

PRESENT: Vadney, Chairman; Bayard, Secretary; Bliss; Kahn; Finer; Sorell;
Flanders; Granfield; Touhey; Edgar, Town Planner; Tivnan; Clerk

Bliss moved, Finer seconded, THAT THE APPROVE THE MINUTES OF AUGUST 23, 2005 AS PRESENTED. Voted unanimously.

APPLICATION SUBMISSIONS

1. **WALDRON BAY LOT OWNERS ASSOCIATION** – Proposed site plan amendment to establish a Recreation Area including a softball field, a half-court basketball court, three 40' horseshoe pits w/boxes, picnic area and a kids play area with related site improvements, Tax Map R26, Lot 2-21, (Common Area "C") located on Lower Waldron Road in the Forestry/Rural District.

Application, site plan, and abutters list are on file. Filing fees have been paid. Recommend the application be accepted as complete for purposes of proceeding to public hearing.

Finer moved, Bliss seconded, I MOVE THAT WE ACCEPT THE APPLICATION OF WALDRON BAY LOTS OWNERS ASSOCIATION FOR PUBLIC HEARING TONIGHT. Voted unanimously.

2. **KIM WEILAND (TUCKERNUCK INN)** – Proposed site plan amendment to expand an existing Bed & Breakfast facility with related site improvements, Tax Map U07, Lot 14, located at 25 Red Gate Lane in the Residential District.

Application, site plan, and abutters list are on file. Filing fees have been paid. Recommend the application be accepted as complete for purposes of proceeding to public hearing.

Finer moved, Bayard seconded, I MOVE THAT WE ACCEPT THE APPLICATION OF KIM WEILAND (TUCKERNUCK INN) FOR PUBLIC HEARING TONIGHT. Voted unanimously.

3. **CHARLES ERIC & ELIZABETH CHRISTENSON** - Proposed minor subdivision of Tax Map R08, Lot 19, into two lots (3.12 ac. and 6.47 ac.) located on Meredith Center Road in the Commercial-Meredith Center/Residential Districts.

Application, subdivision plan, and abutters list are on file. Filing fees have been paid. Recommend the application be accepted as complete for purposes of proceeding to public hearing.

Bliss moved, Finer seconded, I MOVE THAT WE ACCEPT THE APPLICATION OF CHARLES ERIC & ELIZABETH CHRISTENSON FOR PUBLIC HEARING TONIGHT. Voted unanimously.

4. **EDWARD AND CHRISTINE MORSE** – Proposed minor subdivision of Tax Map R08, Lot 78, into three lots (3.13 ac., 3.79 ac. and 3.04 ac.) located on Livingston Road in the Residential & Forestry/Rural Districts.

Application, subdivision plan, and abutters list are on file. Filing fees have been paid. Recommend the application be accepted as complete for purposes of proceeding to public hearing.

Finer moved, Bayard seconded, I MOVE THAT WE ACCEPT THE APPLICATION EDWARD AND CHRISTINE MORSE FOR PUBLIC HEARING TONIGHT. Voted unanimously.

5. **KEVIN JOHNSON** – Proposed site plan to construct a 2,080 sq. ft. garage/hobby shop to establish a Home Occupation, Tax Map U06, Lot 7, located at 137 Main Street in the Residential District.

Application, site plan, and abutters list are on file. Filing fees have been paid. Recommend the application be accepted as complete for purposes of proceeding to public hearing.

Finer moved, Sorrell seconded, I MOVE THAT WE ACCEPT THE APPLICATION OF KEVIN JOHNSON FOR PUBLIC HEARING TONIGHT. Voted unanimously.

6. **EDWARD P. AND CAROL Y. MICKUS** – Proposed Boundary Line Adjustment between Tax Map U08, Lots 1A-2 and 1A-3, located off Red Gate Lane in the Residential District.
7. **EDWARD P. AND CAROL Y. MICKUS** – Proposed Site Plan to construct a 3-unit, multi-family building with related site improvements, Tax Map U08, Lot 1A-3, located off Red Gate Lane in the Residential District.
8. **EDWARD P. AND CAROL Y. MICKUS** – Architectural Design Review of a proposed 3-unit, multi-family building, Tax Map U08, Lot 1A-3, located off Red Gate Lane in the Residential District.

Application for Boundary Line Adjustment, Site Plan Review and Architectural Design Review are on file. Abutters list is on file. Filing fees have been paid. Recommend the three applications be accepted as complete for purposes of proceeding to public hearing.

Bliss moved, Finer seconded, I MOVE THAT WE ACCEPT THE APPLICATIONS OF EDWARD P. AND CAROL Y. MICKUS FOR PUBLIC HEARING TONIGHT.
Voted unanimously.

PUBLIC HEARINGS

CRESTWOOD AT MEREDITH SUBDIVISION – Continuation of a Compliance Hearing held on August 23, 2005, to determine amount of performance guarantee for Phase II of the Meredith Crestwood Subdivision, Tax Map S20, Lot 3, located on Parade Road in the Forestry/Rural District.

Edgar- I received a phone call from Kent Brown and he had an unexpected family matter. He has reviewed the staff review with me and he has no objections. At the last meeting, we were awaiting Mike Faller's review of the performance guarantee requirements. The original total submitted by Hoyle Tanner & Associates for Phase 2A was \$796,199.44. Mike has increased that slightly to \$809,500. The applicant is agreeable to this. The timing of Phase 2B is likely to be 3-4 years out. The Phase 2 numbers would then be 3-4 years old. The applicant and staff are in agreement that prior to proceeding with Phase 2B construction, the applicant would then present current cost estimates for the Board to consider at a public hearing. Mike has reviewed and approved the stabilization-only estimates should the applicant proceed to only grub the road/ROW.

Flanders moved, Bayard seconded, I MOVE THAT WE ACCEPT THE STAFF RECOMMENDATION TO ESTABLISH THE BOND AMOUNT FOR PHASE 2A AT \$809,500. THAT THE STABILIZATION BOND AMOUNT BE \$52,392.00 FOR PHASE 2A, \$30,310 FOR PHASE 2B AND THAT THE BOND AMOUNT FOR PHASE 2B BE ESTABLISHED AT A PUBLIC HEARING WHEN THEY ARE APPROACHING THE START OF THAT PHASE. Voted unanimously.

WALDRON BAY LOT OWNERS ASSOCIATION: (Rep. Dean Clark)

Dean Clark - This parcel was set aside for recreation purposes. In the past, a tennis court was constructed. They are proposing to expand the recreation facility. They would like a softball field, a 50' x 60' half-court basketball court, and three 40-foot horseshoe pits with boxes. There are 8 parking spaces being supplied and a Porta-john. The Association had a meeting on the proposed changes and the vote was more than a 2/3 majority, which allowed them to proceed with the project.
Edgar- The applicant is the Homeowners Association that governs the Waldron Bay

subdivision located in the western portion of Meredith on Lake Winnisquam. The subject property is Common Area C, one of several common areas within the subdivision. All applicable lot line setbacks are indicated. No zoning relief is required. A Certified Wetland Scientist has delineated non-designated wetlands and the applicable setbacks are indicated. The site is accessed from Lower Waldron Road, a private road, via an existing access way over an existing easement. The properties burdened by the easement are lots R-26, Lot 1-16 and R-26, Lot 1-5 as indicated on the site plan. The easement is for both pedestrian and vehicular purposes. Applicant has provided a copy of the easement, which is on file. The grading that would be necessary to accomplish the proposed project is minimal. The impervious surfaces are minimal. No lighting is proposed. The Planning Board should reserve the right to review and amend any approval as provided for in site Plan Review Regulations No's 7 & 17. Law - This is the first time I have seen this plan. This parking would be an amendment to the plan? Edgar – Yes. Law - This access area goes across an easement to some of these properties. I don't know if the owners are aware of this. Flanders - Has this application been signed by someone who has authority? Edgar - Yes it has, based on what the applicant has told us. Law – The parking is a surprise to me. The people who gave up that easement did so without knowing there was some parking in that area. Vadney – Do you know off hand what the easement was specified for? Law - For maintenance vehicles. Edgar – At the May 15, 2005 semi annual meeting of the Association, in the minutes there is a vote authorizing DAMS to review the plans, and approval for further action on the playground project including submission of plans to the Town of Meredith. Vadney – This is authorization from our standpoint. Flanders – I would suggest that the language in the easement that appears in the deed would overrule a note on a plan. Law - I am concerned about the two abutters where the driveway goes through. Nancy – I understand the concern some owners have but they should read their deeds. Edgar – We have just confirmed that the lots to the right and left of the easement have been notified. Vadney - They did receive notice? Edgar – Yes. Nancy - Andre Heard is on the playground committed and he is very much aware of the site plan. (?) Even if this is approved, the Association has final say.

Flanders moved, Finer seconded, I MOVE WE APPROVE THE SITE PLAN AMENDMENT FOR WALDRON BAY LOT OWNERS ASSOCIATION TO ESTABLISH A RECREATION AREA INCLUDING A SOFTBALL FIELD, A HALF-COURT BASKETBALL COURT, THREE 40' HORSESHOE PITS W/BOXES, PICNIC AREA AND A KIDS PLAY AREA WITH RELATED SITE IMPROVEMENTS, TAX MAP R26, LOT 2-21, (COMMON AREA "C") LOCATED ON LOWER WALDRON ROAD IN THE FORESTRY/RURAL DISTRICT AND THAT WE RESERVE THE RIGHT TO REVIEW AND AMEND. Voted Unanimously.

Pam Bliss left. Ed Touhey stepped in.

KIM WEILAND (TUCKERNUCK INN): (Rep. Kim Weiland)

Kim – We live and operate this 5 bedroom Bed & Breakfast. We are asking to expand our living space in the Inn. We have lived in a one-room apartment since we bought it. We would like to add a 24' x 36' two story addition and a one-car garage. That's it. Edgar- The plan that we have on the wall is a plan that dates to 1985. This has been photocopied and modified, final plans should be amended/updated to show basic items such as current and proposed uses, current owner of record, abutters, zoning district, and removal of the 1985 Planning Board signature block and Planning office filing information. The expansion is associated with the owner's quarters only. Lot coverage is just under the 30% allowed. Up on the top is a crosshatch rectangle? Kim - That is an extension of the existing paved parking lot. Same amount of guest parking, but if they park in front of the garage I can't get to it. I just move them to the back. Edgar - In front of the garage there are two parking spaces? Those would be for you and your wife? Beginning with the third space shown on this plan you would have one for each guest? We show 5 just below that dashed line. Kim- There are 2 spots there. There is the last spot shown and then the hatched mark. Vadney -That crosshatched piece has been included in the 29%? Kim – Yes. Edgar - Final plans should reference utilities as being municipal and indicate approximate locations of service lines and final plans should indicate approximate location of existing electrical service from Red Gate Lane to the facility. Flanders – I think the sewer line should be identified here because of its unusual location. Edgar - This was filed while I was on vacation. The use is considered a commercial use and therefore the expansion of the structure is subject to the Architectural Design Review. I think we could make a conditional approval and the applicant can file the application after. Vadney – I wouldn't mind doing the Architectural Design Review as a follow up.

Flanders moved, Bayard seconded. I MOVE WE GRANT CONDITIONAL APPROVAL FOR KIM WEILAND (TUCKERNUCK INN) FOR A PROPOSED SITE PLAN AMENDMENT TO EXPAND AN EXISTING BED & BREAKFAST FACILITY WITH RELATED SITE IMPROVEMENTS, TAX MAP U07, LOT 14, LOCATED AT 25 RED GATE LANE IN THE RESIDENTIAL DISTRICT WITH THE FOLLOWING CONDITIONS. (1) FINAL PLANS SHOULD BE AMENDED/UPDATED TO SHOW BASIC ITEMS SUCH AS CURRENT AND PROPOSED USES, CURRENT OWNER OF RECORD, ABUTTERS, ZONING DISTRICT, AND REMOVAL OF THE 1985 PLANNING BOARD SIGNATURE BLOCK AND PLANNING OFFICE FILING INFORMATION;(2) FINAL PLANS SHOULD REFERENCE UTILITIES AS BEING MUNICIPAL AND INDICATE APPROXIMATE LOCATIONS OF SERVICE LINES AND FINAL PLANS SHOULD INDICATE APPROXIMATE LOCATION OF EXISTING ELECTRICAL SERVICE FROM RED GATE LANE TO THE FACILITY;(3) APPLICANT MUST GO THROUGH THE ARCHITECTURAL DESIGN REVIEW;(4) PLANNING BOARD SHOULD RESERVE THE RIGHT TO REVIEW AND AMEND. Voted unanimously.

CHARLES ERIC & ELIZABETH CHRISTENSON: (Rep. Dean Clark)

Dean Clark - We are purposing a 2-lot subdivision. The property is located at 137 Meredith Center Rd. in the Commercial Meredith Center Zone. There are no new roads to be created. The traffic will be the general impact of a standard 2-lot subdivision. We will be merging Tax Map R-08-20 with lot 1. Lot 1 is 3.12 acres and will have the existing house and existing septic. Lot 2 is 6.47 acres. The proposal is adding only one new lot. Carex Ecosciences of Dover evaluated the soils and Irene Garvey CWS did the wetland mapping. Lot 1 driveway will remain in its current location. Lot 2 will share a common access driveway with Lot 1. The existing shared driveway can access all the buildable area. Edgar – Just to back track for a second, you have the little lot with a house, the wrap around big lot has a house up in the corner, and so the big lot gets cut in half and the house on the little lot gets torn down and merged with Lot 1. So you have two lots today and you are going to end up with two lots. Just reconfigured. Clark – Lot R 20 will merge with Lot 19 and then we will subdivide. Edgar - In order for the merger to occur, the little house has to go away. All wetlands have been deducted from the calculations. The calculations indicate both lots comply with soils based lot sizing requirements. Lot 2 includes a portion of the Mill Brook Prime Wetland and other non-prime wetlands. A NHDES Subdivision approval is required. The proposal is for Municipal Water but we don't have any water information shown on the plans. So, final plans need to indicate existing and proposed water services and be reviewed and approved by the Water Department. Applicant proposes to use an existing easement serving a rear abutting lot for purposes of establishing a common drive. The access is via Meredith Center Road, which is a state road. The access to the rear is principally for the rear lot and there would be one added unit to the lower side of the site. This would require an amended NHDOT Permit. We need to make sure we have draft easements, the plans are clear and to see draft language as to how that will be managed in the future.

Bayard moved, Sorell seconded, I MOVE THAT WE APPROVE THE CHARLES ERIC & ELIZABETH CHRISTENSON PROPOSED MINOR SUBDIVISION OF TAX MAP R08, LOT 19, INTO TWO LOTS (3.12 AC. AND 6.47 AC.) LOCATED ON MEREDITH CENTER ROAD IN THE COMMERCIAL-MEREDITH CENTER/RESIDENTIAL DISTRICTS WITH THE FOLLOWING CONDITIONS: (1) FINAL PLANS SHOULD MORE CLEARLY INDICATE ALL WETLAND SETBACK AREAS AND RESULTING BUILDING ENVELOPES; (2) NHDES SUBDIVISION APPROVAL IS REQUIRED FOR LOT 1 AND SHOULD BE CROSS REFERENCED ON FINAL PLANS;(3) FINAL PLANS NEED TO INDICATE EXISTING AND PROPOSED WATER SERVICES AND BE REVIEWED AND APPROVED BY THE WATER DEPARTMENT; (4) A NHDOT PERMIT IS REQUIRED AND SHOULD BE REFERENCED ON FINAL PLANS; (5) DRAFT EASEMENTS SHOULD BE SUBMITTED FOR PURPOSES OF THE COMMON DRIVEWAY TO INCLUDE PROVISIONS FOR SHARED MAINTENANCE; (6) WRITTEN EVIDENCE THAT

ALL PINS HAVE BEEN SET SHALL BE PROVIDED PRIOR TO THE RECORDING OF THE MYLAR. Vote unanimously.

EDWARD AND CHRISTINE MORSE: (Rep. Dean Clark)

Dean Clark – We are proposing a 3 lot residential subdivision. The property is located at 10 Livingston Road. We have not submitted to the State for Subdivision approval yet. Carex Ecosciences of Dover evaluated the soils and Irene Garvey CWS did the wetland mapping. Lot 1 will consist of 3.13 acres and will have the existing house and existing septic system. The Lot 1 driveway will remain the same. Lot 2 will consist of 3.79 acres and Lot 3 will be 3.04 acres. Lot 2 & 3 will share a common access driveway along the easterly lot line of Lot 3. I have met with Mr. Bolduc and have shown him where the access to Lot 2 and 3 will be located and he has no problem with the site distance in both directions from this location. We will be applying for a wetland crossing for the driveway with the Conservation Commission, the ZBA and NHDES. Vadney – What is the drainage going to be on that long driveway? Will the driveway act like a berm? Clark - Yes. Edgar – Similar to the other project, the lots are subject to soils based lot sizing requirements. A Certified Soils Scientist has prepared a site-specific soils map and the soil types have been correlated back to the Belknap County Soil Survey. Wetlands have been deducted from the calculations. The data indicates that each lot meets the minimum criteria. A proposed common driveway will cross a non-designated wetland and an associated protective buffer area. Special Exception from the ZBA and a NHDES Dredge and Fill Permit are required and should be cross-referenced on final plans. On-site septic systems are proposed. NHDES subdivision approval is required. Like the other case, we don't have water information. Municipal Water is proposed. Final Plans need to indicate existing and proposed water services and be reviewed and approved by the Water Department. Proposed Lots 2 and 3 will be served via a common drive from Livingston Road. Livingston Road is a Town Class V road so a Meredith DPW driveway permit is required. A driveway easement in favor of Lot 2 burdening Lot 3 is required. Draft easement language should be submitted for staff review. This is not in bad shape. The one missing link is the water piece. Colman - Expressed her concerns to the Board with the increased traffic flow on Livingston Road but is in favor of her neighbor's proposal.

Bayard moved, Sorell seconded, I MOVE THE EDWARD AND CHRISTINE MORSE – PROPOSED MINOR SUBDIVISION OF TAX MAP R08 – 78, INTO THREE LOTS (3.13 AC., 3.79 AC. AND 3.04 AC.) LOCATED ON LIVINGSTON ROAD IN THE RESIDENTIAL & FORESTRY/RURAL DISTRICTS BE GRANTED WITH THE FOLLOWING CONDITIONS: (1) THAT WE HOLD A COMPLIANCE FILING REGARDING THE WATER ISSUE AND AMOUNTS OF FINANCIAL GUARANTEE WITH WATER; (2) SPECIAL EXCEPTION FROM THE ZBA AND A NHDES DREDGE AND FILL PERMIT ARE REQUIRED AND SHOULD BE CROSS-REFERENCED ON FINAL PLANS; (3) NHDES SUBDIVISION APPROVAL IS

REQUIRED AND SHOULD BE CROSS-REFERENCED ON FINAL PLANS; (4) FINAL PLANS NEED TO INDICATE EXISTING AND PROPOSED WATER SERVICES AND BE REVIEWED AND APPROVED BY THE WATER DEPARTMENT; (5) PLANS SHOULD BE AMENDED TO SHOW EXISTING AND PROPOSED WATER SERVICES FOR REVIEW AND APPROVAL BY BOB HILL, WATER SUPT.; (6) A MEREDITH DPW DRIVEWAY PERMIT IS REQUIRED AND SHOULD BE CROSS REFERENCED ON FINAL PLANS; (7) DRAFT EASEMENT LANGUAGE SHOULD BE SUBMITTED FOR STAFF REVIEW INCLUDING PROVISIONS FOR SHARED PRIVATE MAINTENANCE. FINAL PLANS SHOULD BE NOTED ACCORDINGLY; (8) WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET SHALL BE PROVIDED PRIOR TO THE RECORDING OF THE MYLAR. Votes unanimously.

KEVIN JOHNSON:

Johnson- I am proposing to build a shop/garage addition. The west end would be square with a gambrel roof and one floor. I envisioned having a garage door in the back also. It would have vinyl siding with brown trim that would match the house. There would be no running water. Vadney - Do you directly abut the bed and breakfast? Johnson - No. Edgar – Home Occupations are permitted uses in the Residential District. Requirements for Home Occupations are set forth in Article III, Section G of the Zoning Ordinance which we have gone over at length with the applicant. Plan notes #'s 10 and 11 re-states two important criteria having to do with # of employees, with the maximum being four, and no external displays and evidence of business activity except for the permitted sign. Kevin has indicated that there are currently two employees. One requirement of the zoning ordinance is that not more than 25% of the combined floor area of the dwelling and accessory buildings shall be devoted to the home occupation. I have flagged this Kevin because we would like to have you and Bill sit down and review the 2080 sq. ft. amount. You have a lot of sq. footage on this plan and I know you are aware of that 25%. I just want to make sure that we have it where it ought to be. We need to have an administrative sign off on that calculation. Applicant has received a variance and a special exception from the ZBA. One was for lot coverage and one for expansion of a non-conforming lot. The site has Municipal Water and Sewer. A DPW driveway permit is required for the change of use. The proposed parking and storage area and hobby shop garage abuts residential uses to the north and to the rear. Site plan regulations state that a landscaped buffer shall be required where a zone or use other than residential abuts an adjacent residential property. I flagged this for the Board should you have concerns and might want to evaluate the buffer or screening that might be appropriate in this instance. The site plan does not indicate any proposed signage. I know we talked about that. I thought at one time we had a sign location. Johnson - On the previous plan I drew a small sign. Edgar - I was not sure if that was intentional or an omission. Any proposed signage should be

indicated on final plans. I raised the question Kevin on what kinds of wastes are generated by the home occupation? Will a dumpster be necessary? How and where the waste will be handled? Johnson - I buy trash bags and I just haul it to the dump regularly. Vadney - This Board applauds people making a living at home but at the same time, we have to look carefully that its not doing something that the neighbors will complain about. This is a tight lot. A quick look at the numbers says you would have to have an excess of 8000 sq. ft. total to stay under that 25%. It seems that that would be difficult for you. Johnson - Are you talking structure? Vadney - I am not going to comment on that. Bill Edney will do that. Johnson - The footprint, including the driveways is 10,695 sq. ft. which would make it about 20%. Vadney - When we talked 2-3 years ago one of the big issues was the possibility of cars sitting on the street or waiting on your lot for upholstery or whatever you need. Is this something you have taken into account? Johnson - The last complete antique restoration I had sat indoors and that was a year ago. Now I do repairs that just take a couple of days maybe. I don't see parking anything on the street. Vadney - I see you have 4 spots marked garage. Johnson - Those exist. Vadney - You have 4 spaces across from those and then 3 more out back. Is that correct? Johnson - Three off the back of the building and that space there is about 60' - 70' wide for four cars. Vadney - My concern is if this is approved for a home occupation and it turns out to have 15 cars on the lot, it has out grown what you think of as ... Johnson - I don't intend to collect cars. Vadney - I just want to remind you that this is a type of commercial property, when it is a home occupation; we keep the right to review and amend. Bayard - There are four existing garages now? Johnson - Right. Bayard - Are they used for the business right now? Johnson - No. Bayard - Is this primarily for cars and boats? Johnson - Boats are about 60% to 70%. About 15% are boats that come to my shop. Vadney - Do you go to Marinas? Johnson - Sometimes. Bayard - There will be no engine repairs or service? Johnson - No. Finer - What is the buffer between you and the apartment building next door? Johnson - I guess I would call it bamboo. Edgar - This is not a complicated project but I think it is something you might want to look at. Vadney - You are the last building in the Residential Zone? Edgar - I would guess that was factored into the ZBA decision. Finer - How much of a potential noise or visual impact would be to the neighbors? Johnson - Not much. The worst thing I use is a staple gun. Bayard - You may have a problem with the 25%. This will have to be addressed.

Flanders moved, Finer seconded, I MOVE TO CONTINUE THIS HEARING TO SEPTEMBER 27, 2005 AND SCHEDULE A SITE WALK FOR SATURDAY SEPTEMBER 24, 2005 AT 8:00PM. Voted unanimously.

EDWARD P. AND CAROL Y. MICKUS:

Tom Hahn (Foreco) - The applicant owns both lots. The current acreage is 10.85 and 5.07. With the adjustment, they will be 8.54 acres and 7.28 acres. Access for

both driveways come in off of Red Gate Lane. Edgar - The proposal will neither create nor compound non-conformity with respect to density, lot size or setbacks. Vadney – Is anyone troubled by the Boundary Line Adjustment? The Board was ok with moving on. Hahn- The proposal is for a three-unit multi-family. The current owner will own the buildings. The driveway is a deeded 50' wide ROW. There will be three parking spaces per unit, plus the entrance into a garage for each unit. I have spoken to Bob Hill at the Water & Sewer Department and because of low water pressure in this area; the proposed building will not be able to tie into the Municipal Water System. The proposal will be a well on site. A sewer connection will be made at the connection in the driveway to Red Gate Village. With regards to the storm water runoff from the driveway, the water will be discharged above the Red Gate Village upper parking area or will run into a culvert under Red Gate Village entrance road at the beginning of the new driveway. The wetlands have been delineated. There is a small wetland next to the driveway that will be impacted by this project. Utilities will likely be underground. Edgar – A Special Exception in the Residential District allows multifamily use. Any approval should be made subject to the granting of the Special Exception by the ZBA. The three units on 7.38 acres meet density requirements for the Residential District. We do need lot coverage calculations for Lot 1A3. The maximum coverage allowed by district is 30%. One wetland is far removed from the development proposal. Another small wetland to the rear of the proposed building may be eligible for setback exemption. One wetland and an associated protective buffer are directly impacted. A Special Exception from the ZBA and a NHDES Dredge and Fill Permit are required. Engineering plans, sewer plans, profiles and typical details have been submitted and are currently under review by the Sewer Department. Access fees will be required. Electrical service will extend from an existing utility pole and underground line to a proposed vault on Lot 1A4 owned by an abutter. The underground service would then run up the 50' ROW to a proposed vault located opposite of the proposed parking area. Services would then run to each of the three units from there. Are easements necessary from Lot 1A-4 for the use of that lot for utility work that lies outside of the 50' ROW? Hahn –Yes. The multifamily structure will be accessed via the existing 50' ROW over the abutting property. The proposed access will intersect with an existing access to the apartment complex. The profile indicates the proposed access will meet maximum grade requirements for road construction (10%) however, maybe the engineer can speak to the fact that the access drive does involve a tight radius reverse curve at that grade. You are neither in a high volume situation nor high speed but you do have tight curvature at 10% grade. Mike Faller has suggested that the width of the driveway should be increased from two 7.5' lanes plus 4' shoulders to two 9' lanes and 2-3' gravel shoulders. The Fire Department's review is pending. Mike Faller has raised concerns with respect to drainage at the proposed intersection area and down stream on Water Street. Mike has suggested that the applicant prepare a drainage study and that the Planning Board review the study under our Technical Review Fee provisions. Those are the main issues. Parking exceeds our parking requirements. We do not have a

landscape plan at this point. To date no site lighting information has been submitted and snow storage need to be identified. The Fire Chief should identify the fuel supply type, tank size and location for review. I know this is for only three units but we should know how solid waste would be handled? If a dumpster is proposed, it should be screened and appear on final plans. Typically, at the end of this process, we have performance guarantee-to-guarantee site stabilization and the extension of the municipal sewer. Building elevations have been submitted. It's basically a two-bedroom ranch. The technical issues that we want to get our arms around are the driveway and storm water. I have made a suggestion that the Boundary Line adjustment is a relatively simple matter and could be processed independent of the site plan. However, either before or after you do a site inspection, you may want to look at an outside review of the engineering. You may want to walk the property first. I think it would be helpful to walk the property. Flanders – Even though this is a small project, I agree with John. I believe we should do a site walk. I am concerned with the driveway running at a 10% slope. Vadney – I did notice in Mike's email that detention ponds are necessary. I would hate to see us have to put in a detention pond on a site this small. It may be that it is the only solution. George (?) – The road is crowned. Most will run into the ditches. I agree there is a small problem. Flanders – Any test probes up there? George – No we haven't. Flanders – This site may not but I know Red Gate Lane has a lot of ledge. Bayard - Is the architect somewhat consistent with what is around there? Mickus – Somewhat similar. Flanders – Given that this meeting is going to be continued and the hour, I would suggest that the Architectural Design Review be delayed. Vadney – At the same time, you can look at the pictures, it takes about two second to say "it's not a bad looking building or.. . Mickus – Not sure what you want? Vadney - If it were cement blocks with a red band around it, we would have complained.

Flanders moved, Finer seconded, I MOVE TO CONTINUE THIS HEARING TO SEPTEMBER 27, 2005 AND SCHEDULE A SITE WALK FOR SATURDAY SEPTEMBER 24, 2005 AT 9:00PM. Voted unanimously.

DELIBERATIONS

HENMOR DEVELOPMENT, LLC (FORMERLY EDNA SWANK) –

Continuation of DELIBERATIONS ONLY held on August 23, 2005, for a proposed minor subdivision of Tax Map R10, Lot 22, into two (2) lots (1.76 ac. and 1.82 ac.), located on Bryant Island in the Shoreline District. Application accepted May 10, 2005.

Edgar – Mr. Chairman, just for clarification, we are not having a public hearing. It was under the Public Hearing section, which was an error by staff. This is for deliberations only. Sorell and Finer have stepped down. Granfield and Touhey stepped in. Vadney – If it is open at all to the public, it will be more of an

administrative and planning aspect, but not the on-the-ground facts of the case. When we last met there was a vote, which was 3-3 with one abstention. There was confusion as to what to do at that point. Following some legal guidance it was basically a null vote. We are back to ground zero. The last thing that happened at the meeting was the applicant asked to withdraw the proposal. In the time that has transpired since then, the applicant's attorney has sent a letter stating that they have withdrawn their application without prejudice. I will now open to the Board for discussion. Kahn – We were advised by counsel that we do not have to accept this withdrawal, without prejudice. To withdraw without prejudice, the applicant could proceed on structure and return at a future date for a subdivision for a second home. This is now the fifth meeting. We have put in a lot of time, staff has put in a lot of time, and the opponents have put in time and expense. The Town has also put in expense. I don't think it should pass and perhaps reappear in the future. This gives the applicant the opportunity to make changes of the facts on the ground with respect to one structure and access to the structure on Chemung Road. We have had a lot of problems with that access and we are concerned with the on street parking on Chemung Road. It is our choice to decide if the applicant can withdraw without prejudice or we say to the applicant, if you want to withdraw, it is with prejudice. Kahn moved, Touhey seconded, I MOVE THAT WE DO NOT ACCEPT THE APPLICANT'S REQUEST TO WITHDRAW WITHOUT PREJUDICE. That's my motion. Vadney - So you are at this point saying, don't accept the applicant's request for without prejudice. Kahn - If my motion is adopted, the applicant will have two choices. One to withdraw with prejudice and then we are done with this, or the applicant can permit us to continue with our deliberations. That road could lead to acceptance or rejection. Bayard - I agree to not accept this without prejudice. Bliss - I am fine with prejudice. Vadney - At this time the motion is to not accept the withdrawal without prejudice. A yes vote puts us into further deliberation on whether to go with prejudice or with full deliberations. Is that clear? Kahn – If you vote yes, you are voting to reject their request. Board voted unanimously in favor. Vadney - We are now faced with offering them a withdrawal with prejudice or to continue with deliberations. Kahn – Ask the applicant? Tom Schlesinger - I am Don Gartrell's partner, who sent the letter requesting the applicants withdraw without prejudice. I understand that the Board just voted to reject the request to withdraw. Despite what counsel has advised, by statute the Board, when it is presented with an application, has three options: (1) Approve, (2) Approve conditionally, or (3) Vote to disapprove. At the last meeting, none of those actions were taken. As the Chairman stated, there was a null vote. Up until the point of a vote, any applicant has the option to withdraw without prejudice. It's the applicant's position that the Board does not have the legal right to do what it just did. That is our position right now. Facing what we are facing now, we request that we move forward with a vote but to do that in another public session in two weeks time when we can open it up to public debate. There have been changes in the facts on the ground since the last time that you met. Of course, reserving all of our rights that we frankly believe, that we not go forward at all and we be permitted to withdraw without prejudice.

Flanders – If we did choose to open it back up in two weeks time that will require re-notification, correct? Vadney – True. Schlesinger – There are no abutters. Edgar – The statute requires notification in the context of publication in newspapers.

Vadney - If we do it in two weeks, is that time for John to get the additional information to us? Edgar – No, not if you hold to the practice of requiring any new information be submitted to the Board by a due date. The due date for the next meeting was yesterday. If we were to do this, it is not a continuance, then set a hearing date with re-notification and the Board establishes a date upon which it would request that all new information be submitted. Bliss – If we totally open up the public portion again, we could go back over the past five meetings. I am nervous about the precedent we may be setting. Kahn – Suppose if we were to open it to new information only but not a rehash of what we have gone through, can we restrict just to new material? Vadney – We could try. Flanders – My concern is the clock that runs on one of these applications once it has been accepted. That would not be appropriate unless the applicant... Edgar – They waived that already. Bliss – What are John's thoughts? Edgar – We have had two sessions with legal counsel to review this and I don't think it would be appropriate to rehash all that. You have been sitting through the public hearing; you took a vote the last time. The first was to accept without prejudice and that would have been the end of it. You chose not to do that. You can go with prejudice, or with the applicant's third one. I don't think you need to have a public hearing unless you feel it would be beneficial to the disposition of the application. Vadney – Keep in mind, this is a deliberation tonight. We could vote tonight. Schlesinger-While certainly that is an option, the vote that was just taken has essentially, let me step back. You folks had a session with legal counsel since the last meeting. We are just learning about that 10 minutes ago and given the applicants an option to make a decision with no opportunity to consider the various options, we ask that the Board continue it for four weeks so that new material can be submitted in a timely way. It seems unreasonable and unfair to take a vote, change a framework of the issue and then ask the applicant to make a decision which way to go. Flanders – I would like to point out that at the last meeting when they offered to withdraw the application, they were distinctly asked if that was with or without prejudice. So the prejudice withdrawal is not new tonight. We have covered an awful lot of ground. A number of the concerns the applicant was unwilling to address. I am not sure we would be doing the right thing to drag this out further. I think we should deliberate and take a vote. Vadney - The three options are: (1) Withdraw with prejudice, (2) Continue to deliberate and vote, or (3) Postpone for a month and have another public hearing. John, do you have... Edgar – The 4th would be to seek additional legal counsel. Granfield – I am not sure how much new information we'd get. I think we may be closer to resolving this than we think. I don't think pushing it off is going to make it better. My concern last time was the parking. This is a safety issue on the road; I would not be opposed to opening up the discussion and talking about the parking. If that parking issue is resolved, I don't have any other severe problems with it. Based on what they have done, I

think they have filled all the functions that are required for us to legally give them the right to do that. This is where I am hung up. Kahn - Should we now tell the applicant what we think is needed in the way of parking so they can make a decision. I think we should tell them. Edgar – I would caution you that this is an administrative process. I think when we get to a dialogue that would have anything to do with the merits of the application; we are now going away from the process and now to the merits for which we should be in a public hearing. Kahn – We can now talk to each other but not to the public or the applicant. Edgar – It's not a negotiation session with the applicant. Kahn - My impression from the parking standpoint is that we are concerned about on street parking on Chemung Road. The lot as I understand it is quite small, prime wetlands and ledge. I don't think you can turn around in the driveway. You would have to back into traffic or cross traffic to get in and out of that lot. That is a problem. Two houses with access from that lot would be a minimum of 4 cars and 2 boat trailers. The applicant has been very vague as to what they mean by deeded access. It has been unclear whether or not they mean people from those houses will park their cars on that lot or do they mean they can park their cars on Chemung Road and walk across the lot and we will figure out later on what we are going to do with the lot. Carl Johnson has told us never think that any lot is an unbuildable lot. Now you have a dock there. Is the applicant going to provide us with any assurance that if they were to acquire land on Sheep Island that they would not grant access to that dock to other people? Is this only access for the two lots in the subdivision? All cars and trailers should be off the road and not have to back out or cross into traffic. I don't know that you can do that with that lot. My view is that maybe the lot can support one house, but not two. Therefore, I would oppose the subdivision on the grounds that the parking situation is an unreasonable risk to public safety. Flanders - I think we have to be careful that we don't overstress the only public access to Wicwas that is there now. Bayard – I agree parking is a major concern. I know we have commercial standards but I don't know if we have residential ones. I have concerns with the visual impact also. Vadney - It would be an option to go with conditional approval with as many as you want. Flanders - We need to consider that there may be some wetland setbacks on that lot. It may not even be useable for parking. I don't know the answer. Bliss – My issue is the parking. Touhey – The two issues that stuck in my mind is the parking and the hesitancy of the applicant to provide deeded access with the application. Vadney - The applicant has requested to withdraw and we have rejected that as a plain withdraw. We have the option to allow the withdraw with prejudice. Edgar- Just let me clarify one thing. I think at the last public hearing, when the Board was seeking to get clarification on the deeded access, one of the owners did indicate the willingness to deed access. At the end of the day, those that own the island will be paying the taxes on the mainland. Flanders - I would take exception to that. I questioned Carl in detail and he did the old shuffle. Vadney – I believe Mr. Moriarty said they would be paying the taxes. I will open this up to Mr. Moriarty. Moriarty – I said it would be deeded however way it could so that those people would have the ownership and they would be paying the taxes. Kahn - The applicant has heard us

deliberate and we have sent some strong smoke signals. It seems to me that in fairness to the applicant that has asked for more time to present more information we sort of have to give it to them. I MOVE THAT WE CONTINUE THIS IN FOUR WEEKS AND REOPEN THE PUBLIC HEARING AT THAT TIME. Vadney - It would not be a continuation. Kahn - Call it what you will. Flanders – Lou, is it your intent to restrict the comments to only new information. Kahn - I would like the Chairman to do that. Flanders – I think we should put it in the motion.

Kahn moved, Bliss seconded, I MOVE THAT WE REOPEN THE PUBLIC HEARING FOR NEW INFORMATION ONLY IN FOUR WEEKS, WITH THE DISCRETION OF THE CHAIRMAN. Voted unanimously.

Edgar- We are not continuing anything. We are closing one hearing and will open a second hearing with notification. This is another hearing with the same application and the way I understand the motion that it would be committed to basically new information. We had talked about requesting all folks to submit their information by the applicable due date, that's why we pushed it to four weeks. Is that the Board's understanding? Vadney - That's our normal rules. To have it in two weeks before. Flanders - If the applicant submits new information within that time period and if we restrict any information to that two-week time period that would not give the opposition an opportunity to review the information and respond. We can't restrict it in that manner. The new information that is going to be submitted by the applicant needs to be submitted in that two week time period. We don't require abutters or opponents to supply their information in that time period. Bliss – Isn't that what we just said. Flanders – No, it sounded like we were saying that anyone that wants to submit anything has to have it in within two weeks. Edgar - What could happen, which is what happened the last time, you had additional testimony presented to you the night of the meeting. We went through this before. The opposition then gets up and says, Mr. Chairman, I need the opportunity to review that. So they review that. At what point do we get to closure. Flanders - The applicant has asked for additional time. We just voted to allow that, but abutters or anyone else are not required to respond in that two-week period. Vadney – It will be a normal public hearing. Let's be clear on new information. We are not going to sit and rehear the same stories about the depth of water, two-lots versus one-lot, etc. Any subjects can be brought up as long as it is something that has not been said before. Kahn - I would just add with respect to comments by opponents on new information, if someone says I now have to go out and hire an expert and his report won't be in for another two months, I think we can reach the conclusion that we are not going to wait for it. We will try to be fair. Edgar- Could you identify when the hearing date will be? Vadney – October 11th.

PLAN SIGNATURES:

David Bennett Site Plan

Respectfully submitted,

Chris Tivnan, Clerk
Planning/Zoning Department

The above minutes were read and approved by the Meredith Planning Board at a regular meeting on _____.

William Bayard, Secretary