

PRESENT: Herb Vadney, Chairman; Roger Sorell, Vice-Chairman; Liz Lapham, Alternate; John Dever, III; Lou Kahn; Ed Touhey; Angela LaBrecque, Town Planner; Mary Lee Harvey, Adm. Asst. Comm. Dev.

Kahn moved, Touhey seconded, THAT WE APPROVE THE MINUTES OF AUGUST 25, 2009, AS PRESENTED. Voted unanimously.

1. **VANASSE HANGEN BRUSTLIN, INC. FOR LAND ACQUISITION, LLC –** Proposed Major Subdivision of Tax Map S17, Lot. 2 into 8 lots, located on Upper Ladd Hill in the Central Business District.

LaBrecque – The applicant is proposing an 8-lot subdivision on Upper Ladd Hill Road. The proposed lots have road frontage on Upper Ladd Hill Road. Subdivision plan and abutters list are in file. Application fees have been paid. This application constitutes a major subdivision due to the number of proposed lots. Accordingly, the application must be accepted and a public hearing held at a subsequent meeting. Recommend application be accepted as complete for the purpose of proceeding to a public hearing on October 27, 2009.

Dever moved, Touhey seconded, MR. CHAIRMAN, I MOVE WE ACCEPT THE APPLICATION FOR AN 8-LOT SUBDIVISION AS PRESENTED. Voted unanimously.

2. **BRIAN CROCKETT, LLS FOR TRUE ROAD, LLC AND ZANE & ELIZABETH MORRISON –** Proposed Boundary Line Adjustment between Tax Map S14, Lot 29 & Tax Map S15, Lot 65, located at 34 Boynton Road and Ambrose Rd. Pvt., in the Residential Zone.

LaBrecque – The proposed BLA is for the purpose of adjusting the lot line between Lots 29 and 65 to square off the west side of Lot 65 making it larger. BLA plan and abutters list are in file. Filing fees are paid. A waiver is requested for topography and wetland information because Lot 65 is already developed and the adjustment will not affect development potential. It is recommended a waiver be granted due to the limited scope of the application and the application be accepted as complete for the purpose of proceeding to a public hearing this evening.

Touhey moved, Dever seconded, MR. CHAIRMAN, I MOVE WE ACCEPT THE APPLICATION FOR A BOUNDARY LINE ADJUSTMENT AND GRANT THE REQUESTED WAIVER AND PROCEED TO PUBLIC HEARING THIS EVENING. Voted unanimously.

3. **DENNIS J. RIALLAND FOR CHRISTINE KNISELY –** Proposed Minor Subdivision of Tax Map S25, Lot. 29, into 3 lots (2.042 ac, 2.041 ac, and 11.838 ac) located at 133 Waukewan Street in the Shoreline and Lake Waukewan Overlay District.

LaBrecque – I am considering this 3-lot subdivision as a minor subdivision because it is only 3 lots and the parent lot is not further subdividable according to our current zoning standards. The subdivision plan, checklist and abutters list are on file. The application fee has been paid. It is recommended the application be accepted as complete for the purpose of proceeding to a public hearing this evening.

Dever moved, Touhey seconded, MR. CHAIRMAN, I MOVE WE ACCEPT THE APPLICATION FOR A 3-LOT SUBDIVISION AS COMPLETE AND PROCEED TO PUBLIC HEARING THIS EVENING. Voted unanimously.

PUBLIC HEARINGS

1. **HARRY F. WOOD, III OF ASSOCIATED SURVEYORS FOR BEN BASSI AND SUSAN A. & GEORGE T. ALLEN, JR.** – Continuation of a public hearings held on 8/11/09 & 8/25/09 for a proposed BLA, Map U32, Lots 10H & 9, located on Evergreen Lane & Harris Rd. in the Shoreline District.

This BLA has been before the Board twice before. This is a property located off of Harris Road on what's known as Evergreen Lane and the question involves the disposition of a former ROW with one-half of it going to Bassi, the other half reverts to Allen and Mr. Allen has agreed to convey the portion of that ROW on his side to Mr. Bassi. The area in question has the Bassi leachfield on it by virtue of an earlier deed from prior owners. Vadney – We did have correspondence with our attorney. LaBrecque – Just for the record I'll read in the application history. The PLB found the application complete on 9/11/09 and a public hearing was held that same night. An abutter spoke to the Board regarding the accuracy of a proposed BLA plan and the questionable ownership of the subject roadway. The applicant's attorney spoke to the Board regarding ownership of the roadway and a legal opinion regarding NH Road Law. The Board stated they do not decide ownership of land or easements, though a 2-week continuance was granted to evaluate the accuracy of the plan presented. A second public hearing was held on 9/25/09 and the Board found itself with only 2 of the same Board members that were in attendance at the first public hearing. Again, the Board continued the public hearing to have an opportunity to more closely review the materials submitted and for Town staff to speak to Town Counsel. The Board has been advised to rely on the facts of the ownership presented by the applicant's surveyor and the PLB has no statutory authority to decide on ownership so we have to rely on the plan submitted. Additionally, the applicant's agent agreed to meet with the abutter and his surveyor to assess any inaccuracies that may have been overlooked and since the last public hearing, we haven't received any additional information regarding that. In consideration of the two continuances, the Planning Board is required to act on the application within 65 days of determining completeness. This hearing will be 42 days from the acceptance and the next possible hearing we have on October 27th will exceed the 65-day requirement so a continuance can only occur if its mutually agreeable with the applicant. Kahn –

Mr. Chairman, I am satisfied based on Mr. Mitchell's comment that we don't get to make any decisions as to title here. Apparently, title is with Mr. Bassi and his abutter Mr. Allen. As I recall in our last meeting, the questions being asserted with respect to where boundary lines were didn't really affect this particular piece. It affected pieces to the north and east of that so I don't think there's really an issue for us here. I think we should go ahead and approve this Boundary Line Adjustment. Vadney concurs. Mr. Krochina had called in the afternoon indicating he was having some problems with his vehicle and could not be here tonight. Mr. Web Stout, Mr. Krochina's surveyor, was in attendance but did not offer any testimony to the Board. No public comment. LaBrecque – If its found that this ownership is incorrect in Court, then it would void our approval so we don't need to revisit that, it would happen automatically. Public Hearing closed at 7:13 p.m.

Touhey moved, Dever seconded, MR. CHAIRMAN, I MOVE WE APPROVE RELATIVE TO THE APPLICATION SUBMITTED BY BEN BASSI AND SUSAN A. AND GEORGE T. ALLEN FOR A PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN LOTS 10H AND 9, TAX MAP U32, SUBJECT TO THE FOLLOWING:

- (1) SETBACKS BE REFLECTED BY THE ADJUSTMENT ACCORDING TO THE SHORELINE DISTRICT AND THEY SHALL BE INDICATED ON THE FINAL PLAN.
 - (2) THE FINAL BOUNDARY LINE PLANS SHALL INDICATE WHICH LOT LINES WILL BE DISCONTINUED.
 - (3) ANY REMAINING EASEMENTS SHALL BE NOTED ON THE BLA PLAN.
 - (4) THE EXECUTED DEEDS SHALL BE RECORDED WITH THE MYLAR. THE APPLICANT SHALL VERIFY IN WRITING WHETHER THERE EXISTS A MORTGAGE ON LOT 9. IF THERE IS A MORTGAGE, THERE SHALL BE A SATISFACTORY RELEASE RECORDED IN CONJUNCTION WITH THE CONVEYANCE DEED.
 - (5) THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO RECORDING THE MYLAR.
- Voted 6-0 in favor of the motion.

2. **LRGHEALTHCARE BELKNAP FAMILY HEALTH CENTER** – Compliance Hearing to determine amount of Performance Guarantee associated with conditional site plan approval granted on 7/28/09, Tax Map U02, 35A, 238 D.W. Highway, Central Business District.

LaBrecque – A conditional site plan approval was granted by the PLB on 7/28/09. Condition #8 requires a Compliance Hearing for the purpose of setting the Performance Guarantee. This hearing is limited to only setting the Performance Guarantee and not to reviewing the site plan again. A unit cost estimate summary was submitted by Steve Smith & Associates on 9/26/09. Review comments from Brian Carroll were provided and a cost estimate was revised accordingly. The revised estimate is for \$79,380.00. The estimate was also looked at by the DPW, however, they just agreed with it and no recommendations were given. It is

recommend that the PLB set the amount of Performance Guarantee at \$79,380.00 and the form of the guarantee shall be either cash or Letter of Credit. The format of the Letter of Credit or cash agreement shall be approved by the Finance Director. Vadney – The Performance Guarantee is effectively to protect the taxpayers in case the project goes south and can't be completed, the guarantee is there so the Town could then make arrangements to put it back in a stable position of whatever's required.

Dever moved, Sorell seconded, MR. CHAIRMAN, IN THE CASE OF LRGHEALTHCARE FOR BELKNAP FAMILY HEALTH CENTER, A COMPLIANCE HEARING TO SET A PERFORMANCE GUARANTEE, TAX MAP U02, LOT 35A, 238 DANIEL WEBSTER HIGHWAY, I RECOMMEND WE SET THE GUARANTEE AT \$79,380.00 AND THE FORM OF THE GUARANTEE SHALL BE EITHER CASH OR LETTER OF CREDIT. THE FORMAT OF THE LETTER OF CREDIT OR CASH AGREEMENT SHALL BE APPROVED BY THE FINANCE DIRECTOR. Voted unanimously.

3. BRIAN CROCKETT, LLS FOR TRUE ROAD, LLC AND ZANE & ELIZABETH MORRISON – (Rep. Jeff Green)

I'm here this evening representing True Road, LLC and Zane & Elizabeth Morrison. This property is on Boynton Road and currently has 10,754 sq. ft. (.247 ac.) and what we're proposing is try to add another section which would square the lot off rectangularly of 4,887 sq. ft. This basically gives the Morrison's a little bit more of their back yard. LaBrecque – Basically, the waivers were granted when the application was deemed complete. Public Hearing closed at 7:22 p.m.

Touhey moved, MR. CHAIRMAN, I MOVE RELATIVE TO AN APPLICATION SUBMITTED BY BRIAN CROCKETT FOR TRUE ROAD, LLC AND ZANE AND ELIZABETH MORRISON FOR A PROPOSED BOUNDARY LINE ADJUSTMENT THAT WE APPROVE SUCH BOUNDARY LINE ADJUSTMENT CONCERNING LOT 29, MAP S14 AND LOT 65 ON MAP S15, LOCATED AT 34 BOYNTON ROAD AND AMBROSE ROAD, A PRIVATE WAY, SUBJECT TO THE FOLLOWING:

- (1) NOTE #6 ON THE PLAN SHALL BE REVISED TO INDICATE PARCEL A WILL NOT BE CONVEYED SEPARATELY.
- (2) THE APPLICANT SHALL PROVIDE A DRAFT CONVEYANCE DEED FOR THE STAFF TO REVIEW. THE EXECUTED DEED SHALL BE RECORDED WITH THE MYLAR.
- (3) THE APPLICANT SHALL VERIFY IN WRITING WHETHER A MORTGAGE EXISTS ON LOT 29. IF THERE IS A MORTGAGE, THERE SHALL BE A SATISFACTORY RELEASE RECORDED IN CONJUNCTION WITH THE CONVEYANCE DEED.

(4) THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO THE RECORDING OF THE MYLAR. Voted 6-0 in favor of the motion.

4. **DENNIS J. RIALLAND FOR CHRISTIANE KNISELY:** (Rep. Dennis Rialland of Brown Engineering)

This property lies within the Lake Waukegan Watershed Overlay District, therefore, that's a consideration for the new two acre lots which are serviced by Town sewer. The intent for the two new building lots fronting on Waukegan Street, also with some frontage on Pollard Shores Road is to run both lots down to an existing sewer stub which was recently recovered by the Town Water & Sewer Department. The total area of the parcel is approximately 16 acres and some revisions have been made since the plans were submitted as to the location of that sewer stub and an adjustment was made to the proposed sewer easement. Other changes after discussion with the Town Planner are some notations concerning the continued maintenance for both the sewer easements and the shared driveway. The shared driveway will come off Waukegan Street where there is an existing curb cut. I met with Mike Faller and discussed the best options and he was agreeable to a shared driveway at the existing curb cut. Notes 11 and 12 are to take care of some of those issues as far as maintenance. The third note added, #13, concerns the no further subdivision of the parent parcel of 11.8 acres. The green highlighted area is jurisdictional wetland so under current zoning restrictions, it is impossible to subdivide the remaining 11 acres. The note goes on to discuss that if there should be a change in zoning requirements for this area, it may be reconsidered. Any wording changes the Board may recommend or Town Counsel may recommend will be considered. There is an existing cemetery and a 25' buffer easement has been provided per State requirements which does impact Lot #1 but there is a substantial building area remaining. LaBrecque – All 3 lots meet the minimum lot size requirements per the Waukegan Watershed Overlay District and that is 2 acres. Setbacks per the Shoreline District are noted on the plans. There are non-designated wetlands on the site, those wetlands all have 50' buffer setbacks so actually what you see in the green is just the wetland. There is a buffer that makes the buildable area even smaller. There are also 75' setbacks for two non-designated streams that are on the property. The final plans shall include setbacks for the non-designated stream on the west side of the property. The final plans shall also indicate both brooks are non-designated streams and the wetlands are also non-designated. The sewer stub location was found by the Department and I believe now is shown correctly on the plan. Additionally, the location of the leachfield shall also be included or the approximate location of the leachfield shall be shown for the existing house on the parent lot, the 11.8 acres that will be remaining. There is a proposed sewer easement on Lot 2 for the benefit of Lot 1. The Sewer Easement shall be submitted for staff to review and approve and it shall be recorded with the mylar. In that easement should be specific language as to the maintenance of the shared sewer service line and a maintenance agreement for Lot 1 to perform maintenance

on their line of that sewer service on Lot 2. There is also an opening of the stonewall on Waukegan Street. The proposed shared driveway location is to be in that area and the DPW did go out to take a look at it. The driveway easement for the shared driveway shall be submitted for staff to review and approve, the easement shall be recorded with the mylar and have specific language as to the maintenance as well. With respect to storm water management, the subject area has a history of storm water impacts due to the slope of the land and the poor soils in that area. Additionally, the proposed subdivision is located within the Waukegan Watershed which is a sensitive area due to it being the municipal water supply. In the past, the Board has been sensitive to the importance of maintaining water quality through the management of land development. Similar to the best management practices required on the subdivision, Lots 1 and 2 shall have storm water management techniques incorporated into future lot development. This requirement can be handled administratively and shown on the plan as a note and/or detail. As far as the note that has been added that speaks to no further subdivision is due to the wetlands. If our zoning became less restrictive, then possibly further subdivision would allowed, but as we know we never head in that direction. The surveyor of record shall provide evidence the pins have been set prior to recording the mylar and the conditional approval is valid for a period of 24 months at which time final approval must be obtained or a public hearing should be held by the Planning Board to grant additional time. I received an e-mail from an abutter, Kathryn Harold and she's concerned about erosion and water quality so she is suggesting that low-impact development of some sort be incorporated. She didn't have the opportunity to read the staff report but that was already noted in there and I've already discussed that with the surveyor. Rialland - One other brief comment, Mr. Chairman, it's an oversight on my part as far as mentioning the existing house on the 11+ acre parcel that will continue to be on the 11+ acre parcel, actually is tied into Town sewer. She receives a water bill, there is no Town water through that stretch, and the reason why they did that is so they can meter the amount of water used and going into the sewer. Is the existing house on the 11 acres going to remain or is there a plan to move, tear it down or place it in another location and if so, where? Rialland - I could speak to that, there is some upland that is outside the 50' buffer. There are some steep slopes behind the house and if it were to be torn down, it wouldn't move terribly far on that lot. As of tonight, that house will stay where it is, if it should be moved in the future, whatever codes are in effect at the time will control that. Pat Mack - I am against this proposal. My first concern is the last time we were was to discuss the erosion that was going on in this parcel that was significant at the time and it was clearly stated on several occasions and on the record this was clear-cut in order to make a field and there would be no development and here we are a couple years later and somebody wants to develop it. That upsets me because that's what the current owner stated to the public when we had concerns about the erosion. I'm also concerned if the sewer on Pollard Shores is sent up via pump statio, I'd like to know if anybody has checked into how much more that can pump up the hill. The surveyor pointed out on the plan the large buildable area on both lots. What happens to the cemetery? I am against this because I think it's a typical case of

clear-cutting to later develop because if they were trying to do this all at once, it wouldn't be allowed and the fact that we have voted in a minimum lot size of over 2 acres to protect the watershed, yet we're going to encourage more construction when there's already a silt problem coming down off this property into the lake.

John Mack – Have any provisions been made to assure erosion control and re-establish pre-existing conditions for flow on the property prior to cutting and clean up the slash that's still laying all over the place? LaBrecque – I wasn't here at the time the cutting took place but I do know it was looked into and found that all of the cutting that occurred was found to be in compliance with their permit and State requirements. I can address the question regarding the cemetery, it does have a 25' protective radius or buffer around it. The Water & Sewer Department did go out there and looked at the sewer line, sent a camera down and looked at everything to make sure it would be sufficient enough to hook up two additional homes. We could put a no-cut zone on the plan.

John Mack – Everything's cut. Could they cut all the trees within all the non-jurisdictional wetlands now in a subdivision mode? Could they come and subdivide all this land and then cut all the trees within the buffer zones of the wetlands? Vadney – I think they could.

Mack – Mr. Chairman, do you think you ought to look into an ordinance that stops that from happening? Touhey – We've put conditions on some of the subdivisions that we've approved limiting the amount of cutting they could do but that's at the time of the subdivision.

Mack – It was my understanding that is why we have buffer zones around wetlands which would stop people from cutting or encroaching in any way into the wetlands.

LaBrecque – Typically, I look at prime wetlands more carefully when it comes to that type of thing but there are wetlands everywhere, there are wetlands that are non-jurisdictional that can be filled and cut for the purpose of building a house. In looking at our Wetlands Ordinance, it does permit forestry, tree farming and logging operations within our wetlands.

Mack – All of these wetlands run into the Town water supply so if they are non-jurisdictional that amazes me to begin with because they are within the watershed of Waukegan Lake and I personally have witnessed the water running from that property right down into the lake so if it isn't a jurisdictional wetland and its insignificant, then our water supply must be insignificant.

LaBrecque – These are non-designated wetlands, they are not exempt. Exempts can be filled in. For this specific property they are non-designated, they are not exempt, and they can't be built on.

Ken Hamel – 28 Pollard Shores Road – There's a brook that opens wide open whenever it rains, collects and runs right down here and undermines the rail bed and this tributary that goes underneath the tracks I think is where Mr. Mack was talking about when the logging operation was going across the wetlands, they caused a lot of the runoff and there was nothing left to hold the water back. That could have been prevented or at least diminished by leaving some of the growth in place. The erosion controls that were put in place at the last minute after it was brought to the Town's attention were inadequate; the silt screen was improperly installed. The sandbar at the end of that brook has increased by tons. I would strongly object to any development or subdivision. If this gets approved, what's going to happen to the rest of that? Vadney – I think in this case, it's now a note on this plan that unless the ordinance gets more lenient, it cannot be further

subdivided. Hamel – I still object. If a new pump station is needed, where is it going to be built? Kahn – I recommend we do a site inspection to see what it looks like on the downhill by the tracks. With respect to the note about further subdivision, it seems to me there are 2 issues, one issue is under our current regulations, you can't subdivide because of the wetlands but the other issue is you've elected to do this as a minor subdivision and now you want to have your cake and eat it too. You want to do this as a minor subdivision but then you want to be able to have a major subdivision if the rules change in the future. I think this note needs to be changed to say under the current zoning regulations and because this was processed as a minor subdivision, there will be no further subdivision period. Dever asked what happens to the existing snowmobile trail. Are there easements there? Rialland – We could put some wording on the plan and the deeds could have some restrictions. Vadney asked if the owner had granted a permanent easement. Ms. Knisely indicated it was verbal. As far as the clear-cutting, those two lots used to be field.

Dever moved, Sorell seconded, MR. CHAIRMAN, I MOVE IN THE CASE OF DENNIS J. RIALLAND FOR CHRISTINE KNISELY FOR A PROPOSED 3-LOT SUBDIVISION THAT WE CONTINUE THIS HEARING TO THE 27TH OF OCTOBER AND WE SCHEDULE A SITE WALK ON OCTOBER 17TH AT 8:00 A.M. Voted unanimously.

The site walk is a public meeting but it's not a hearing where we take comments but the public is welcome to join us. This is your notice if you want to come to the site walk. Hearing closed at 7:56 p.m.

PRE-APPLICATION REVIEWS

1. **DAVID BLAKE AND AMBROSE LOGGING COMPANY** – Pre-Application Conceptual Consultation to discuss conditions of approval relative to the emergency access associated with Clover Ridge Subdivision, Map S24, located on Clover Ridge Road in the Forestry Rural District.

Dave Blake – We are the owners of 48 Pease Road which is surrounded on 3 sides by the Clover Ridge Subdivision and Ambrose Logging land. Our access is across the properties of Haskin, Denison and Morrow. It's a 25' ROW that goes back to 1923 and the ROW is also being utilized as the emergency entrance to Clover Ridge as a requirement of the Clover Ridge Subdivision approval back a few years ago. The driveway's about 11-12' wide and it goes past the Clover Ridge connection where there is now a gate. In 2005 when I was purchasing the property an agreement was made where I or my successors or assigns would plow and maintain that driveway which I have been doing since I have been living there. There is an agreement where I can pass the obligation back with a 15-day notice to do that. Ambrose Logging has roughly 700' of frontage on Pease Road. They have a driveway easement that can cross the meadow but they would prefer not to bring access to the property across that meadow and the Willey's would prefer that

as well. They would like to leave the meadow as it is now. The Willey's have offered to provide a ROW across the end of their property. There is a range way that goes through the Willey's property into the Ambrose Logging property two parallel stonewalls and you can actually see the old roadbed if you walk in there and it went up to a cellar hole up near our house on the other side of the stonewall from our property. The proposal is that we put in a new driveway which would be the same width which is 14' of traveled way with 2' shoulders. The shared driveway is 18' wide so the new driveway would be the same size and dimension as the driveway going through Clover Ridge and stops basically at the gate. The proposal would be to discontinue this existing 12' wide driveway, the advantage being that this would allow a good generous curve instead of a fairly sharp 90 degrees to get through the gate with emergency vehicles. The maximum number of houses that would be served by that driveway in the proposal is 3, 2 on the Ambrose property and our property. At this time, Ambrose Logging does not have any plans to subdivide so we are not in for a subdivision. We have submitted a document to the Town Manager indicating the driveway would have no more than 3 on it and there would be a maintenance agreement between the lot owners. In the meantime, I would continue to plow and maintain it as I do the existing driveway. We would surrender our ROW across Haskin, Denison and about half of Morrow but it would be entirely gone and there would be no further encumbrance of that ROW on Haskins or Dennison but it would have to stay on part of Morrow's in the upper portion where my driveway is paved. The other advantage here is there's less wetland impact. To take out the portion where the Haskin's are would be in our plans to do. There would still be a wetland impact of about 4,000 sq. ft. The Denison's have expressed the desire to have their driveway taken out so if we took out that portion, the additional impact on the wetlands would be about 500-600 sq. ft. If we take it out entirely, there would be a net reclaiming of about 1,800 sq. ft. of wetlands. This driveway would be less impact than going through the meadow and even less amount if we can reclaim that driveway. Vadney – Let me summarize this, I'm a bit confused. There was an old ROW through there and we attached the cut-through driveway from the Paquette subdivision for the emergency access. The first part of that went to where we entered the new driveway but your house is beyond there. What you want to do is take out the entire piece from Pease Road to your house and move it within 20 to 30 feet north or something like that across land that it is currently Ambrose & Willey property. In the documents that have been drawn, the Clover Ridge Subdivision would have rights to use it as an emergency access. All we are doing is moving it about 30 or 40 feet and is going to be a wider driveway and you want that to be a 3-home driveway. Yes, ours and 2 on the Ambrose property. I understand there is a precedent in the Town, there are a number of shared driveways that are more than 2 residences. Vadney – It's usually done during subdivision, right now Ambrose is not planning on subdividing their land but want to get a 3-unit driveway authorized. Clover Ridge would still have their backdoor emergency access exit/entrance, your driveway would move 30-40' northwest and Ambrose would pick up one additional home lot driveway so to speak. Kahn – I don't understand why this is happening, why do you want to give up your existing

driveway? Blake - There are a couple of problems, one is I'm going through the Haskins dooryard and (2) it's only 11-12' wide and the last two winters have been pretty tough with all the snow to keep it wide enough. LaBrecque - A waiver would be needed from the Board of Selectmen should Ambrose come in and subdivide that large lot, then that driveway would service 3 residential lots rather than just 2 and we allow a shared driveway for 2 so the third would require the Selectmen's waiver. If it were to change today as it's proposed, a waiver wouldn't be required until the point they subdivide that lot. The original construction and maintenance agreement did talk about the possibility of that accessing, should there be a subdivision, two additional houses so it was brought up in the past because it's written in this old agreement. Vadney - Bob, is this kind of saying that the field is too wet to come back down through there so you no longer have the thought of subdividing in there with 15-18 houses. Bob Ambrose - I don't know if we're saying its too wet, but we've kind of moved away from that and just want to leave it as the large piece or maybe have two lots and this presented itself with David that we could correct a problem with his driveway going through Haskin's property and protect the field and just leave it as either a two lot or one lot piece of property. Vadney - If you just want to keep it as one big lot and make possibly two lots, I don't really mind but I'm baffled how we'll be able to treat the 3-lots on a driveway. You can come to a future Board when you want to subdivide and they'll probably approve it but there's no guarantee. LaBrecque - You will need to get a permit from DOT. Ambrose - We have one. Vadney - I just don't want to leave the impression that the Planning Board can authorize 3 houses on a driveway that hasn't been subdivided. Blake - An additional benefit to some of this work is we think we can improve on some drainage issues. Our driveway had washed out a couple times previously because the first couple culverts couldn't take it, there was also water coming down along Pease Road. Vadney - I'm a little concerned because there have been a number of drainage problems on Pease Road, not only that property but further up at the crest of the height of land and then going down past the golf course as well. That whole thing drains onto Pease Road. Some culverts can be put in to keep it from washing out at the lower end of your own driveway, but I would want to make sure we don't push it off into the woods somewhere and start a river. Blake - We did have a soil scientist walk this and pick up the drainage areas and show the culverts. Blake - I have a cul-de-sac. There's no change to any of the upper part of my driveway. That's already paved from the cross road up to my house. Brian Haskins - The only concern we have is that our driveway remain where it is, it has been there forever and we have everything set up that way. That was the only concern I brought up to David with this plan. I have seen the impact of the water coming down since Clover Ridge was put in and we have had to fix our dooryard and the driveway several times and I believe that this plan would help divert some of that water to a natural flow, there is a definite flowage and hopefully that will lessen the impact on the Pease Road destruction that we saw. Vadney - Right now there's one curb cut there, would it require two curb cuts? Blake - The highway department has reviewed it and they are allowing it. Vadney - Two side-by-side curb cuts? Blake - They are separated by 20' or so. Vadney - I'm not so sure now that it will

be easy to get the DOT permit. If this goes through, the Haskins would have a driveway cut and then about 30' to the north of that there would a driveway cut for 3 homes, two proposed possible Ambrose homes. Blake – Is this the only hearing we need. Vadney – It depends on what you want to do. This is just a pre-application, conceptual review. LaBrecque – It would be a revision to the Clover Ridge subdivision because their emergency access is being revised. Discussion took place as to what type of application is required for Board approval. Blake – There are no changes on the Clover Ridge property. Vadney – This is just an informational meeting so we have an idea what's going on. You will have to work out what legal terms would apply. In summary, I don't see a lot of trouble with it but I do think we want to make sure we understand the legal implications of us saying you can do something but the Selectmen won't have approved it because its not really a subdivision and you're not really asking for the 3rd house on the driveway. We would want our engineers to review the drainage patterns to make sure our people agree with your people. Hearing closed at 8:39 p.m.

2. **STEVEN J. SMITH & ASSOCIATES FOR GOLDEN VIEW HEALTH CARE CENTER** – Pre-Application Design Review to discuss expansion plans for Tax Map S23, Lot 52, located at 19 NH Route 104 in the Residential District.

Steve Smith – I'm here representing Metro Health Foundation of NH, Inc. d/b/a Goldenview Health Care Center at 19 NH Route 104. This property is in a Residential zone with a total of 8.91 acres of land area and the existing use on the property is health care with a 132 bedroom facility, existing lot coverage of 16.9 percent and 75 existing parking spaces. The original facility is at the first right-hand turn off NH Route 104 with a 110 bed facility. We came before this Board in 1999 to add what we called "The Inn" which was a 22-bed supported residential care facility. At the time we made that construction, we had to move the actual access into the site and we had a drainage that came right through the property and that drainage was relocated through a special exception from the ZBA. It was located around and dumped on the other side of the access road. Back in 1999 this was a wetland and today it is not and it's more than likely because of the change of that drainage pattern. Back in 1999, this wasn't a wetland and now it is so we have created a fairly sizeable wetland (13,000 sq. ft.) when we altered and brought that drainage around. This does happen quite often but it really depends on the soil conditions, slope and the material out there to start with. My guess is it was probably borderline in terms of soil. You lose the hydrological values from altering that drainage, it takes away the 3 parameters for the wetland and creates it in another spot. We are proposing to add a new facility called "The Retreat". It would be a 32-bed nursing home addition and ultimately we'll be taking beds from this facility and transferring them here so the total mix will end up being 153, 11 beds will come out of these other facilities and move into the new facility. To do that we need to move the entrance down and go around the proposed building site area. An application to the NHDOT was submitted six months ago and approved for the relocation but through the site evaluation and tweaking of the design, we ended up having to slide it a little more so we're back at DOT now getting our

second approval. We've had several conversations with them and it's just a matter of getting through the paperwork and then relocate that entrance. Vadney – Are you moving 200' further southwest. Smith – The speed limits don't change there but the sight distance is better getting it away from the access points coming in off Route 3. The slope is about the same as the current location. That would require us to relocate this access point into the current existing parking area and at the same time expand parking as we come into the site which would end up giving us a total of 109 spaces instead of 75. The utilities that come off of Hillrise Lane (sewer & water) and both the Fire Department and the Water & Sewer Department requested that we make this an emergency access to get in here, not only for emergency access but if they ever have any problems with the utilities, they have a drive they can come in on and do maintenance and stuff. There would be a locked gate out here with a lock box and the Fire Department would have the key to get in both that and the utilities. The neighbors don't want an access point there but this would be emergency only. In doing this, we have a grading and drainage plan showing what happens with relocating this driveway and rerouting that drainage around the building and dumping it back down close to the wetland area, we will be impacting an area of that manmade wetland that would have to be filled and we need a special exception for that, but under my calculations there's going to be a net gain of overall wetlands out there to start with because of the rerouting and that 13,000 sq. ft. of new wetland and my educated guess is that this new outlet is probably going to create a little more wetland down there. It will all be contained on our land. In terms of our own drainage, we are proposing an underground chambered system in this substantial fill area to collect all of the new water from the development, treat it and have it perk into the ground and take care of the runoff that way. We will have to reroute the drainage around again, there will be an impact of that manmade wetland where we have to fill to get our access into the site. We do feel there will be some additional wetland created. A Wetland Scientist on board who is working on the Wetlands Application with the State and is also putting together the package for the required special exception. There are conditions that have to be met in terms of that type of an impact but we are working on that as we speak. A portion of the building will go over a portion of that pipe. All the new water from the pavement and the new construction is going to be treated now, captured and put into this detention underneath the parking lot. We are going to allow the water that comes through the site to continue to go through as we've always done. Steve Humphreys – There is the original 3-story nursing home which is a brick structure. In 1999-2000 they added "The Inn" off the front of this building which is more residential in nature, has sloped roofs, clap siding, wood trim, typical gable end, and double hung windows. We like to use sloped roofs, traditional residential siding materials, shingle siding, and clap siding, double - hung windows, stuff that's very typical. We propose to match the green roof, follow it with a white vinyl siding and then a bigger band of a tan or beige shingle siding and then do a darker lap siding at the base to ground the building. The way the building sits as you come down Route 104 will be 2 stories as you face it, as you come down the driveway it turns into 3 stories and then you go back up the hill, you're back to a 2-story elevation that ties into the existing Inn which is

a one-story building so we want to keep that roof green with the white siding and then tie that into the existing. It will just be 2 stories from Route 104 and when you pull in will be 3 stories. There will be a basement under part of the building the way the grade works. The new addition will be 37,000 sq. ft., The Inn is 10,000 sq. ft., and the original building is 5,500 sq. ft. LaBrecque – Mr. Chairman, the two new upper levels of the nursing home will include 32 private rooms and bathrooms as well as a wellness center, Bistro, living rooms, library, lounges and mechanical and service areas. Liz Lapham – You called this new addition “The Retreat” is there a certain type of patient that’s going to be in the particular new building? Jeanne Sanders – This addition is going to be for rehabilitation, short-term rehabilitation, skilled nursing, it’s the same license as the 110-bed facility. This project came about because the State determined that this area needed that many more beds and we put in a proposal. The design, as you noted, is different than the old building which opened in 1974. This is based on what is called the small house concept so the downstairs floor is essentially unfinished, has mechanicals. The two upstairs floors total about 26,000 sq. ft. and there will be 16 room units each with supporting amenities, dining room, living room. Lapham – This is for someone who has been hospitalized and can’t yet go home but comes to you for rehabilitation and then can go home. We are serving that population right now but the consumer expectation is that you have a different configuration than the traditional care setup that was designed in 70’s so we’re calling it the Retreat because it’s a wellness concept and there will be emphasis on rehabilitation therapy and primarily will be a place for the short-term rehabilitation residents. This is going to be the cutting edge model of what people are doing today and we are expecting to be getting people in their 60’s and 50’s but our average population age is 87. The downstairs part of the addition will not be finished (12,000 sq. ft.). Level 2 would connect to the existing Inn so it would be the same floor elevation. Anything in green would be common areas, library, Bistro, living spaces; anything in the peach color are the resident rooms for all private rooms, 8 per side and the gray areas are service. The 3rd floor is kind of a stack of what happens on the second floor, but does not connect to the Inn because this is only a one story building, then you have your common areas and residential wings on each side and then you have your service. Steve Ainsworth – We have a drainage problem on my property from a basin that sits up in that driveway area and every time it freezes up, we have water that runs down onto my property. Is there anything about this drainage system that’s going to change on that end of the building and if not, can it? Smith – We’re going to capture all of the water. The wetland has gone away because no water goes in there now and all this new construction is going to be brought into this direction. It doesn’t have any water coming out of it now. Vadney – He’s talking about water now. Smith – I don’t know where it’s coming from then, he would have to show us. We can look at it if we know where it is. Sorell – Is the parking lot that’s there now curbed? Smith – No. Grace Ainsworth – I am opposed to the gate which I know you don’t have any control over but I want to go on record saying it will ruin the ambiance of our neighborhood so I do not want that gate. Secondly, I want to know the impact on the services provided by Golden View, such as laundry, deliveries, etc. We are woken up at

5:00 a.m. every day by Waste Management. Also, there are deliveries all hours of the day and night right behind our house because that's where the dining hall and laundry are located. Smith – The gate won't be out in the middle of the road, it will have to be far enough in so the vehicle can pull off the road, get out of their vehicle, unlock the gate and go through. The gate is for emergencies only. It was our understanding the neighborhood didn't want an access through there so that is why when asked to do it, we would have to put a gate there. Jeanne Sanders – I can certainly talk to Waste Management regarding this issue. To my knowledge we don't have any regular deliveries after 4:00 p.m. We have always done our own laundry and my plan is they will do their own laundry in the units rather than go back to the bigger building. I don't anticipate more trucks but when the food company comes, they will probably deliver more food. I am sorry about the Waste Management issue and I certainly can speak to the company. Smith – We're willing to work with the neighborhood now that we know what the issues are. Vadney – It is certainly a handsome building, the scale is hard to tell from these pictures, its certainly big but it seems to fit the Route 104 route. I don't suspect there's any problem with it and we'll have to look at all the drainage and have it evaluated independently but as a pre-application, it would be hard to argue against. LaBrecque – It seems they've already covered a lot, they have applied to DOT and DES and have all the storm water calculations done so I think they are ready to submit. Smith – One of the issues we have here is its harder to build this thing sprawled out because of the shape of the property and the topography so we've tried to tuck it into the hillside to take away some of the impact. We will look at the drainage and work on the issues of the noise of the dumpsters. If you have other issues, bring them to Jeanne's attention, then we can address them. The new building will be no higher than the existing building. The building has to be non-combustible construction and separated from the other building with a 2-hour fire wall.

ZONING - Vadney – We need to start looking at zoning issues for the upcoming Town Meeting. LaBrecque – A couple of them are easy to bang out because its just to comply with the Federal requirements and a lot of the work has been done by the Office of Energy and Planning. We've already looked at the ordinance together and figured out what needs to be added so that's an easy one. Another one would be adopting the new NRI Prime Wetlands Map so we would revise the reference. It's Hatch Brook and Page Pond prime wetlands would expand and get rid of Hawkins as a prime wetland just because its so compromised already. Vadney – One other thing would be signage, one is a village district overlay where we basically we allow whatever density can be accommodated. Vadney – The more complicated of the options here would probably be the Village District Overlay. LaBrecque – I think the Overlay would be fairly easy because you just need to tweak a couple of things like the Waukegan Watershed Overlay you would change the 2 acres. With the Village District Overlay, the beauty of an overlay is all of the underlying zoning still applies and all you do is say except for density, either we increase the density or we allow whichever density is permitted based on

the restraints of the lot. Vadney – That may be simple to write but I’m not sure it’s simple to pass.

DOWNTOWN DELIVERIES -John had mentioned downtown deliveries. I met about two weeks ago with Angela, the Chief of Police, Bill Edney and discussed it. You were going to get with whoever is doing the Main Street Program and with Rusty to clarify some of the properties that appear to be the offenders and see what can be done internally. For the time being we took off trying to designate trucks only parking because the few minutes those guys are there would restrict those places from citizens using them. The Police are going to step up enforcement on double parking, blocking traffic and the like. Dever – What about time restraints as to delivery times. Vadney – We’re going to take a look at that but I’m not sure it would be easy for the businesses to control. A lot of these jobbers come out of Portland, Manchester and the like. We can maybe look at that in the future. LaBrecque – (inaudible – no mike). Dever – I’ve heard for months and months we’re going to meet with the Greater Meredith Program and talk to Jeannie about this Lapham – I don’t understand why you think the Greater Meredith Program would have clout on that. I’m their Administrative Assistant but I can’t speak for the Executive Board, there is not a Merchant Association on Main Street, the Greater Meredith Program does all of Meredith and we work hard to meet with these merchants but they are not always too LaBrecque – (inaudible – no mike) Kevin Morrow’s point was there haven’t been any accidents, they haven’t had any complaints from people on the street. Dever - Besides them not being interested in getting out and doing menial functions. Vadney - At the same time there is no easy solution. We’re trying to put too much in a 5 lb bag and there is certainly a problem. It may be they are making those deliveries when the guy opens the store. Dever – They are not going to do it on their own.

Meeting adjourned at 9:24 p.m.

Plan Signatures: Boundary Line Adjustment – TLF LLC
 Site Plan – NDN, LLC
 LRGHealthcare – Site Plan

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 _____.

A. William Bayard, Secretary