That's kind of like asking how much it costs to haunt a house because we don't really know all of the variances and stuff that will be required. A piece of property that and actually to answer one of Ralph's points, what is the reasonable use of that land, someone has been paying property tax on that in accordance with our zoning ordinance requires a certain amount of acreage per unit and based on that most courts would rule that if our zoning ordinance says it's 1, 2 or 3 acres or whatever and you've got 30 acres, you can get 10 houses that's a reasonable use. We don't expand that, we can't go over that but we do whittle that down sometimes based on wetland crossings, access and a number of other steep slopes so we do whittle it down but the basic court standing point would be if you've got 30 acres in a 3-acre zone. Edgar – Mr. Chairman, if I could just throw some facts into it, my understanding is this property is in the Shoreline District. There are two standards and we take the more stringent of the two, the first standard is a 40,000 sq. ft. minimum which in rough terms is just under an acre so whatever the total acreage is, you divide one acre per and you come to a maximum number. That's the maximum by zoning but it doesn't factor in land capability so you start with that maximum number but then all the realities of other considerations come into play. The big consideration that comes into play next, the second standard is what we referred to as soils based lot sizing which is septic related primarily and groundwater related and so we look at the soil type and the slope of the land to determine how that property should be sized to offset its impacts from a groundwater point of view and depending on the slope of the land and the soil type will drive that number. Generally speaking, they are between 2 and 4 acres of non-wetland is a benchmark of what we see typically with subdivisions. Russell – How much non-wetland is there on this 50-acre lot? Edgar – Maybe Dave would have the number but I do know that in an earlier iteration of the subdivision, some of the calculations complied but they were very, very close meaning that probably about 18 is the maximum from a soils point of view. Edgar – From a zoning only point of view, it could be potentially as many as 18 just based upon past discussions we've had. That does not involve a variance. That would comply from those density standards. The wetland review is not a variance issue, it's a special exception and there's a distinction that I won't bore you with. Russell – So there will be fewer than 18 because of that. Edgar – Not necessarily, it might be fewer than that, just the practicality of how you would lay out the building sites when you factor in the reality of where all the wetlands lie and how you get to the building sites. Once you put the facts on the ground in relationship to those numbers, sometimes the numbers come down just because it's not practical to get the numbers based upon the way the site lays out. You divide by 40,000, you get a maximum number and then we get into the soil type

and slope, the numbers typically come down significantly and then we go from there in some of the more subjective areas like traffic, habitat and things like that. Russell – (inaudible – no mike.) Vadney – I don't want to get into a totally in-depth analysis here. Variances come in many colors so it's a very difficult to say what they are going to need when it's all said and done. Some years ago when Mr. Flynn's house was subdivided, there were many other lots out there and the rest self-destructed so to speak. It could support maybe 18 lots, very likely 13, but it's not going to be 1 or 2, it's going to be substantially bigger than 1 or 2 and I would venture to say and I don't really know where you want to go with it, but the idea that that land will sit there forever and have less than 8 houses built on it I suspect is very slim. Russell – Where I'm coming from is I like to hear the birds and see the animals, it's beautiful there so I'm interested for my selfish reasons and for the selfish reasons of the animals that live there. I would like to see it stay the same but of course if I owned it, I'd want to develop it if that's what I bought it for buy why would you give a variance to make that easier if most of the people around didn't want it. Vadney – It's highly unlikely that we would give a variance that would increase the density on that property. Edgar – I think it's highly unlikely they will design a project that needs a variance, variances are hard to come by. They should be, they are distinct from special exceptions and at this point I don't think we've every talked about a project that needed zoning variances. Russell – What's the difference between a variance and a special exception? Edgar – I'd be happy to go over that with you some other time. Vadney – We don't give them anyway, those go to the Zoning Board of Adjustment but I meant the Town as a ZBA would be very unlikely to give a variance to increase the density out there. Edgar – Feel free to give my office a call and I'd be happy to spend whatever time you'd like to make those distinctions. Marino - First of all, I think what Roberta was driving at was not so much a variance, I don't think she had a grasp on the language but a concession of some kind without a concession from the Town of some kind and I certainly consider such a major project as straightening the road to allow for a private development is a concession that is much more serious than a simple variance. A variance is allowing a 290' view when 300' down the road is required for an exception or it's allowing for 23' off the lot line when 25' is required. Vadney – We need to move on. Marino - Getting towards Lou's comment that the Board simply doesn't have a reason or the right to turn this down, you do have the right. In order for them to build, you have to grant a concession and allow the straightening of this road or do the straightening of this road, that's a huge undertaking by the Town that you don't have to do and if you don't do that, then the question becomes if this road is not straightened, what can they do with this land. It's probably nothing because they don't have... Vadney – I don't want to get into a debate here but they do have substantial property rights, they can go back around Cattle Landing and come up Harris Cove and you'd be hard put to stop them. Marino – No, if you make concessions on Harris Shore Road, it's the wrong class road. I am going to take the first time ever opportunity to ask you to sit down because we have other people that need to talk. I don't want to get into a debate on some of these philosophical issues. What are the issues on this property that you want us to know? We know the issue on the road and we'll take it very

seriously but there's no sense in beating it anymore tonight. Shaun Flynn – Could you just clarify, we're hearing about concessions by the Town, the Town isn't going to pay for the reconstruction of the road alignment, can you clarify that? I think some people think that they are. Vadney – One concession they will not make is to pay for that I'm sure. The Town did buy the land or got the land with the intention of improving that, it's a known safety hazard. It can be argued whether people are going 60 MPH there, I don't doubt they are, it can be argued that making it straighter would make it more dangerous or less dangerous. If this road is straightened at this time, can I say every dollar I wouldn't want to give it that absolute, almost every dollar would come from the applicant for straightening. I think you're faced with something with a piece of property that big in an area that is that valuable, some development is going to take place out there. Is it better to have those 13 lots with a road if it turns out that the safety people say yes that would be a great advantage for the road and we're going to do something to control the speeds, would it be better to have a straightened road and not have to worry about cars going all the way around the end to come in on Harris Road and then to mess up Happy Homes Road or do you want to go back to Plan 1A of about a year ago, but do you want them coming in on Happy Homes, do you want them coming in on Harris Cove? It's not clear cut as to the best way to go and I suspect of the 6 or 8 of us up here, we're not clear cut on where we want to go with it either but we do our best to protect the property rights of who owns that property and protect your property rights as abutters. We can't make everybody happy. We want your questions and comments. Scott MacKenzie – The last time we were here we were talking about a little sliver of land down here that's attached to Lot 9 underneath here and there was some question as to whether that was actually within code to have a piece of land that narrow or something. Vadney – They are doing that specifically as a buffer. There is a 4:1 or whatever the ratio is, the main piece of land is what you base it on normally, that long side stub I don't think it would be prohibited, I don't know there's a lot of sense in doing it the way they've done it but that's their business. John, do you see any legal way to not have that long stub? I should say legal reason. Edgar – My suspicion is that some of the shapes in the lots and here again this is a tentative plan but I think that sliver was on the earlier plan and it has to deal with lot sizing just so that when we look at some of those overall impacts in terms of the septic density you kind of have to a certain amount of land to each lot and I suspect that's probably why that one's configured the way it is. Vadney – I would like to make one point and we've hinted at it a bit tonight but some of you may not be aware of, many of you are wondering why that is zoned the way it is zoned. Many of us wonder the same thing. Some 25 years ago when that was put into that district instead of the Meredith Neck District, we don't know the reasons at the time but as the Town approved the zoning and that's why the density is what it is and we've had many questions as to why this isn't zoned differently. Kahn – Did I understand that now the flow from the cul-de-sac goes back up toward the wetlands so there would not be any road runoff going down towards the lake. I remember that the Class VI such as it is goes up and down but it's kind of like on a high ground is it not? Walker - No, it's much lower here, we've got a hill here and here. Vadney – By moving that cul-de-sac you're

leaving the natural drainage that's there now. Kahn – Could we set it up so there's some kind of a buffer along there. Could we come up with something along that high ground that acts as a buffer, a no cut zone. Walker – I think that's something we can look at and with the shape of this lot with the setbacks required for the Town, I don't think we could build anything in through here. Edgar – That doesn't mean you can't clear it so the idea is to provide a vegetative buffer. You may not have a building setback, but that doesn't mean somebody couldn't come in and clear the landscape so to the extent we're looking at some buffering, don't look at it just in the context of building, think of it in terms of clearing as well. Kahn – The point that I was making is the existence of a Class VI road is a two rod buffer. Get rid of the Class VI road, you have no buffer at all. Touhey – As you know, school buses do not go on private roads so it's going to be a safety issue. We've met with other subdivisions that we've talked about here so that's going to be a safety factor. A very important one. Vadney -I think what we're hearing and you've had many good comments that we will now investigate from a concept standpoint you've got a good number of acres of land out there, we're not approving in any anything here tonight but from a concept standpoint, there's probably no reason that 13 lots couldn't be supported out there. It may be whittled down a little bit, the chances that it would go up are slim but it could vary from that number but in concept somewhere in that zone is good. In concept if we can do that intersection and make it better, we would support that. In concept if we don't have to go around the horn like we did on the old application on Cattle Landing that satisfies many of you who had complaints in the past and those have been overcome and if we don't have to fiddle with Happy Homes Road that would be an advantage as well. Conceptually, I think this is a giant step forward over the last application. I could support in modified form depending on how the details work out, ledge probing and all the other things answer out on this, I could certainly support something like this as within our zoning situation. Does that pretty much summarize, we are not approving it in any way but it's not a bad idea. That's basically all we can say tonight.

Meeting adjourned at 11:50 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant
Planning/Zoning Department

The above Minutes were read and approved at a regular meeting of the Meredith Planning Board held on _____.

William Bayard, Secretary