

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary; Kahn;Finer; Worsman, Selectmen’sRep.; Dever, III, Alternate; Edgar, Community Development Director; Harvey Clerk

Kahn moved, Sorell seconded, THAT WE APPROVE THE MINUTES OF SEPTEMBER 11, 2007, AS PRESENTED. Voted unanimously.

APPLICATION SUBMISSIONS

- 1. **LACONIA AREA COMMUNITY LAND TRUST** – Proposed Architectural Design Review for 32 units of multi-family affordable housing, Tax Map U11, Lot 63, located on Boynton Road in the Residential District.

Edgar – The applicant proposes 4 townhouse style buildings with 8 units per building. This application is intended to be coordinated with the Site Plan application that we’ve already accepted and begun the review process on. The application, building elevation and abutters list are on file. Filing Fees have been paid. I recommend the application be accepted as complete for purposes of proceeding to public hearing later this evening in conjunction with the other applications.

Finer moved, Sorell seconded, seconded THAT WE ACCEPT THE APPLICATION OF LACONIA AREA COMMUNITY LAND TRUST FOR ARCHITECTURAL DESIGN REVIEW.

PUBLIC HEARINGS

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

Mark Gross, MHF Design – As I understand it, the Board walked the entrance to the site off Pease Road and there was a question about line of sight particularly for the abutting driveway particularly as it relates to the construction of our roadway and would that have any impact on sight distance from the abutting driveway. We had our traffic consultant, Steve Pernaw, look at it and I believe he has a letter that he prepared that basically indicates that the construction of the roadway in its location shown on here will have no impact on the sight distance for the abutting driveway which is on the northerly side of the proposed road. There was also another issue raised about a proposed culvert location that was somewhere around 2+25. Based on the information that we had, the aerial topography, it appears that there is a drainage pattern that runs at about that location

and that really conveys water from the east side of Pease Road, across Pease Road there is an existing culvert here and it travels through what we call a drainageway. Apparently, based on the site walk, it appears that when the construction road or this woods road was built, there was no provision for culverts made at that location where the drainage swale comes in and that's about halfway down where the adjacent properties are. Generally what happens is that runoff which at one point did go across prior to that travels further in a westerly direction and there is an existing culvert under the woods road that does dump out onto our property so what we would propose to do is eliminate that cross culvert at that upper location, pick up that drainage that's coming in from the south and bring it down to this new location where the existing culvert is which is where there is a proposed culvert. We would bring that drainage down so there would be no impact on the adjacent property in terms of continuing that flowage across the proposed road onto the abutter's property. So we would pick up that drainage on the south side and then discharge it on the north on our own property. It's just about where the existing culvert is. And then there was a question of constructability within the ROW particularly as it relates to this section of roadway which we would intend on being the public portion of the roadway. We've had our construction engineers look at it, we've looked at it and we feel confident that the roadway can be built within the confines of our property, our ROW and without any impact to the abutting property owners so we do not need any construction easements, temporary or permanent, in order to build this roadway. In addition to that what we would agree to place orange construction fencing on those row lines particularly along where the abutting properties are and also along the golf course property so the contractor has an understanding of where the limits of construction are for this particular project. Again, this roadway section particularly in this area between the 2 abutting properties is actually wider than a normal 50' ROW. We have at least 54' for the most part in that location. Typically, any roadway construction is done comfortably within a 50' ROW so we are confident that can be done without any impact and we'll stipulate the construction fencing to be established along those ROW lines prior to any construction occurring. There was a question about access to the open space on this particular piece of property. We are proposing a gravel access road to the well system and that actually will tie in well with access to the open space. Obviously, the people who live there will have direct access to the open space through their backyards for the most part. We've got a buffer on the golf course side, which they can use as part of their access but for all intents and purposes, we're saying that the well road would be our access for the open space for the residents. There was another view easement added to the plan and I'll just refer you. This elliptical easement area which gives view easements to some of the abutters along Pease Road, we've got Cronemiller which has a small portion, Judi Tucker, Giebel, Papp, Street and then obviously we have this exclusive use easement that we've been talking about, the 10 acre

easement. One of the things the Board had some concerns about is the use of that easement for the densities since it is going to be an exclusive use easement and the use of that by the condominium association will be limited. What we did is look at the soils within those 10 acres and the soils would not contribute to the density. For the most part, the majority of the soils in that 10-acre area except for the northwest corner are soil groups that do not have any area that would contribute to the density. This small triangular area which is designated as a Wv with a C slope, what we did was rerun the calculations excluding that from the calculation and what we calculated was 42.79 units, for all intents and purpose excluding that 10 acres or excluding the soils that could would result in what we feel would be 43 units, 42.79. Engineers, we like to round up so we think its totally appropriate that the 43 is proved out with the calculation taking out any soils that would count that in the exclusive use easement. Because I think there is a bigger issue than just the number and it has to do with kind of a theory behind the soil-based lot sizing and I'd like to turn this over to Jim Gove from Gove Environmental so he can give you kind of an idea as to its not just number crunching, it's really looking at it from a practical point of view and how the soil-based lot sizing applies here. Jim Gove of Gove Environmental Services – I guess I've been involved in more ad hoc soil-based lot sizing groups than I can remember. It was actually back when I was with the SCS and we actually were providing information to DES Wetlands Bureau to come up with their lot sizing that they have which is different from your lot sizing and then I was involved with another ad hoc group with DES which actually came up with some lot sizes which are in fact part of your ordinance today and then I was involved in still other groups with DES and Soil Conservation Service in which we modified those groups and actually have reduced the sizes of the recommendations today to be less than what you folks have. The whole purpose for soil-based lot sizing is really for one purpose and that's for essentially the dispersion of nitrates. All the other constituents we have out there that go into a leachfield are essentially taken care of in that unsaturated zone directly below the leaching area and your viro pathogens are taken care of there, phosphorus is typically taken up in the soils and the one thing that's not treated is nitrates. It is the most limiting factor we have in the leachate stream. There's only one way to get rid of it. It's called solution to pollution is dilution, that's exactly why you have soil-based lot sizing is to dilute the nitrates, the nitrates that are not tied up in the soil so if we actually look at what soil-based lot sizing ordinances do, essentially they make sure that you have enough soil on your area that you're proposing to dilute the nitrates. Dilute the nitrates both from the standpoint of making sure they do not impact the groundwater table or impact runoff areas so that's the basis for it. So whenever we did the calculations, we used 4 bedrooms and that was the point. The standard design here in New Hampshire is a 4-bedroom so anytime we were plugging in those numbers and we used a basic mass balance, we'd say how much nitrate are we putting on this lot when we have

4 bedrooms. We had a few other things we had to add too, we had to have some nitrates that are on the lawn, we had to have some nitrates that are in the water because every time it rains, we have nitrates that come down so there are some other types of things but we put that in as well. We put in all those factors and they were always based on 4 bedrooms. As you have been told by Mark and other up here, these aren't 4 bedrooms, max. are 3 bedrooms, a lot are 2 so in essence when we take a look at this 42.79, we have to recognize that would be based on 4 bedrooms and you're not having 4 bedrooms in this so you actually have a safety factor of about 30% to begin with. A couple of other things your ordinance doesn't take into account, in addition to the uplands we also found we had a number of geohydrologists on the other studies and we also found that the wetlands are poorly drained and also have the ability to reduce the nitrates. They would do that because essentially you do have at times of the year unsaturated conditions in those poorly drained soils. That's not taken into account in your ordinance either so in essence I think we have a pretty big safety factor from the standpoint of whether it's 42 or 43, from my perspective I see a pretty big safety factor here already put in for the purposes of what you're looking to do with soil-based lot sizing which is the dilution of nitrates. (Inaudible) Gross – We essentially have 5 septic systems that are spread throughout. Systems were pointed out to the Board and public. Essentially, they are pretty well dispersed throughout the development. It's not like you have one point where all the sewage flow is going and it's done for a couple of reasons. It allows a certain number of units to be on each system rather than having every unit on one system. If you have a problem with that system, then every unit is down. In this case, you have 7-8 units per system and in some cases 10 systems but you're dispersing that septic flow throughout the site and putting a number of units versus the whole site on one leachfield. Vadney – (inaudible) Gove – Let's go back and talk about land in general here from the standpoint of what contributes. I recall back when we were first presenting our findings, the guys from EPA said the same thing. You don't have in here any calculations of where the downstream flow of these leachates are going, you don't have any calculations as to and so what are you doing here. The answer is this, first off when you take a look at a topography like this or any topography, you always recognize that between the surface and below there are numerous layers whether it's sands, gravel, till, bedrock, hardpan, whatever, there are numerous soil layers some with greater density, some with greater porosity, others are not. So if you look at it from the basis of an individual lot, you might in fact have at points on that lot a concentration higher than 10 milligrams per liter because that's your goal to get to 10 milligrams per liter. As that material goes down through the soil, it disperses through the different layers at different rates until it reaches bedrock or in some cases an aquifer or at least the water table at some depth and at that point you want to have that diluted down to 10 milligrams per liter. The issue is, how can you do that and our answer was as it has been all the way

through in the whole basis of all these soil-based lot sizing, if you apply it uniformly to all of your land it really makes no difference because the water from upslope will be diluting downslopes. This water here will be diluting somebody else's down here as long as you do it uniformly across your town so the key element is you design lot-by-lot in order to have a uniformity across your entire town of 10 milligrams per liter. As long as you do it lot-by-lot, you're OK. When we did this, we knew there are communities where in fact were going to have areas which had more concentrated flows because of the fact we did have some lots that were 10,000 sq. ft. that were approved way back before we had subdivision and everything else. So there's a safety factor built into all those calculations so they actually had a 20% safety factor we stuck into everything. In essence, once a community decided to adopt soil-based lot sizing and follow through, we figured it would end up because none of the communities we looked at had any of those concerns except for North Conway. North Conway screwed themselves up, they actually have over 10 ppm in their aquifer because of the concentrated commercial they put in there and unfortunately it's up there, it's around 30 ppm. Gross – One of the issues that came up was water supply and we have a gentleman here from HydroSource, Claude Cormier who will be working on this project in terms of the well, the well source, the water source and as you know as we have stated in the past, that process through DES requires that prior to any subdivision approval the state grants the well has to be drilled, tested and verified for quantity and quality prior to them issuing any subdivision approvals and the subdivision approval is required before any septic design approvals so there is a very specific process that has to go through for this project before any units are built to ensure that the water supply is there and adequate for this particular project. If you have any questions with respect to that I'm sure we can go through and explain a little bit more in terms of what the process is. Vadney – (inaudible) My question is in rough terms, what are you looking for to support 41, 42, 43 houses, what gallons per day are you looking for? Claude Cormier - I've been doing groundwater supply in the State of New Hampshire permitting through the DES water supply development for projects like this for over 15 years. For this we've calculated 2.5 bedrooms average for 43 units. What the state requires is 150 gpd per bedroom that equals approximately 16,000 gpd. What the state is going to require is to demonstrate that you have at least twice that in source capacity meaning that when you test the well, you have to test at that amount although the design flow is for only 16,000 gpd. You must assess the well at twice that capacity. Finer – When you're testing this well for capacity, are you testing any abutting wells to make sure there is no impact on those? Cormier – Absolutely. The state requires that we identify all other private wells within a 500' radius of the source to be put in and to be tested. What we are required to do is inquire to those well owners whether they would like their well monitored, then during the testing procedure on the well that's being pump tested for this project, we have to monitor the water levels in this well as well as in the other wells and then do

standard analysis based upon potential impacts to those wells. Kahn – Is Sky View Acres within 500 feet? Cormier – I believe that part of it may be, it depends upon where the final well source is going to be located. You will have to put the well where you find the water. This is the general area we're looking, there may be one or two owners within there that's within that radius. Vadney – Do you still use divining rods? Cormier – No. There are much better methods today. Worsman – As far as I'm aware though, aren't there wells that are further than 500 feet that are somehow tapped into that aquifer that could truly be impacted here? Cormier – An aquifer can have finite boundaries, determining where those boundaries are is very difficult especially when you're talking about a bedrock aquifer and what we're talking about here. Fractured bedrock is very irregular, it's almost impossible to predict where those fractures are going, where they are oriented to and how far they carry but in this case what we're looking at is a well that has a design flow of approximately 11 gpm. Given its distance at 500' away, the amount of impact you would expect to see in another well would be very minor. If you were talking about a well that was taking out hundreds of thousands of gallons/day, yes you would probably have that impact. Another component to the degree of impact you may see is the direct hydraulic connection and the degree of hydraulic connection you would have between the well you are testing or the well that would be supplying the project versus the well for that private landowner. If that well was on a very conductive fracture that was essentially straight between that well and the well being tested, you may see a larger amount of impact but if you have a fracture that is that extensive and is that open, then you would expect to have much more supply capacity either for that private well owner because he's tapping a very extensive fracture or for your well. In either case, either they have more supply capacity than this well will ever take out of 11 gpm to have an appreciable impact or you have more supply capacity such that at 11 gpm you're never going to be impacting the aquifer you're tapping to the degree where you're going to have impact on that person. Worsman – As far as science goes, that sounds great, but apparently there have been people up in that area who have significant problems and my concern is 500' radius is not going to touch those that have been impacted in the past. Cormier – With every well what happens is on the Makris scale you will have radial flow towards that point. When you pump a well, what you do is create a cone of depression around the well. The water table depresses in a cone shape, an upside down cone to the point where you're withdrawing. What you hope to gain within that 500' radius is some type of a radial pattern. Ideally, at least two or three other wells around that well that you're monitoring so you get a radial pattern of impact. Within fractured bedrock, you won't have a radial impact. Normally you will have an elliptical impact based upon a fractural extent in one direction. It's called a strike of a fracture. You will greater impact along that because that's essentially the what people like to use vein. What it is, it's actually a fracture plain and if other wells were tapping that, that's where you're going to see that, it's

along that ellipse. Five hundred feet, I'm aware of the water supply concerns within that area to some degree. I had worked for the Sky View committee a number of years ago trying to help them increase their water supply. I've also talked to the folks down at DES about this particular project. Here you're talking about a land area, an up gradient watershed area that can support this amount of extraction as well as other private landowners number one. Number 2, they require a 500' radius based upon their experience. Could it be larger, yes, it could be but is that within reason? Based upon this amount of extraction, yes, it is. Finer – Having just listened to all of that, will the applicant be willing to monitor more wells outside the 500' radius and answer the concerns of a lot of abutters? Cormier – I cannot answer that. Gross – I just wanted to point out that Sky View is well over 2,000' away from this proposed well. The lots along Pease Road are well over 1,600 feet away and all of these properties are up gradient of this well so from a practical point of view, it seems to me just looking at it and I'm not the expert, it's probably little or no impact to those wells. Kahn – Then the answer is no. Cormier - At that distance you would expect a minimal amount of impact especially at 2,000' if that's what ends up being the case here. What I would propose to do here is identify those that would like to be monitored and then get a representative sampling around that well that represents a radial pattern so we can get a fair assessment of the well's impact within the direction of the different abutting landowners that surround this project. Would that be reasonable? Kahn – My understanding is that this is not a Town matter but a DES matter but what you're saying is DES would require 500' but you're willing to volunteer to pick up other wells to be named and we can turn that into a Town matter so we condition any approval on your monitoring other wells. Edgar – I don't know that I would go so far as to condition it as a Town matter. They have offered to test the wells and you have their proposal in front of you and that's all part of the impact analysis that would be considered by the State in giving its approval when they get to that point. Kahn – I just want to make sure that it gets done because the gentleman said he was going to monitor all wells within 500' and there happen to be none so I just want to make sure that something gets monitored. My question is how do we put teeth in it? Vadney – I guess my concern is why the State in a state where most every well is a bedrock well uses a 500' cone of depression on a sand aquifer which we have so few of but that's an interesting thought. Cormier – That's based upon experience. If you're not seeing appreciable impact outside of that radius that is why they haven't put that beyond 500'. Edgar – Mr. Chairman, Mr. Jutton was good enough to give us a copy of the Scope of Work proposal that we're speaking about, is essentially that Scope of Work still what we're looking at doing? What I'd like to just point out in that Scope of Work there's an acknowledgement on Page 59 in our packets that the Town has raised some concerns regarding the Sky Acres community as well as the golf course and as such they've included a well monitoring and pumping impact interference assessment component of the proposal.

Elsewhere in the document when they get into some of the technical components, they indicate that during the pump test water levels would be measured in the pumping well and if warranted in a representative number of nearby wells and I guess that's what we're getting at is it is our view that it is warranted so that it can be definitively answered through the DES permitting process and as long as the 5 or 6 monitoring points that you've indicated are still what is the plan regardless of whether they are at 500' or not, then I think that would address the concerns the Town has had and we've raised in the past then it goes on its way. I've also included in the Board's packet on Page 69 is just a sort of a chart taken from some of the DES handout materials and essentially there are two approvals required, there's a preliminary report that this scope of work speaks to that has to be submitted to the State that includes proposed well siting as well as proposals for the pump test and exactly how they would go about measuring impacts. The State has to kind of approve that approach before anything happens in the field, they would then conduct the pump tests and the monitoring of the wells that are indicated and then there's a final report that has to be submitted that gets into all of the results of the pump tests and the monitoring data to (a) determine if they have enough water for your own project and (b) to what extent, if any, is there an impact to the wells and if so how would that be mitigated so all of that has to be documented as part of a second report that the state has to sign off on. It would be prudent from our point of view that if the Board were to grant a conditional approval, it would be subject to those two approvals being in place before granting final approval for the subdivision so in other words the issue of adequate water supply would be addressed as well as the impacts to the other wells pursuant to the State's permitting requirements prior to final approval. Rob Ciandella – Mr. Chairman and Members of the Board of Legal Counsel for the Applicant – I don't want to take any time away from the technical experts, I simply wanted to point out that we had a discussion this morning with the Town Planner and we delivered a letter to the Town this afternoon to deal with this density issue and we tried as Mr. Gross said we've addressed the concern had about establishing precedent by including for density purposes land which was dedicated for exclusive use by easement for persons outside the development and I want to address the question that Mr. Gove spoke to, the question of how many units are we left with based on the 42.79. We understand there was a subsequent phone message left by the Planner that the Town has an administrative practice of going to a whole number in terms of calculation of units and what I want to put before the Board is that I think in this case based on the information that Mr. Gove presented to you, this is a case because of the facts that justifies going to 43 units based on the 42.79 unit calculation because as Mr. Gove said that's based on a 42.79 4-bedroom unit calculation and so there's a 25-30% safety margin in terms of the bedroom calculation that the regulation is based on so in terms of what we think would be a reasonable interpretation of your practice given these facts and what Mr. Gove had to say, we think

43 units is the reasonable number. Vadney – I would make one comment now on that issue, I hadn't thought of that until tonight when you just proposed that. I certainly see where you're going with it 40 units, what's another .2 units kind of thing that's pretty trivial as a percentage. The part I guess I'm not clear on and I may have to get with some other folks who are smarter if we start going to a rounding up kind of thing, does that mean somebody that can justify 1.1 lots can get another one? Where would you draw the line on rounding up? Since our ordinance as far as I know is silent on that, I don't know what flexibility we'd have. Ciandella - The point I would make is that you can have a general precedent that we don't want to be in the business of rounding up but when the purpose of the regulation is to establish soil suitability for a number of 4-bedroom units, I got to the bottom of my presentation here, in this case based on the facts that are peculiar to this case, the reasonable interpretation of your regulation given its purpose and given the facts here that if the soil supports 42.79 4-bedroom units and you have a proposal before you for 43 3 and 2-bedroom units in this case, the case before you the reasonable thing to do is 43 units. Vadney – I agree but back to Mr. Gove's argument that we don't take a parcel and say this one we're going to use soil-based lot sizing and over here we're going to use some other method and this method we've settled on that 4-bedroom, we don't use 5, 6, 8, 10 bedrooms, we don't use 1-bedroom so it's kind of in the same parallel. Kahn – I'm sort of disturbed that we're back to the number of bedrooms. When we started with this project the argument was being made that we should count bedrooms rather than count units and it seems to me that we disposed of that when the proposal was for duplexes, I don't remember what the number was but it was some ridiculous number of duplexes based on bedrooms. I think you can agree with Mr. Gove that there are a lot of problems with soil-based lot sizing. I think we have a lot of problems with our cluster ordinance which in this case has permitted the aggregation of a lot of little dry islands for 42 or 43 as the case may be units on one large dry island. Somewhere you've got to stop and just apply what you've got and I go along with Herb, I don't think that we want to start worrying about whether or not in this case based on 4-bedrooms and on the soils on this lot, etc., etc. that we should round up because it doesn't seem to be a problem. We're going to have every developer in the world come in here and say, well on the basis of soils-based lot sizing, I'm only entitled to 1.75 units but how about a gimme of .25 and we're going to have this all over the place. Our rules are what they are, it seems to me that it's been fairly obvious to me that as a matter of conventional subdivision, you could not get 43 units in any economic way on this land and I think you've pushed the outside of the envelope in terms of the number of units you've gotten on here and you've showed us there are a lot of problems with our cluster zoning in the sense that you've gotten all those units on there. I don't think we ought to round up, I think we ought to just hold it where it is. Bayard – I tend to agree and I also note that we have a driveway that has 6 units on it which is another concession. It's kind of

interesting seeing as we've given a lot of people hard times about proposing 3 on a driveway so maybe there's a good way we could knock out a couple of houses and consider two driveways. Edgar – I'd like to start with my conclusion first and that is basically that we've been at this almost a year, actually the application was accepted in October, I believe this is our 4th public hearing and we have 2 site inspections under our belt. With that said, it's my view that we've made substantial progress on a lot of fronts. We have continued to work the engineering, the project is pretty compact in terms of the degree of utilities that are in the roadways and there's been a lot of review and review cost and design and design cost. We are on the home stretch of that process. To use the words of our review engineer, we have no deal breakers that are left unresolved. We have a response to the engineering review letter that is going to be taken and essentially I believe the remaining issues need some explanation and some consensus between the engineers but we don't have any deal breakers so given the complexity of the plan set, we've made a lot of progress on that front. With respect to the legal documents, we did have a draft condominium declaration submitted and I've touched on that in brief but there were a series of review comments that I had forwarded back to Mr. Cindella's firm and essentially they've agreed to make some adjustments and I'll speak to that in detail. The entirety of the open space, the common area that is not the well and the common area that's not part of the roadway, the rest of the open space exceeds the 50% requirement that we have substantially. The issue of the 10-acre easement is out there but notwithstanding that the declaration basically indicates that this is to be perpetually maintained as open space, it's not to be developed, it's not to have structures and I've asked and it has been agreed that we would add that that land would also be subject to a clause that there be no further subdivision, so no development, no structures, no subdivision. The permitted uses would be forestry, recreation, wildlife management and the maintenance of the viewsapes that have been mentioned from the outset of this project. I've suggested and what I believe has been agreed to and correct me if I'm wrong Rob, but I've suggested that before any of the viewscape work is done that a professionally prepared Forest Management Plan be accomplished that would be prepared by a licensed Forester that would integrate those 3 objectives. We have the applicant's viewscape objective, we have the environmental objectives that are at least in part summarized by Mr. Gove's early report that was submitted that highlighted the sensitive wetland features and some of the more significant habitat on the property and then there's always the potential and the likelihood that the condominium association would want to have some access to their large open space for purposes of passive recreation so that is why I had suggested that those purposes be identified as part of a professionally prepared Forest Management Plan, that the plan be on file with the Town and the plan be accomplished prior to the cutting as opposed to cut as we go and then after the fact we'll wrap a plan around it. It makes more sense to weave those

things, have the benefit of Mr. Gove's work and his participation in the development of that plan and then we have that guidance document in the future. To me that is a very substantial improvement upon the draft we had referred to and I think it needed clarification. I think the intent was probably there but we needed to have some clarification and Attorney Somers has indicated as much that they would be happy to do that. There is a reservation in the draft declaration that would provide for additional parking. Think of it as overflow parking if you had a boat or an RV or something that wouldn't otherwise fit in your driveway. I think the concept of some overflow parking is a good one, in fact, you've even required it in some cases when we've looked at site plans just to make sure we have adequate parking for some of those kinds of contingencies. The plans that we have don't depict that and the indication I had from the Attorney is that it would be part of tonight's presentation to kind of explain that. There's probably two ways we could approach it. Here again, I think it's not a bad idea, I think it's a good idea but it's just not something we've seen yet and either it could be a reservation that could be acted upon at some later date and come back through a site plan process in all likelihood wetland permitting perhaps depending on its location or it could be something designed up front and factored into the overall program up front. Perhaps if you folks would be good enough to respond to that and give us a sense as to where that parking area would be, whether there would be any wetland impacts anticipated and how you might approach that feature in the future. Gross – When this issue first came up, we were kind of looking at areas on the site where we could do the overflow parking and kind of what struck me is that we really don't want to do this in just one location given the fact you don't want to have 43 different, I'm not saying there will be boats, but there will be a number of those. So we looked at how to distribute that evenly amongst the development. What struck me was that we have some fairly large flat areas where the septic systems are going to be and those systems can be designed for H2O loading which is more than sufficient for parking an RV, a boat or any of those recreational vehicles so we would look at essentially doing something on one or all of the systems probably the ones that are adjacent to the roadway system such as system 1. That's a fairly large system, you could probably park 10-12 vehicles on that and then the other systems that are along the roadway we would look to utilize those and they could even be grass, they don't necessarily have to be pavement. We wouldn't want them pavement but we would use some kind of turf establishment that is pretty rugged, typically what you see in an athletic field that gets a lot of use. We're not talking about driving vehicles over these constantly, it's to park and sits there of some fashion whether it be some kind of gravel base. In any event, we saw that as kind of an opportunity given the fact that they have to be fairly level, flat and they are large enough that we could use those areas for parking of those recreational vehicles and they are spread throughout the site. Vadney – This is kind of a detail but I wouldn't be surprised if some of those became daily parking for some of

these people. Is that something we should be concerned about as far as parking on the septic systems? Gross – No, because I think the condominium association is going to regulate that. Vadney – You think they will. Gross – They will. Edgar – I think the other aspect you've sort of eluded to is that if there is anything at all like that anticipated to be on top of these leachfields, that's going to be factored into the design so the top of that bed is going to be battle hardened from vehicles creating an impact to that leachfield. That may be an overstatement but is that at all accurate, is that your understanding that there's a significant consideration that will be factored into the design if you decide to use those for parking. Gross – Most of the systems we design are for H2O loading which will basically take the load of a tractor-trailer truck, pipe design is done for H2O loading. Vadney – I wasn't worried so much about the collapse of the system at that point, I was considering if people start using them even for passenger cars on a regular basis and end up tearing up all of the turf and the like. Gross – Again, that can be regulated by the condominium association. Worsman – (inaudible) – Gross – I guess what I'm suggesting is there are areas that are very flat that could be utilized for that particular use and it may be utilized by the people who are adjacent to that particular system. Worsman – You're asking us to approve that as a driveway which is substandard in width to put an RV. I'm just trying to look at the logic of that, it just doesn't seem to make sense. Gross – Let's go back to the issue of the driveway. That's a housekeeping item that this Board has to decide in terms of granting waivers not only for that driveway but the driveway and as we demonstrated at two other public hearings we can accomplish this layout with these units without that driveway. It's not pretty but it works. Realistically, the same number of units, the same configuration can work with driveways. Vadney – We've accepted that this waiver situation on driveways in this situation is a very good idea and I think we were all in agreement with that, but I think Colette's trying to say is now that we've given you that kind of a break, do you want to start messing it up with parking in the middle of it? Am I reading you right, Colette? Gross – I guess I really don't understand what the issue would be of parking vehicles on that with the driveway. It's a one-way access. Vadney – As I recall, the separations and stuff were pretty tight in there. We can reopen the whole issue but I wouldn't think you'd want that. Gross – I don't think the Board has taken action on that waiver yet. Edgar – I too see them as somewhat unrelated issues. First off, as I've indicated in the staff review for 3 hearings now, our practice has been that on the issue of road standards, we defer to the Selectmen and the ROW and the arguments have been made, the file is very clear, the larger one that we're talking about is a 20' one-way road to serve those 6 units. A typical road that we've waived for 18 units, Clover Ridge, is 18' of traveled way for two-way traffic so I don't think the waiver's egregious at all personally but that's not the same issue whether or not the septic systems could support some overflow parking. I don't see one necessarily justifying or negating the other. With respect to the staff review, just to remind the

Board of some of the litany of other permits that are required, the cluster is allowed by Special Exception, there's a trip to the ZBA for that. The wetland impacts that have been discussed since day one have dual permitting; one is at the local level for both the wetland impact and the buffer impacts as well as the Dredge & Fill Permits at the state level. As it relates to the septic systems we were talking about, there are two tiers of approvals, the first is the State Subdivision Approval where they will look at the suitability of the land immediately beneath the septic systems as to their capability to support the system from a test pit point of view but in this case because of the community nature of the systems, those will all require actual designs so there would be actual septic system designs for each of the 5 systems prior to final approval. There's the two-step approach that I described briefly relative to the community well. The preliminary report that has to be approved which essentially establishes the scope and what I've indicated to the folks down at DES is I would be happy to pass along whatever file information we have relative to the concerns that have been raised by the Sky Acres Association, the golf course and others relative to the wells and that information would be communicated to the State for their consideration as they go through their process. There's also a Terrain Alteration Permit so all of the stormwater management aspects of the project, the drainage, the water quality and the erosion control would also be reviewed at the State relative to the Terrain Alteration Permit. One of the concerns was the issue of road related salts and I think the idea of the drainage improvements that Mr. Gross had mentioned actually probably improves the system in 3 different ways: (1) it eliminates any ponding on Mr. Groleau's property because it would provide for the pass thru, (2) it eliminates the discharge onto the next abutting property because it pulls it down slope so he has no ponding and then (3) the water after that, Mark, if you could just show us that discharge point and where the water would flow, that lower set of cross pipes and what's the drainage path it would go from there? Gross – It pretty much would go into this large wetland area and that essentially drains around the back of the site and then down. It goes into this large wetland area which circles around the back of the development and then travels in this direction down to the westerly end of the property. Edgar – In discussing this briefly with our engineer that's a pretty decent scenario relative to where the water goes. We don't pond it on either of the two abutting properties and it diffuses itself throughout the existing wetlands and the 100 some odd acres of open space. One of the review comments that the engineers have agreed to in terms of documenting is the downstream impacts, the Corliss Brook Road neck of the woods and that is one of the comments that has been agreed to and is going to be confirmed by the design engineers to the downstream implications. It was an issue raised by our engineer and that would be finalized by two of them. With respect to the road standard waivers they have asked that the Planning Board waive them as a function of the subdivision review and our practice has been that would be something that would be deferred to the Board of Selectmen and those

are indicated on Page 11 in the packet. There are performance guarantees required on the project if we were to record the plans prior to the completion of those improvements. Those guarantees would include the construction of the subdivision road, the drainage improvements, site stabilization and the two utilities. We would anticipate that at a compliance hearing those unit cost estimates would come in, they would be reviewed by staff in anticipation of that hearing and there would be a recommended figure for the Board. The applicant can avail themselves of building while under conditional approval if they so choose which is a process allowed by state statute meaning that if all conditions precedent to final approval have been established, in other words if we have all permits in hand, we have the highway permits which we already have but if we have all of the environmental permits state and local, we have no risk if you will everything but for the recording of the plan, the applicant could proceed with the construction phase under conditional approval and if that were the case, the performance guarantee would be limited to the site stabilization component because at that point we are not in the business of conveying real estate, they could be building the roads pursuant to their environmental permits and at some point when the condominiums are constructed and there is something actually conveyable, we can then revisit the performance guarantee to see if anything else has to be increased. It's a process that we've done on numerous occasions. As I indicated, the legal documents were submitted in draft fashion. The issue of the parking has been addressed and perhaps plans can be refined a little bit to show the parking if that's where it is to be. I've spoken briefly to the viewscape reservations that need to be integrated with the environmental objectives for the open space. I had raised the question as to how the open space would be accessed for any of those purposes, either maintenance of the viewscape, forestry or for recreational access and the answer and it's a fair one is that the whole area in and around the access road down to the well and pump house directly abuts the open space and as I indicated further, the applicant has agreed that there be no motorized vehicles, there would be no development, no alteration of the terrain and no further subdivision of the open space. Vadney – Would that preclude the snowmobiles and the like? Edgar – I think the snowmobile use was one that they would reserve the option of allowing that because I believe there's a portion of a marked trail on the property so that the easement hasn't said that public access is precluded but it would be something they would reserve the right to make that determination which is a reasonable approach to that issue. There was a question about hunting and they have clarified that there would not be hunting on the property. Essentially, the land would be posted. Given the number of units and the possibility for passive recreation on some of the adjacent properties, this is reasonable. Vadney – Is there going to be a yellow sign every 50' on the perimeter of the property. Edgar – I don't know what the legal requirements are for posting. As I indicated before, there is a letter from the attorney agreeable to make those changes and I've

indicated that those legal documents should also be submitted to address these review concerns and then we would have a final review of that. One of the miscellaneous items that we've talked about before is the fact that we have in a previous hearing or a previous design, we had a sidewalk up to Pease Road and there was testimony and concern about the adequacy of Pease Road to support more kids that wait for the bus. We do have a DOT permit that's on file for the intersection. We do have a Memorandum on file from the Superintendent of Schools indicating that to the extent they have the bus stop there nothing has jumped out from their point of view as a safety concern. Obviously, there are travel speeds on the road, we've witnessed that both times we've been out there but there's probably other bus stops on similar roads, it's somewhat inherent with the nature of that road. In part in response to that concern, the plans were revised to show the mailboxes and school pickup interior to the site at that first intersection and the applicant has indicated on numerous occasions it is their intent that would be a Town road and that would address the issue of the school policy to not pick up kids on private roads. So from a planning point of view that makes sense, it seems to be reasonably well designed and certainly would work functionally. The difficulty I have though and I have shared this in prior staff reports is that this Board cannot predict whether or not if and when the Selectmen would take that road over. We do not have a program as some communities do that if you build it to a Town standard within a certain prescribed period of time it automatically becomes a Town road. Our policy with a small "p" that the prior Boards of Selectmen have had is they don't entertain acceptance of roads until something is at about 50% buildout so there's sort of a conundrum here to the extent there are children from the subdivision that they'd be served well by that turnaround but for now and to the best of our knowledge, it would be private which runs headlong into the school's policy so I don't know how exactly to work through that but this Board cannot necessarily work under a premise or a guarantee that it would be a Town road because that's not a decision made by this, it would be a decision made by the Board of Selectmen. Vadney – Their proposal is only the first 800', I realize this may be too early for this, but has the Town looked at how they would plow that and turnaround at the end of the 800' without going around the entire loop and things like that. It wouldn't be easy. Edgar – I have not had that specific conversation with Mr. Faller. Kahn – In terms of dealing with John's conundrum, it seems to me we could have a condition that says if it has not been accepted by the Board of Selectmen as a Town road by the time it achieves half buildout, there shall be a sidewalk constructed to Pease Road. You could also make it a double barrel thing if it's not accepted as a Town road by the time they achieve half buildout or if the Superintendent of Schools has not agreed to go down to Ironwood Circle to pick up children, there shall be a sidewalk constructed so they wouldn't have to construct the sidewalk right away but they would have to do it sooner or later if the Selectmen didn't agree or the Superintendent didn't agree. Edgar – That's an open one and as I indicated at the outset,

this is our 4th hearing, we have had 2 site inspections, we have made considerable progress on the main issues and to the extent that the Board after you open it up to the public if the Board feels that the application is ready for a conditional approval, I'd recommend that we have a compliance hearing for the purposes of confirming the satisfactory resolution of the items we've discussed. We'll be making some adjustments to the engineering, we have a substantial amount of permitting to go through and there's a possibility of those permits attaching conditions or making some kind of physical adjustment to these plans is probably pretty real and we also have to have a hearing anyway for purposes of looking at the Performance Guarantee. I think that would be a prudent wraparound mechanism to build into a conditional approval. Kahn – John, in the southern part of the property, I'm noticing on the plan that there is limited common area in the 50' buffer. I thought we had dealt with that earlier on, I thought we had objected to that and that would be corrected. Certainly there's a unit there that would be a good candidate for elimination. Edgar – Would you point that out? Kahn – It's in the bottom left corner. Mark, maybe you can help me out here because I know we certainly had intended to clean up all those limited common area conflicts. Gross – I think what happened, John that did not translate into the site overview plan. If you go to Sheet 9 you can see what we've delineated as the parcel areas for these units would only extend up to the buffer area so it's really a correction on the cross-hatching on those units on this lower corner. It's just a graphic error. Edgar – I spoke with Attorney Somers about that if that overview plan is recorded, I don't know exactly which plan is going to be recorded to distinguish the types of ownership, limited common area and so forth but when we get to that stage in all of this, we just want to make sure we have that issue addressed. Kahn – Many, many hearings and months ago, there was some discussion of buffering the 1st tee or the 9th tee or the 1st green or the 9th green and it was said that it would be buffered. It's somewhere in that same neighborhood I think but what's being done about that. Gross – That area from where the road takes off is going to remain undisturbed in terms of its natural state so there's no cutting, no grading, nothing in that 50' buffer. Kahn – There are trees in there? The next question I had was regarding the road and this gentleman's driveway. At some point there was a commitment made that if he wanted to, his driveway would be relocated, is that still open? Gross – It's still shown on the plan and based on the site walk, it would make a lot of sense based on the proposed grades. That roadway where it's going to end up in a proposed grade is pretty well going to be even with that back area where the driveway leads to. Kahn – It looked to me like it was going to be a good 4 or 5 feet above that area of his backyard. Edgar – Mark if you could check on the grading plan, I think when we were out in the field looking at the proposed grades which did not at this point include a grading plan for the driveway, it looked like there might have been a 4-5 foot elevation difference between the finished road surface and the gravel pad if you will that we'd be trying to tie into. Gross –

On Sheet 13 if you look at where the proposed driveway would be, you've got a proposed elevation on the road of 970, existing grade is about 6 feet so maybe it is about 4 or 5 feet in that area. That's at the driveway. Gross – But when you walked out there if you looked where you were standing, the existing grade on the woods road is eye level when you're standing there looking at this gentleman's backyard. Your eye level is pretty much where it would be a fairly level area from the road into his backyard where the driveway enters into. Gross – The only issue I saw out there is a structure located pretty much in this area that's over the right-of-way line that will have to be dealt with. Edgar – To the extent the abutter wants to avail himself of that option would you be in a position to just do the grading plan to show the transition because we also have the issue of guardrail and some of the landscaping in that area so there would have to be some minor adjustments to the plans just to carry that grading and maybe even a driveway pipe, I'm not sure if you need a driveway pipe or not. Gross – You might if you put that driveway in because there is a drainage swale that kind of runs down along his line. Edgar – It's not necessarily the Planning Board's call but I think to the extent the abutter wants to avail himself of that opportunity, you would be in a position to do the final work on that grading plan. Gross – Right. Obviously, we would need some kind of temporary construction easement from the abutter to do this. Kahn – When I was looking at the intersection between the access road and Pease Road, I agree Pease Road is a problem but we've got a lot of problem roads around here and there isn't too much we can do about it. It seems to me that our local Police Department could make some money out there but they are probably making money on Route 104. There's a telephone pole to the left of the access road that needs moving. It seems to me that pole is going to be a problem in terms of interrupting the sight line, how do we get it moved? Gross – I don't think it's going to be a problem in terms of sight line. It's going to be outside the pavement area and it's not a large obstruction that's going to be a sight line issue. Are you going to have any signs out there at the end of the access road? Gross – No. Bayard – I am an economist but certainly that pole would not have been put there if we were designing the whole thing right now. I too have some concerns about its location and possibly moving it back some which is done occasionally when you have sight distance problems. Worsman – Forgive me, but I'm not exactly sure, when did the sidewalk get eliminated from the entryway. You're referring to the sidewalk that went from where the turnaround is up to Pease Road. Worsman – Correct. Gross – That was at the point where the discussion was about the dropoff for the mailboxes and schoolbuses. If the children are being picked up here, there's no need for a sidewalk going up to Pease Road. Worsman – I think I'd like to premise this on the assumption that the Board of Selectmen is going to approve this section, I don't think I'd like to vote on that based on a Planning Board decision. I look at this as I'm approving this on this level. We need to approve this based on its own merits and putting the sidewalk in is what is necessary to get the children

from your development to the road which is public access. Gross – I'm hearing two things; I'm hearing over here that there might be a condition that the sidewalk be built if in fact the roadway is not accepted by the Selectmen at some point. I will tell you that the roadway has been designed with the side slopes so that a sidewalk can be installed so it's not like you have to go back and create that panel. When we eliminated the sidewalk, we left the grading the same so that panel for the sidewalk will be contracted when the road is built. Colette under the line of thinking that Lou had articulated, it wouldn't put the Selectmen in a box. In other words there would be a contingency that if at the end of the day its not taken over by the Town, the sidewalk as Mark has indicated could be a condition subsequent if you will that finds its way into the mix at a later date. It raises then the question who would build it but it's something that conceivably could be worked out. Vadney – I didn't read her comment as putting the Selectmen in a box, I think she was saying she didn't want the Planning Board to water down its planning process based on something the Selectmen might do so if I think of it that way, the two comments, Lou and Colette, aren't mutually exclusive, Lou's could be included. Kahn – What I was trying to do was avoid and I will give credit to John, this was his idea, avoid building at the developer's expense a sidewalk to nowhere if it's not necessary. Worsman – If the road is not approved by the Board of Selectmen then we put the burden of the expense of that and the installation of it onto those who are buying the property. Someone's going to have to pay for it and if it's not the developer... Kahn – I was suggesting that it be a condition of our conditional approval. If those conditions aren't met by the time you have half buildout, he's still around building the other half. Vadney – Thinking like Bill Bayard over here the economist, it seems plum stupid to build that road and have to wait until 50% buildout to see if you're going to build a sidewalk when you could put the sidewalk in at the same time. Kahn – I have no objection to immediate building of the sidewalk, I was trying to save some money. Kevin Collins – As far as the rounding up issue, I like that because when we first started it said 45' on the town plan and in a couple of meetings it went to 48', 55' and it's 57' between the stakes now, Mark was just saying. Does anybody have the right dimension for that? I have some questions about the pole as well, where are you going to put it? The amount of lighting you're going to put down that entranceway if there's going to be any at all. I also have some concerns about the Station 2 drainage, I guess I'll have to walk it myself and look a little further but I don't ever recall seeing a drain down there. There hasn't been any water running through my property in the 6 years I've lived there that I'm aware of. The proposed driveway like we already went through, it sounds like more of a pain than to just driving up my driveway like I've been doing for 6 years now. It's not out of the question, but I also had an opportunity to go up to the Town and look at all of the plans for the drainage and all the plantings but it says if that driveway is put in at the bottom of my yard, the other one is to be removed and I'm curious as to why that's a big issue. It seems to me like you need

that space for something but I wondered if you had any idea what you wanted to use it for but I'd like to be enlightened. As far as the plantings go that are supposed to be all the way down my side of the property according to the plan, they've got to be 6' high. Are you going to put 10' of fill in there to make that grade going to Pease Road? Where are the plantings going to be? Chris Groleau – My grandmother owned that property back in the 40's. She sold the close to 3 acres that I'm on on the southern part of the entrance to her sister. She in turn sold that to my parents about 5 years ago and they sold it to me. I've grown up here, I can see the stars from my backyard. We've got deer, black bear, turkeys, wild dogs and I moved there because I wanted to be in the country. I didn't want to be next to a subdivision and my concern is you've got 43 units going in. Just think about the lighting pollution, am I going to be able to see the stars again? Maybe that's not a big deal to some people, but it's a big deal to me. You've got the headlights of close to 80 cars that are going to be going in and out of that subdivision and then we're going to have the roadway lights and the floodlights, how is that going to affect the tranquility where I live? As far as the 138 acres that's going to be left on the conservation easement, like I said there's an abundance of wildlife living there now. Can that easement also be used or classified as an official wildlife refuge. Obviously, we don't want any ATV's, I can see a snowmobile trail if there's one already there. The well water, our homes are about 970' to 950' in elevation. The condos start about 930' and go down to a low of about 810' that's a difference of 40' to 160' and our wells go down 250' – 300'. They are already having problems shipping water into Sky View Circle. I would also like to request that my well be monitored for any reduction in water. Also, the 3,600' of road, I'm worried about the salt. The salt that's increased on Pease Road has already killed so many of my trees that are on Pease Road just from the drainage places that are on my property. If they put the entranceway in there's going to be a guardrail on the left on my side so that means the snow if it's to be plowed will be pushed onto Kevin's side and so all that salt will be going onto his property. The noise is an issue. Like I said it's a tranquil piece of property that I live on and I hate to see that get ruined. The minimum of 43 lawns and gardens plus common grounds that need to be maintained, the insecticides and fertilizers and the soaps, people washing their cars, maybe changing their oil in the driveway, you never know what they are going to do so that's a concern. Is the entranceway going to be big enough? What if they need to encroach on our land? Also, I have an old stonewall that's my property line; I want to make sure that's not going to be touched. There are a bunch of trees along that, how many of those are going to be cut down?. How are you going to block the light from coming into my back window? If Kevin decides to get the driveway on his side on the entranceway, does that mean he has to give up his other driveway? If he doesn't have to give up his driveway what's going to keep people from coming into his driveway instead of the subdivision? Like I said, I like living in the country. If I wanted to live in a city I'd move to Laconia. Vadney –

One question that did come up on the site walk and they just pointed it out is to the stonewall that runs beside Mr. Groleau's property, there seemed to be some controversy on where the line was, which side of the wall or in the middle kind of thing and you made the comment you wouldn't be encroaching on anybody's lot, would you be encroaching on that stonewall itself? Gross – Generally the stonewall is defined as the property line and no we would not be encroaching on that. Vadney – You're saying the center of the stonewall in your estimation. Gross – Generally. Vadney – We'll come back to some of these issues in a bit. Bayard – I'm not sure we addressed it, maybe you did at some point in this but are you saying that if the side driveway were built, would the driveway going out onto the highway be removed. (inaudible) Vadney – I think that may have been some perception of the abutter that needs to be clarified. Your intent of putting in the new driveway 100' down your proposed driveway and eliminating his existing driveway is more a question of only having one driveway, less interference for the passing public and only one entryway for anybody trying to get into that zone so to speak. (inaudible) Vadney – Correct, but I think there may have been a fear, I may be voicing this unnecessarily but it seemed he had a fear you were using that and then had some means or intent of encroaching on that existing driveway. That existing driveway is still determined by his property marker and you would do nothing with it and I guess he would let it grow up to whatever but it would be restricted in some way so that people wouldn't make the mistake and people going to your 40 units wouldn't turn in there by mistake, etc. Gross - It seems to me that looking at that it's a steep driveway, the other driveway would make more sense in terms of access and you would eliminate the asphalt on that driveway and it would also eliminate any possibility that someone cutting through the lot to get out to the road. Vadney – It seems to me that if we go ahead and leave that up to them as to whether or not the abutter wants to tie into this driveway, it should be a requirement of us that if they do tie into that driveway that the other driveway would be abandoned in some way so you wouldn't have two driveways basically touching each other. Bayard – I can't speak for him but I think he would potentially find a big problem if he did leave the other one because you could have people trying to bypass what might be some traffic down at the end through his lot and I think that's the last thing he would want to have is people either by mistake or on purpose cutting through his property to avoid that or mistakenly go down the wrong driveway. Obviously, if he doesn't take the side road, then he needs his driveway so it would remain. It might also help on the utility pole issue especially for him. Gross – I think the issue really goes to the driveway access in itself even if this weren't in close proximity to this, looking at that driveway and how steep it is seems to me that it makes sense you would want an easier driveway access. There's no question that today we would not approve that driveway. It seems to me that if we allow for the allowance that you two guys agree to put in a new access for him, it would be something we would

want to abandon that other one and make that the access point. He's still got the frontage, his driveway could come out there. Edgar – I don't have the same degree of reservation that you've expressed. I think once the subdivision is built, I think it's going to be pretty obvious where the road is, it's going to be 20 some odd feet in width with pavement, landscaping and guardrails and the like so to me I'm hard pressed to think that a lot of people are going to mistake that steep little driveway for a subdivision entrance. There's going to be a street sign up there that indicates Ironwood Circle or something so maybe that needs to be aired out a little bit more. Mark, was the DOT permit dependent on any of this? Gross – No. Edgar – There's no question that if we were doing this brand new and if the abutting lot was in the subdivision, we would not have access out onto Pease Road. There's no question about that, they would all be internally accessed but I think it's essentially something they are looking to negotiate and it's not something that this project is necessarily dependent on. It might be a benefit to everybody if they can agree to a grading plan and the drainage plan that works and that kind of thing. I just don't know that the subdivision itself is dependent upon the outcome of that negotiation. Kahn – I'm amazed that we're spending so much time on this. Kevin, do you want two driveways? Do you want one driveway? What do you want? Collins – I just want to make sure there's not some ulterior motive. Kahn – They are trying to give you decent access so that you don't have your cars coming out and their cars coming out and so the people won't turn into you driveway at night. If you want another driveway, they've offered it to you. If you don't want another driveway, keep it but let's get off this subject. Vadney – Your property line stays where it is, it doesn't move. They can't use any of your property. Don Jutton – I'm the guy responsible for this mess and I instructed the engineers to show the driveway because at the first hearing the gentleman testified that he takes his life in his hands pulling out of the driveway now and it's only going to be worse. I don't know what else I can do other than to try and remedy the situation, If he'd like us to take it off the table, I'll do that. I'm not trying to aggravate him, I understand the issue, he's not happy we're going there. I can't do anything about that other than try and mitigate as much as I can. Worsman – Would you be kind enough to address the issue of the screening on the south side of the lot as you're going in as well as lighting. Gross – As far as the width goes, it's a variable width on the ROW, it widens out as it gets further down until it gets to the property and then widens out. Vadney – That is the width right at the property line edge of pavement? It's based on the survey plans, about 55-57 feet. A typical ROW is 50 feet. Vadney – They are claiming 55-57 feet, it may be less or more than that I have no idea. This Board does not adjudicate arguments between abutters on property lines but if you seriously believe that his is less than that, there are civil ways to approach. We can't go any deeper into that here in this situation. Gross – As far as the pole moving, we don't feel it's going to be necessary to remove that or move that pole based on the sight distance that Steve Pernaw presented to this Board

and to the state so we don't feel that's going to be an issue in terms of having to move that pole back. At the Station 2 drainage, as I indicated on the aerial topography and on the USGS there is a drainageway that's shown through that area. Before the woods road was put in that may very well have drained through there, once the woods road was put in obviously it blocked the drainage so it no longer goes on this gentleman's property. What it does is hit the road and travels further south and then goes under the existing culvert. Vadney – And you're planning to keep it going further south. Gross – Correct. At one time you had shown culverts further up the slope that would have drained there. Gross – That's correct. What we were trying to do was maintain the original drainage pattern and then again the removal of the existing driveway, it makes sense that the driveway on Pease would be eliminated for the new driveway on the road. The plantings would obviously be at the top of the roadway slope depending whether there's a sidewalk or not would be adjacent to the sidewalk, in between the sidewalk and side slope. Edgar – The landscape information is on Sheet 5 which shows the plantings approximately directly behind the guardrail more or less at the top of the slope. Kelly Marchek, 46 Sky View Circle – It was my understanding that they were going to consider getting water from the Town. What happened to that? Jutton – We went to the Town with uncertainty with regard to the availability of supply and how the water will be allocated and we've determined we didn't have the time to wait to see if they were going to resolve the problem. Marchek – So in other words the Town didn't think they would have enough water to supply. Vadney – You can't infer that. Marchek – I came from the Detroit area which I consider more of a city and I agree on light pollution. I moved out here and what I'm proud of is I can walk and hit my car and not even see it if I don't have a light on outside so I'm concerned about the light pollution also. Does the Town have an ordinance on light pollution? Vadney – No, we don't particularly in residential areas. We do control some on commercial properties. Marchek – As I understand, you're saying 16,000 gpd to push this. You also commented that you worked on the Sky View Acre one, could you comment to the success of that? Cormier – As I recall, Sky View Circle when it was first constructed, 29 units and I'm pulling from a number of years ago here, regulations were not in place at the time at the DES where they were requiring such things as hydrogeologists such as myself or other folks out there that are in my profession to look at sources of water, test them and assess impacts. At the time from what I understand what was done whoever developed that project actually hired a local well-drilling firm, drilled a few holes and they certified pumping yields of those wells. Without getting too much into detail, obviously the yields didn't supply that amount of water. There are ways of evaluating wells that are much more detailed these days and that is what's going to be required for this project. When I was working for Sky Acres at the time, I was charged with looking at the two sources they had on line, they had 3 I believe and one was decommissioned at the time. They all had declining yields, they were yielding somewhere I would imagine

between 1 gallon and 3 gallons a minute each. There are a number of things that we did for Sky Acres and that was looking at other land area around your small community identifying possible locations for wells that would supply the amount of water you folks were looking for and then other alternatives to try and rehabilitate your wells to get the yield up. The first option was not pursued because obviously the community couldn't take on the burden of buying another piece of property, establish another water source, permitting it under the current regulations at the time which were much more stringent than what you had faced back when the development was first done. So the other option was pursued and that was zone hydro-fracking of one well. What we did was a series of hydro-fractures, it's a method of I don't want to say propping up fractures but that's an easy terminology, essentially it's forcing water under high pressure within _____ zones. We did the zone hydro-fracture and from what I understand for a short period of time there was an increased volume of supply. That continued to decrease which is one of the things that was spoken about before we started this is that may occur given your situation. Within your situation and this will actually speak to some of the points that were made before with the differences in elevation as well. With your situation in Sky Acres, you've got two very low yielding wells that were shown to be very low yielding wells over a long period of time. You were in a 6-acre parcel, you have no real protective radius that's required by the state to establish a new supply within that 6 acres, that's just not going to communicate with another well. Another thing with zone hydro-fracturing what can occur is if you have another well nearby within 100-200 feet and if I recall your other well is about 90 feet away. In all probability what occurred on at least one or more of those individual zone hydro-fractures is that the water, the well's already communicated before we did the zone hydro-fracture, we already knew that. That was established from you folks. That pressure was probably released through a fracture that was connected to another well so this had limited opportunity to succeed. It did succeed for a period of time. From what I understand the last time I spoke with Mal Estell, he had told me there was a leak in the system and you guys were OK again but you're still hovering on barely enough water is that correct? The gentleman testified, Claude, that there were a series of properties that were taken off the community well in favor of individual wells to try and help that situation along a little bit. I think the original number of properties that were hooked to the community wells has decreased in time because of the problem. I'm getting conflicting information from other people who tell me things. Can you guarantee me, I'm at the bottom of the hill, I had to go down 460', can you guarantee me when you put in this new well it will have no affect on my water quality or my rate? Paul Lavoie, 22 Boynton Road – My question relating to this is the first conversation was over nitrates relating to the proposed septic systems that are being put in. My only question would be is that dealing with the limited water in this area with people surrounding and everything, I would just be concerned that doesn't create a problem. I know somebody's going

to look into it but it should be on record. The stuff going into the ground should be looked at too. Bayard – I guess I had some concerns about having a driveway that has 6 lots on it. It's a little wider than a standard driveway, it avoids some setback issues by calling it a driveway. Given that the design has some advantages and we are talking there's a possibility we may eliminate one house, I would have no problem waiving 5 and certainly with 3 because it has two entrances so I consider 4 to be sort of normal for something like that anyway. If we got rid of one unit and it was there that would suit me just fine. Kahn - I hear Bill's comment and I think my motion will have the effect of eliminating a unit but I was not going to select a candidate. It seemed to me that was for the developer to do. Bill can always amend the motion to select a unit. If you are thinking of a number Bill, put it in. I always regret seeing our countryside developed but it's going to happen and this is a case. Public Hearing closed at 9:00 p.m.

Edgar – The issue of no further development in the open space is in the draft. I have asked for a stipulation to be built into the declaration that there be no further subdivision that has been agreed to in writing by the applicant's attorney and that would be what we would be presenting back to you at a compliance hearing so the package essentially for the open space (a) that it be protected in perpetuity, (b) that there be no further subdivision, (c) there be no further development and then you would have a Forest Management Plan that would govern the integration of the environmental concerns and the viewscape work. That would come back in the compliance documents. Kahn – Will those be referenced on the final plans? Edgar – It would be prudent for the subdivision plan that gets recorded to refer to the Declaration.

Kahn moved, I MOVE THAT WE CONDITIONALLY APPROVE 1ST T DEVELOPMENT, LLC, PROPOSED MAJOR SUBDIVISION OF 42 (see minutes for clarification, Page 26) FAMILY CLUSTERED IRONWOOD CIRCLE CONDOMINIUMS, TAX MAP R04, LOT 5, LOCATED ON PEASE ROAD IN THE FORESTRY/RURAL DISTRICT SUBJECT TO THE FOLLOWING:

- (1) A SPECIAL EXCEPTION IS REQUIRED IN ORDER TO PERMIT A CLUSTER SUBDIVISION IN THE FORESTRY/RURAL DISTRICT AND SHALL BE REFERENCED ON THE FINAL PLANS.
- (2) A SPECIAL EXCEPTION IS REQUIRED FROM THE ZBA AS WELL AS A NHDES DREDGE AND FILL PERMIT FOR WETLAND IMPACTS AND SHALL BE REFERENCED ON THE FINAL PLANS.
- (3) NHDES SUBDIVISION APPROVAL AND INDIVIDUAL COMMUNITY SEPTIC DESIGN APPROVALS ARE REQUIRED AND SHALL BE REFERENCED ON THE FINAL PLANS.
- (4) NHDES APPROVALS (PRELIMINARY REPORT AND FINAL REPORT) ARE REQUIRED FOR THE PROPOSED COMMUNITY WATER SYSTEM AND SHALL BE NOTED ON FINAL PLANS. IT IS THE UNDERSTANDING OF THE

BOARD THAT THE APPLICANT HAS AGREED THAT THERE WILL BE TESTING OF A REPRESENTATIVE NUMBER OF ADJOINING WELLS THAT MAY BE BEYOND THE 500' LIMIT.

(5) THE NHDOT PERMIT SHALL BE REFERENCED ON FINAL PLANS.

(6) WAIVERS FROM THE BOARD OF SELECTMEN WILL BE NECESSARY TO CONSIDER TWO LOOPS ON THE PLANS AS PRIVATE DRIVEWAYS. THE BOARD WILL RECOMMEND TO THE SELECTMEN THAT THEY TREAT THOSE PRIVATE DRIVEWAYS AS SUCH EVEN THOUGH THEY HAVE MORE THAN TWO (2) UNITS ON A DRIVEWAY.

(7) THE BOARD OF SELECTMEN NEEDS TO APPROVE THE PROPOSED STREET NAME "IRONWOOD CIRCLE".

(8) APPROVAL SHALL BE MADE SUBJECT TO THE SATISFACTORY RESOLUTION OF FINAL ITEMS INCLUDED IN LOU CARON'S CORRESPONDENCE DATED 8/29/07 AND MR. GROSS'S RESPONSE LETTER DATED 9/21/07 AND PAYMENT OF ASSOCIATED TECHNICAL REVIEW FEES, IF NECESSARY, TO COMPLETE THE REVIEW PROCESS.

(9) THE NHDES TERRAIN ALTERATION PERMIT IS REQUIRED FOR STORMWATER MANAGEMENT, WATER QUALITY AND EROSION CONTROL.

(10) A PERFORMANCE GUARANTEE IS REQUIRED AND WILL INCLUDE: SUBDIVISION ROAD, DRAINAGE IMPROVEMENTS, SITE STABILIZATION, COMMUNITY WATER SYSTEM AND COMMUNITY SEPTIC SYSTEMS. UNIT COST ESTIMATE FORMS HAVE BEEN SENT TO THE APPLICANT'S ENGINEER. THE ENGINEER'S ESTIMATES NEED TO BE SUBMITTED FOR STAFF REVIEW AND RECOMMENDATION. ULTIMATELY, THE BOARD SHALL ESTABLISH THE AMOUNT OF THE GUARANTEE REQUIRED FOLLOWING A COMPLIANCE HEARING. ALTERNATIVELY, IF ALL OTHER CONDITIONS PRECEDENT HAVE BEEN MET, THE APPLICANT COULD BUILD UNDER CONDITIONAL APPROVAL. UNDER THIS SCENARIO, THE PERFORMANCE GUARANTEE WOULD BE LIMITED TO EROSION CONTROL/SITE STABILIZATION.

(11) FINAL LEGAL DOCUMENTS SHALL BE SUBMITTED TO ADDRESS THE REVIEW CONCERNS AND THE RESPONSE IN SOMERS LETTER DATED 9/25/07.

(12) THE PLANNING BOARD DOES NOT MAKE ANY RECOMMENDATION AS TO WHETHER OR NOT THE ENTRANCE ROAD SHALL BECOME A TOWN ROAD, HOWEVER, IF THE ENTRANCE ROAD HAS NOT BEEN ACCEPTED AS A TOWN ROAD BY THE SELECTMEN BY THE TIME OF 50% BUILDOUT OF THE UNITS OR IF AT THAT TIME THE SCHOOL SUPERINTENDENT HAS NOT AGREED TO PICK UP CHILDREN AT THE END OF THE ENTRANCE ROAD, THE APPLICANT SHALL CONSTRUCT A SIDEWALK FROM THE END OF THE ENTRANCE ROAD TO PEASE ROAD.

(13) THE NUMBER OF UNITS SHALL BE REDUCED BY THE NUMBER TO THE NEXT (LOWER) (for clarification see below) WHOLE NUMBER ATTRIBUTABLE TO THE SOILS AND SLOPES CALCULATION WITH RESPECT TO THE LAND SUBJECT TO EXCLUSIVE USE EASEMENTS AND

NO OTHER EASEMENTS OTHER THAN UTILITY OR VIEW EASEMENTS SHALL BE GRANTED WITH RESPECT TO THIS PROPERTY WITHOUT THE APPROVAL OF THE PLANNING BOARD.

(14) A COMPLIANCE HEARING IS REQUIRED TO CONFIRM SATISFACTORY RESOLUTION OF ALL ITEMS SET FORTH IN THIS CONDITIONAL APPROVAL (LOCAL AND STATE PERMITTING, SELECTMEN'S WAIVERS ON ROAD STANDARDS, RESOLUTION OF REMAINING ENGINEERING DETAILS, PERFORMANCE GUARANTEES AND REVISED LEGAL DOCUMENTS AMONG OTHERS.

(15) THE SUBDIVISION PLAN SHALL REFER TO THE STIPULATIONS REGARDING THE CALCULATION OF DENSITY BY USE OF THE OPEN SPACE AND THE FACT THAT THERE CAN BE NO FURTHER SUBDIVISION AND NO FURTHER CONSTRUCTION ON THE OPEN SPACE AND SUCH OTHER THINGS AS JOHN REFERRED TO WITH RESPECT TO THE MANAGEMENT AND USE OF THE OPEN SPACE.

(16) THAT THE UNIT BE TAKEN FROM THE LOOP THAT HAS 6 HOUSES ON IT. ASSUMING IT REMAINS AS A LOOPED DRIVEWAY, OBVIOUSLY THE UNIT OR THE RECONFIGURATION OF IT AS LONG AS ITS REASONABLE WOULD BE UP TO THE DEVELOPER.

Finer – Can you clarify what you meant regarding the number of units? Kahn – I meant to take one out. Finer – It wasn't clear to me. Kahn - It's an example of me being very unclear. Vadney – 42 units. Bayard – I will second that and I'll also propose an amendment.

Bayard moved, Finer moved, THAT THE UNIT BE TAKEN FROM THE LOOP THAT HAS 6 HOUSES ON IT. ASSUMING IT REMAINS AS A LOOPED DRIVEWAY, OBVIOUSLY THE UNIT OR THE RECONFIGURATION OF IT AS LONG AS its REASONABLE WOULD BE UP TO THE DEVELOPER. Kahn agreed to that. Finer seconded. Amendment voted unanimously in favor. 5 voted in favor, 2 voted against (Sorell and Worsman) the amended motion.

1. **TRUE ROAD, LLC AND LACONIA AREA COMMUNITY LAND TRUST** – Proposed Boundary Line Adjustment to transfer 5.0217 ac. from Tax Map S14, Lot 29, to Tax Map U11, Lot 63, located on Boynton Road in the Residential District. Application accepted on August 14, 2007.

Bob Reals, Laconia Area Community Land Trust – I'm joined here by Harry Wood from Associated Surveyors and Brian Vincent from Nobis Engineering. Harry will be speaking about the first 2 items, the Boundary Line Adjustment and the proposed subdivision and Brian and I will be talking about the Site Plan and after that if there is appropriate time, we will talk about the Architectural Review.

Harry Wood – One aspect of this project is to relocate approximately 6 units that are in the existing mobile home park that has been on this site for a

number of years. In order to do that our ordinance calls for 10 acres of land so the first thing that happened on this particular piece of property which was in the vicinity of 12 acres of land was to add some additional land to it. In order to do that we spoke with one of the abutters, True Road, LLC, better known as the Ambrose Family and we made arrangements to acquire 5 acres of land from them to be added to the parent parcel. The map that's on the Board is the one from the previous hearing. The parcel to be considered, Parcel A, shown with the red cross-hatching, is what would be added. This area was not of particular value to them in the long run but was available and adjacent to our property and was a good piece to add to the property to meet the land requirements. The first part of this would be a request for conditional approval of this Boundary Line Adjustment which would not create any additional lots at this time. It would simply make the parent parcel that we're dealing with somewhat larger, moving from the vicinity of 12 acres up to about 17. We have already set markers on there, the purpose for that was so the owner could view what he had agreed to convey and also so the Planning Board in their site walk could observe markers if they so chose. We are asking for a conditional approval on that, the conditions are that the subdivision plan which would be requested later and also the site plan which is part of another hearing connected with this to reach their final approval stage and that we produce the required deed with proof of mortgage release if necessary prior to recording of the plan. Edgar – As Harry has indicated, this is an entire package so the Boundary Line Adjustment wouldn't proceed unless everything else proceeded so a condition of approval would be making this all subject to the same approvals. The deed conveyances are standard package, the Boundary Line Adjustment simply makes a lot larger, the parent lot neither creates a non-conformity nor does it compound a non-conformity so I think from a zoning point of view we're all set. Vadney – In effect, adding 5 acres of land to the 12 that belong to the mobile home park at this time, that 5 acres gives them 17 acres and if this gets approved, then we'll go forward and this will be a conditional approval and one of the conditions will be that the other things get approved. If we turn down the entire project, the BLA is null and void. Phyllis Brewer – If you approve it, they can only put the units that they are saying right now. We can't get any more units. Vadney – This won't change the number of units. Edgar – The densities that are being proposed, the amount of land being acquired under this BLA allows them the density they are proposing but no more, there's no wiggle room in the numbers. Under the current zoning that's where we're at. Public Hearing closed at 9:25 p.m.

Kahn moved, Dever seconded - I MOVE THAT WE APPROVE THE BOUNDARY LINE ADJUSTMENT BETWEEN LACONIA AREA COMMUNITY LAND TRUST AND TRUE ROAD, LLC, SUBJECT TO OUR APPROVING THE SITE PLAN, A DRAFT CONVEYANCE DEED SHALL BE SUBMITTED FOR STAFF REVIEW. AN EXECUTED DEED SHALL BE RECORDED WITH THE MYLAR. APPLICANT'S ATTORNEY SHALL

VERIFY IN WRITING WHETHER LOT 29 IS SUBJECT TO A MORTGAGE AND IF SO, A RELEASE SHALL BE PROVIDED FOR RECORDING WITH THE DEED; THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL NECESSARY PINS FOR PARCEL A HAVE BEEN SET PRIOR TO RECORDING THE MYLAR. Voted unanimously in favor of the motion.

2. **LACONIA AREA COMMUNITY LAND TRUST** – Proposed subdivision of Tax Map U11, Lot 63, into two (2) lots (10 ac. and 7.62 ac.), located on Boynton Road in the Residential District. Application accepted on August 14, 2007.

Harry Wood – This plan represents the second preliminary aspect of this particular application and that is to take the entire property that would be involved after the BLA and essentially divide it into two lots. This subdivision request by itself does not change the number of units; it does not allow them to do anything other than to own 2 pieces of property. One parcel would be 7.6 acres in size and would contain the area which is proposed in the future for additional housing. This particular action if approved by the Board would create a parcel which one house could be built upon if there were no utility improvements. One house per parcel unless you have municipal utilities and things like that which at the present time only the water is available to this particular site. The second lot would be that lot which is intended to contain either manufactured or the mobile homes that are on the site. There would be no increase in that number and as a result of this particular subdivision, there would be no change either. This is a preliminary step that is necessary in order to create the two parcels that will be involved in the site plan. This again would be conditional upon the site plan itself being approved, the object here is simply to have the property be in the proper configuration for the project to move forward if approved by the Board, that's the sole purpose of the application. Again, there may be very minor changes to the subdivision application which again if something happened during the site plan review process that required a line to be moved a small amount that adjustment would be made in the future and the plan represented for acceptance of any change necessary. Again, as a result of this, nothing will change at all unless the entire site plan is approved. Laconia Area Community Land Trust is not going to buy additional land, they are not going to actually acquire the property unless the site plan which is a separate application is actually approved by the Board at some future date but these steps are necessary to reach a point that the project can be considered and looked at for approval. This will carry essentially the same conditions as the Boundary Line Adjustment. Vadney – If I might add to what Harry said looking at that map, they took 12 acres of land, added 5 and came up with 17 acres. That's the outside boundary; you see the entire thing up there. The fat piece in the middle will be one lot and that will have the new Laconia group houses on it, it will be 4 buildings with 8 units in each building, 32 units total. That will be in that center piece. What is now the mobile home park

will sit on a different shaped piece of land. All of the mobile home units that are there today will reside on the left side. Some of them will stay in place and the ones that used to run along that northern boundary will be shifted to a cul-de-sac. They are saying they will be moved. The likelihood that those buildings across the top will physically be moved themselves is low. It's the property rights that are being moved. Bayard – I assume this will require an easement. Wood – Yes, easements would be required and the easements will be required for the site plan in order to be approved so they would be delivered at some future date if required. Again, we're asking for conditional approval of the subdivision but the plan will not be recorded or anything like that unless the site plan is approved. The site plan will require the easements so you will end up with what you are concerned about. Vadney – Right now what we need to look at is just to approve the subdivision of this 17 acres into those 2 funny shaped pieces of land and if that passes, that again will be conditional upon the site plan itself being approved but we need to do this first. Peck - I'm representing Inter-Lakes Mobile Home Park and I think this would be a good time to request a fence separating the properties. Tonight I spoke with Laconia Trust and we are in negotiations and sort of agreement to come back and talk again so what I would like to do is just submit some requests to you people having fencing separating these properties from the top to the bottom. Peck – I represent ILMHP which borders this. Vadney – What would be the purpose of this fence? Peck – We want a fence to separate the properties. Vadney – Why haven't you put one up there previously? Peck – We've never had to have one. Vadney – Why do you need one now? Peck - Because of the influx of a tremendous amount of people. We've had in this past year one fire and the other night we got kicked in. The property is being vandalized because it's just in a spot that's very difficult to control. Vadney – Whose property was vandalized? Peck – Inter-Lakes properties. This is the property that is towards Circle Drive. Vadney - We'll take that under advisement. Paul Lavoie – If there's no necessity of changing the layout, why do we need this change? For something else? Vadney – There's nothing else there, what you're looking at is the 12 acres that were there would not support the changes. They had to add 5 acres to come up with part of the change, once it was reconfigured it was a question of the way the existing mobile home park goes out in the eastern wing and southern wing if you will, it made it difficult to find an area to put their new buildings. Lavoie – Then it's not exactly that you're not changing it, is drainage worked into this. It does get changed; it's not that it's not being changed. Wood – Mr. Lavoie, this step will create 2 parcels of property only if the site plan is approved and the site plan will address moving of units, drainage and any other questions you might have of that type. Edgar – All of the development details will be discussed under the site plan application so this is in essence to create two forms of ownership, one lot could be owned by one entity, one by another and your questions about drainage and what goes where are going to be addressed in the next couple minutes. These are legal proceedings to get to the right piece of property

that we can discuss. Bayard – The only way they would do this is if they were going to proceed.

Bayard moved, Kahn seconded, I MOVE WE CONDITIONALLY APPROVE THE LACONIA AREA COMMUNITY LAND TRUST FOR A PROPOSED SUBDIVISION OF TAX MAP U11, LOT 63, INTO TWO LOTS (10 AC. AND 7.6 AC.) LOCATED ON BOYNTON ROAD IN THE RESIDENTIAL DISTRICT, SUBJECT TO THE FOLLOWING:

- (1) ANY APPROVAL OF THE SUBDIVISION IS SUBJECT TO THE APPROVAL OF THE ASSOCIATED BOUNDARY LINE ADJUSTMENT;
- (2) FINAL PLANS SHALL INCLUDE THE STANDARD NOTES REGARDING WETLAND DELINEATION;
- (3) FINAL PLANS SHALL BE AMENDED TO REFLECT THE EXTENSION OF THE PSNH EASEMENT ON THE 5 AC. PARCEL; AND
- (4) THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO RECORDING OF THE MYLAR. Voted 7-0 in favor of the motion.

3. **LACONIA AREA COMMUNITY LAND TRUST** – Proposed site plan for 32 units of multi-family affordable housing and relocation of seven (7) existing manufactured housing units with related site improvements, Tax Map U11, Lot 63, located on Boynton Road in the Residential District. Application accepted on August 14, 2007.
4. **LACONIA AREA COMMUNITY LAND TRUST** – Proposed Architectural Design Review for 32 units of multi-family affordable housing, Tax Map U11, Lot 63, located on Boynton Road in the Residential District.

Bob Reals – We are making a presentation for the conditional approval for the site design and I want to rehash our August 14th meeting we came in and presented the complete design, we've since done a site inspection last Saturday and I'm going to respond to 4 open points from the August meeting. We walked the complete site last Saturday from Boynton Road around the south side and up the True Road, LLC property line through the snowmobile trail across and back around. We had a mixture of residents, neighbors and interested parties and in addition to the site walk we've also met with Mike Faller of Public Works and flushed out an agreement regarding Boynton Road and what the Town requires on that regarding the width of the road and the sidewalk. We've also talked with Fire Chief Palm regarding the apartment numbers of the buildings. We've talked with Bob Hill of the Water & Sewer Department and the Town's Water Consulting Engineer to determine our 12,000 gallon per day maximum that falls beneath the moratorium limits. We've talked with NH Electric Co-op and they've submitted a very preliminary design that shows no major problems with our current design. Vadney – One question I have is there was an issue at the

last meeting; the real question is how do you justify the numbers you came up with on the trailer park. There's one building out there that is unoccupied, it's an old mobile home and has never been occupied in that location and yet someone asked in the audience last time about whether that was being scored as a unit to be moved and resurrected as a new home. Reals – As far as the history of that unit I don't know if it was occupied, it currently is used as storage. Because it's a 10-acre parcel from a zoning point of view and if we have sewer and water in there, we could have 10,000 sq. ft. per unit so it's approximately 40 manufactured housing units on this parcel so in discussion with the town we agreed because we had to take down the stick built house and we have room for 13 units here with the 10-acre parcel for the ones that we're moving, that would also be counted as an existing unit in that place and in that location. Vadney – John, that's an expansion of the mobile home park in effect. Edgar - Bill hasn't viewed it as that because there's no change in the total number of dwelling units. Vadney – There is a change because that was never occupied. Edgar – The stick built house, I think its currently occupied. Reals – He's talking about the trailer currently used for storage. It looks like it may have been connected at one time. The current owner did not have it occupied, he wasn't allowed to because of the septic but with sewer, he was planning to put 40 manufactured homes in that lot. Vadney – I guess that still begs the question, if that was never occupied as a unit, that was a 9-unit park. Edgar – If it was never occupied and I don't have the personal knowledge, I think the way it's been viewed at this point is these are the mobile homes on the ground, if somebody wanted to switch that out and put in a new one today, it probably would be permitted. Vadney – Somebody up there told me that was tried to be used at one time and the Planning Board before my time disallowed it. Reals – Will Starace, the current owner, approached the Board and wanted to do that but because he had septic in here, he wasn't allowed to add that unit to the current septic. Edgar – There was a discussion 15+ years ago where they were looking at a substantial expansion of the park and that's when the sewer came up and whether or not septic systems would be appropriate in the aquifer area and so forth and the project didn't proceed. I don't think the reasoning for it not proceeding was whether there was an old unit that one way or the other was going to make or break the project. They were looking at the entire property being redeveloped into a bigger park and it got to a preliminary level and didn't go beyond that. I can revisit that with Bill but I believe the understanding was that there is a trailer on the property whether it's used or not, the whole park is grandfathered and in that respect it predates all our regulations on mobile home parks and I think the thinking was that if somebody wanted to replace any of these trailers today, they would be able to switch them out. Vadney – My real question is, is this an additional unit that was never approved and is it an expansion? Edgar – I don't think we have an approval for the property because it predates everything so what you've got out there is what we're starting with and the only change if you think of it from the point of view of the trailers that are there and the house

that is there, there's a certain number and they are taking down the house and replacing that with a trailer so in that context there's no net gain in density. Whether one of the trailers has been discontinued for a long period of time and hasn't been occupied and to what extent that factors into the numbers, my understanding is that it doesn't. Another thing to keep in mind is that when the house comes down and all of this upper block gets relocated, all of that gets brought into compliance. Every unit that gets reconfigured Bill's required that they meet all the spacial requirements of the ordinance. Vadney – That's not the question, it's a question of total number of units. Edgar – So if it was being expanded, it meet the 10-acre minimum and anything that's changing that's not grandfathered as to its location on the ground is brought into compliance. Vadney – The question is the number of units, does it need to be approved by the Planning Board? Edgar - I don't believe it does. From Bill's point of view this is the number of units that are on the ground, those that are being reconfigured have been required to be brought into compliance with the park ordinance. Reals – The 5 points that I came across from the Planning Board meeting in August a neighbor wanted a 6' fence and Brian will address where that is going as per the request. The trails on the property were questioned and that will come up as far as comments from people on the site tour. Water was in question as far as the lead certification we will have low-flow shower heads and other appliances so we'll minimize our water impact on the Town. Recreation areas have been marked as general playing fields for kickball, playing catch and there's also two basketball hoops as you know from a prior meeting. I also should bring to your attention that LACLT forwarded a listing of our properties in Laconia and made them available for residents to tour. We are different than the Laconia Housing Authority. The Laconia Housing Authority has over 300 Section 8 vouchers, a number of apartments in Laconia including Blueberry Place on Blueberry Lane and their high rise at Normandin Square, the former Scott & Williams building, but that's Laconia Housing Authority, that's not LACLT. Those are the points that I saw carried over from the August meeting. Reals – These 6 manufactured homes will be relocated and an additional 1 for the occupant here because the stick-built house will be taken down. We've had two or three meetings with the current residents here. Three of them rent and we will become the owners of their rental units. We're upgrading all of their units as John said to full compliance with state and local regulations and then the entranceway will come basically where the mailboxes and pine trees are, it will be wider, it will be offset off Blaisdell's home, you can see the existing driveway just to the south of that. They'll come in and the sidewalk will be right where the porch is on the stick built house. To the left you'll go to two buildings, straight ahead you go to two buildings and then to the south you go to the cul-de-sac for the relocated manufactured houses. Edgar – Brian, are you going to go over the site plan? Brian Vincent – I'll just talk about some technical aspects of the project starting with drainage. We're looking at using two infiltration ponds on the project that would be situated in this area and the other down in the

lower area (pointed out on plan for Board and public). The water would go from the parking areas into these ponds and also along the roadside swales into the ponds using open and closed drainage systems. A stockade fence would be located in this area and then gets picked up by a 4' high chain link fence along this boundary line. The stockade fence is about 6' tall. Vadney – You're currently proposing to put a stockade fence along whose property line? Vincent – That would be Lafayette Kimball. It happens to be that the 4' high black chain link fence is also adjacent to Lafayette Kimball's property and that 4' high black fence is also adjacent to Carol Blaisdell's property. Vadney – But stockade running along the length of the property. Vincent – Yes, the southern portion of Lafayette Kimball's property. Vadney – Then it also goes across the back end of Lafayette's property. What is proposed behind the buffer around the new cul-de-sac. Vincent – No fence. Just a wooded buffer. Along the edge of this property which is the north edge and there's 4' high black chain link fence proposed in that area and the abutter there is True Road, LLC. Bayard – Is that along the entire length? Vincent – Probably 400'. Another aspect of the project is we are extending a sewer service from Route 3 area all the way up Boynton Road and then that would extend out into the project and service all of the proposed units in the facility. I think that's everything for utility related concerns. Edgar - The multi-family use that's being proposed for the 4 buildings that have 8 units per building requires a Special Exception from the ZBA. The issue of water appears to be addressed and with the nature of that issue being as it is, I have requested in my staff review that an approval if there is one to be made would be made subject to written confirmation from the Board of Selectmen that water would be available for the project just to eliminate any potential uncertainty in the future. Bob has been working closely with Nobis Engineering. He had given a detailed staff review initially. The applicant has responded item for item, Bob has not been able to review the revised plans. I anticipate they are in compliance with his review comments based upon my review of the letter but here again I would encourage the Board that if it is to make an approval that it be subject to the Water Department signoff on the final plan. In the prior staff review we encouraged the applicant to touch base with the Co-op to look at a preliminary electrical layout. That work has been done and I've recommended that the final plan set include the final electrical plan and ask that Brian confirm that there are no conflicts between the utilities and the site plan, look for potential conflicts between underground drainage and underground electric and make sure we don't have any conflicts from your point of view. The connection to a Town road requires a DPW permit and is part of Mike Faller's review he has met with Nobis and gone over the location of the entrance as well as the recommended improvements to Boynton Road. There is a letter in your packet to the effect that Mike has had a meeting with Nobis Engineering and has resolved what Mike's concerns were in terms of any reconstruction of the road needing to deal with the drainage concerns that he's been chipping away at as well as providing pedestrian access to the Route 3 bus stop. It's

a tight fit, we have a limited amount of ROW but the engineer and the DPW Director believe they've been able to make that work. The proposal is dependent on the sewer and these improvements and as a general matter the Board has the authority to require these improvements necessitated by the development, however, as I've noted in prior projects, the Board of Selectmen is ultimately the custodian of the public ROW, therefore, concurrent approval from the Board of Selectmen authorizing these improvements to the public ROW is required and should be considered a condition precedent to final Planning Board approval. I'd like road there may be a couple locations along the Boynton Road area where they may need small amounts of easement area for these improvements. There have been preliminary discussions with the property owners and my understanding is that those are positive but that would all need to be confirmed through the final design process and the Selectmen's acceptance of the road improvements. A trip generation analysis has been submitted. The analysis concludes there would be a significant addition of traffic on Boynton Road as a practical matter compared to the relatively low volumes that are there currently. The engineers concluded that the operations of Boynton Road or the Route 3 intersection would not receive measurable impacts. As a practical matter for people living on the road you're certainly going to see more cars but from an operations point of view the road and intersection would operate reasonably. The engineer looked at the sight distances at the intersection of the proposed intersection and has concluded that the proposed sight distances would be sufficient for the speeds on the road. As it relates to stormwater, Brian indicated there would be a series of techniques being employed on this project to try to get as much stormwater back in the ground as quickly as possible. Colette, if you recall the presentation we had from Jeff Slosch on some water quality issues, he had indicated that's one of the current trends and thinking is to try to get the groundwater back in the ground if you have the soils to accommodate it. The torturous hearing we went through earlier tonight is an indication when you don't have soils amenable to that because of the high water table. In this case we have a very flat site and very sandy soil and so the site is conducive to what are referred to as low-impact development stormwater techniques. The runoff will be conveyed to a series of basins and swales and directed into the infiltration basins as well as gravel trip edges designed to receive the roof runoff which is generally considered clean runoff and the idea is to try to get that back in the ground as quickly as possible. Backing us up on all of this, there would be a need because of the amount of disturbed area that's involved, there would be a need for an Environmental Services permit having to do with terrain alteration and the terrain alteration permit would look at all stormwater related issues including water volume, water quality, water quantity as well as erosion control. The site is relatively flat and so from a performance guarantee point of view we wouldn't expect a significant amount of funds needed to be reserved for that purpose. Parking summaries have been submitted and I've raised the question before whether

or not there is a need for any additional overflow parking in either facility. A revised landscape plan has been submitted and in your packet its referenced as Sheet L-1 and that landscape plan has been revised to include landscaping for the relocated mobile homes that was omitted in a prior submission. It is my understanding that there's no outside fuel storage for the multi-family units, as well as the fact that the mobile homes would continue to be responsible for their solid waste pickup, which is currently the practice. We have standard language on performance guarantees that would be necessary as well as standard language on draft easements. This was an issue that was raised earlier during a discussion of the subdivision. We do have a mobile home park proposed for one lot and a multi-family used proposed for the other. There is a shared use of a sewer line and water line, there is a shared use of the driveway and shared use of drainage so without trying to enumerate every one of those, one lot will be burdened by the benefit that's appurtenant to another in each of those instances so if either property were to no longer be under the control of the Laconia Trust the residents in each project and the owners of each side of the line would have the full rights to maintain what they need to maintain in areas of sewer, water, access and drainage so that would require a bit of lawyering that needs to be submitted to us and reviewed. Apparently there were questions about ownership that are addressed in the correspondence to the Town from the August hearing. If you go to Page 97, the next to the last paragraph addresses the issue of ownership which apparently came up at the hearing. In the next bullet down, they addressed what is affordable housing, what are the income levels that we're dealing with and what are the rents. The applicant indicates that the rents depending on the income level could be as low as \$600.00 for a one bedroom and as high as \$950.00 for a 3-bedroom. The ownership and affordability criteria are set forth on Page 97 and 98 of the packet. Bayard – Currently, it looks like it goes across the Blaisdell property. Wood – There's an easement of record that was granted by Lucy Blaisdell, prior owner of that particular property, and it allows the driveway to be in the position that its shown and indicates there was to be a fence maintained between that road and the dwelling and that fence is in place at the present time. There were some stipulations that if the fence was not maintained over time, then the driveway would be moved to the north side of the present driveway and they would not be able to use the present one. In effect, that is what we're doing with this realignment. We're moving the driveway further away from the dwelling in that area and that would be covered by that prior document as far as that goes. We're also moving the entranceway off of Boynton Road so it becomes for all practical purposes a STOP. At the present time the driveway coming out of the park is treated as if it's a straight line and they drive out many times without stopping or looking and I think some of the abutters spoke to that at a prior hearing. Bayard – There's 3 nice trees that I'm concerned about but I suppose... The sight line is a little better in some respects where it is now and I don't know if there is any way you could engineer that to move it over just a little bit to pick up

some of that sight line or not. Reals – We’ve been back and forth about the roads, the entranceway and we’ve had it going through the stick built house one time and we had it staying where the current ROW is and we settled on the middle mainly to get right angle STOP sign there. If we move it over too much, we lose the right angle and we really want the traffic to slow down before they enter Boynton Road. Kahn – I spoke to Mr. Reals about expanding that 4’ chain link fence to 6’, I could almost fall over a 4’ fence so I’d like to see that come up to 6’ because I want kids to stay out of those dirt piles. Reals – We would be willing to upgrade it to 6’. The fence runs from this wetland where there’s elevation across to this line here and we can make that 6’ chain link. In addition to our prior discussion with Crosby Peck, we are agreeable to do a 6’ chain link fence along the property line approximately 600’ to the elevation here to limit traffic into his land and the PSNH ROW. We would not be extending that to the elevated area where the snowmobile trail that goes to The Mug Restaurant is so that corridor would still remain open and he was acceptable to that. We are still proposing to have our interior trails to allow us to walk this recreational area if the Board accepts that. I heard John and Mary Connelly would like a fence, we can do either a chain link or stockade if you prefer, we’re open to that. The only reason we’re doing a 4’ fence here is to keep the Blaisdell’s grandchildren from going into the street. Kahn – The pillar at the STOP sign on Boynton Road by the cemetery blocks the view. That and the power pole really obstruct the sight distance to the south. Vadney – What is that pillar, John, part of the cemetery? Paul Lavoie – There is no other access of that property? There’s no way of connecting Circle Drive or Ambrose Road? Mary Ellen Connell – My family and I have lived at Kelly Lane which is right off Boynton Road for almost 20 years now and I know you talk about the engineers looking at the amount of traffic coming in. No matter what you say, there’s going to be a lot more traffic on that road, my boys wait for the bus down there, I’m concerned about that. We’ve had a private lot for almost 20 years now, we’re surrounded on 3 sides by all the forests and now our backyard is basically going to be the mobile homes so if it’s open for your consideration, we definitely if this goes through would love to have a 6’ stockade fence. I don’t know how many of you were on the tour but we’ve had so much privacy, our whole quality of life is going to be changed and I’m not happy about it and I want to go on the record as opposing the project. Are those ongoing discussions as to whether the project will be contributing some of the costs for the water and sewer extensions? Reals – The current plan is the Town has submitted an application for a CDBG grant for \$500,000, \$475,000 net. That grant is subject to consideration based on how this meeting goes and other meetings and assuming we get that grant, we will be contributing that money \$450,000 is our estimate to bring the sidewalk down, the sewer down and resurface the road so that’s pretty much a 1-for-1 swap and we’ve made a commitment to Public Works and also Water & Sewer that we would be making that contribution to fund that. Bayard – Was any of that money going toward the water system upgrades?

Reals – No, there won't be anything left. Bill, that was a different project. The senior living project up on Upper Mile Point that we've been considering, their numbers don't fall beneath the threshold, there are negotiations that are going on relative to that issue and they are in the discussion stages with the Water Department about making improvements to the water system. That's not this project. The applicant is responsible for paying for the sewer and water extension into the park, the sidewalk and the road resurfacing. There is no negotiation with respect to water system improvements for this project.

Luann Breen – I'd like to also go on record as opposing the project. Lou, you made a comment that things are going to happen, its inevitable that developments are coming but you all have the power to stop it. The pollution with the lighting, the traffic and people upsetting people's lives that they've had for 20 years, it's not fair and you have the power to stop it and I think you should vote no.

Lafayette Kimball, 27 Boynton Road – That's fine that you guys want to do all this and you're talking about moving these other trailers that some of the people own and they are too old to move and you're going to impose a big mortgage payment on them on top of park rent. Why should they have to do that? As a developer, we could come in, buy this acreage and give them 18 months and ask them to move their trailers. Our mission is based on affordable housing, we're not going to ask anybody to assume any mortgages. If somebody owns a unit and can't upgrade it to Town standards and state standards, then we will fund that and we will leave our cash in that property that we will recover when that property is sold so we're not asking anybody to take on any additional debt that they can't afford. If somebody wants to own a home, one of the rental properties is interested in buying a new home, then we are gong to arrange for financing so they can buy that home at a discount and preserve their current neighborhood.

Kimball – It's the people that own some of these trailers, they are old trailers and all they can afford, they are already paid for and you're going to impose a big mortgage on them or you're going to tell them to get out of the park.

Vadney – He has just told you he is not going to impose a big mortgage on the, what more can he say?

Kimball – I just think there's got to be something going on there. On the fence, where did you say the fence is going to go? All the way up to the corner of my property?

Reals – We can go into details briefly. We have a stockade on the new portion and then we were going to go chain link for the second half. This is an existing condition so we thought the stockade, you have a view of the lawn, we have a view of your lawn and we thought you wanted to keep it. If the Planning Board approves it, I'm OK with it.

Kimball – Who do you have to have an easement from, you said you need a few easements?

Reals – We will be getting an easement from ourselves if we own both parcels. We already have the easement from Blaisdell so this parcel will give an easement to that parcel and visa versa.

Phyllis Brewer – I've been on Boynton Road for 22 years. Everybody's asking for fences. You guys must have rooms that are 12' x 15' or whatever just so you can get a visual idea, well my house is now the first house when you drive down Boynton Road right after Kelly Lane and

I was told they are going to take 5' from the crest of the outer edge of the pavement and go 5' into my lawn and that's going leave me maybe 14' from the road to my house. I was talking with my son about it, what if somebody loses control, they are going to wind up in my dining room. Everybody wants their fences, what can I do to protect my home. I could probably put my hand out and collect tolls. I didn't realize the road was that short. He had explained to me that the road had to come out to 18' or whatever and it did go from 18 and as it goes down towards the Blaisdell's it had narrowed. I understand it is a ROW because the original road was this. Now we're talking about 32 more homes on the property. I haven't had a problem as far as somebody losing control but now you're talking about more traffic. During the winter with the plowing right now, we have a hard enough time going by each other and that's a concern. I feel a legitimate concern. Vadney – Have we ever put any stipulations, we could put bollards there to keep people out. Edgar – I think I'd turn the question back to Brian for his consideration when we do the final road plans as we do the final detail work for the roadway in that area. As we've done in the past when those final engineering plans are altogether based upon Mike's review and their review bring them back at a compliance hearing. A public hearing so you'd have the possibility to see what the final resolution is being proposed for that issue. Vadney – We will have the engineering people work with you to see what would be acceptable to you from the looks standpoint and the safety standpoint. Matt Goodwin, 40 Boynton Road – Obviously, there are some things that are in your purview and some things that are not, especially listening to Mr. Groleau from the prior meeting. Just as a comment, obviously this will vastly affect our lives on Boynton Road and we're the very last house on that road so we will be dealing with 9 months to a year and a half worth of construction between the logging and then materials and tearing up the road. To the gentleman from Nobis, you had said that sewer goes all the way down. My last understanding was that is not the case, you stop the sewer and then there's a stub so if you want to do it further down, that would be something else. That's actually more of an inconvenience for us because we are not seeing the benefit out of that but as I said obviously we enjoy our quiet life that's why we live on Boynton Road and I understand there are only so many things you can do about that. We've been trying to think about what is in your purview. First, for the record, if this is approved and built, the additional land that is not developed in this plan cannot not further be developed either commercially or residentially is that true? Vadney – yes. And that is on the record? This is kind of a general question, what is the perceived or likely affect on our property values from you building something like this? Do you have any anecdotal events from your other projects? Reals – I don't know what the case is in Meredith but I can speak in Laconia, we typically have brought into areas such as this manufactured housing park area and we've been able to improve the conditions which improves the resale value of people's homes. How that is translated into taxes, I don't know. Goodwin – That's basically an opinion or

is there any data anywhere to back that up. It's very idealistic, but it doesn't play out. Is there any actual evidence that we can point to that this will bring up the value of our properties. Our perception right now is this is not a great thing in fact it may affect our property values so we are definitely concerned about that. The traffic is going to be a very severe issue. You've seen the size of the road, it's a very quiet road now and we are talking about space for 64 vehicles between the 32 units, 2 parking spaces per unit so that's definitely a concern to have 64 new vehicles. To add onto this though, do you think that's actually sufficient parking for what could possibly be up to 146 new people in this affordable family unit and that's just assuming you can control the units and you say you can, meaning keeping the limit of 2 people per bedroom. Let me add to this, you are on snowmobile trails so you should plan that you're going to have ATV's, motorcycles and maybe someone who wants to have bicycles, dirt bikes, etc. Reals – Laconia Community Land Trust currently our largest property is 18 units and is similar design by the same architect and we do not allow anything other than registered cars on the lots and we will not be allowing any additional recreational vehicles for the multi-family portion. We are intending to have the manufactured housing park set up as a coop and the coop would set its own rules and regulations as permitted by the Town and state. We believe the parking is sufficient based on our other 100 units. We have typically single parents with 1 or 2 children and it's typically one car in a 2-bedroom so you're welcome to drive by 117 or 115 Union Avenue which is again like this and the parking lot's never more than $\frac{3}{4}$ full. Vincent - I'll also add that this current parking arrangement exceeds the Town's requirements. Goodwin – I only bring this up because in the August meeting this was actually a big deal for another issue. You're into it now, you have the ability now to control this as far as if you think this is sufficient parking especially where you have 3-bedroom units. Obviously, these are rental units and I know we've discussed with various members of the Board sort of off to the side and you folks tend to think this will be police officers, fire fighters, teachers, etc., all very noble but these are rental units, how are you going to control who is eligible to rent here? You have mentioned before this is going to be affordable housing, but are you saying then there are people you would not accept because they make too much money. Reals – These multi-family units will be paid for by Federal tax credits that have a 99-year restriction on how they can be rented and included in the Board's packet are the rental figures, \$600 to \$950 and income guidelines \$20,000 to \$2,000 but I'd have to look at the number.

There's a range of income levels, once someone comes in there as an entry level professional, they can stay in there if they choose to if their income goes beyond those guidelines. We do as part of our application do credit checks and criminal checks on our applicants and we do have vacant units when we can't find applicable people that are going to be not only good neighbors to the neighbors around here but good neighbors to the neighbors within the development. Carol Cassell – What is going to happen to the

mailboxes on the corner? Reals – We have talked with the Postmaster and we'll make arrangements with the people along the street that have boxes there to come up with some arrangement. All the boxes for these homes and the manufactured homes will be on the site. There will be a box with locks. Ours are going to be changing? Reals – If the road is coming through here, yes and we'd have to talk with Postmaster to determine where they would allow location of your boxes. I will be glad to work with you with relocating the boxes. Those of us who are across from that park, how much of our place are you taking. What are we losing? Reals – On the north side of the street, I believe the ROW and the existing road will maintain that same line, it will not be going any farther north. There will be a sidewalk of 5' added from the corner of the road into the road so the sidewalk according to Public Works, Mike Faller, would like the sidewalk on the north side of the road. James LaBrie's house will have a 5' sidewalk additional space than he currently has to the road. Cassell – The road will be extended on the south side. She loses in her dining room and that's not fair either. Reals – I've talked to both her and the Blaisdell's because it will take part of their lot that is in the ROW. Cassell – I'm concerned that the bunch of pine trees right there will be taken down and that leaves my pine tree by my place and that means my tree will be coming down, where is that going on my house, my neighbor's house. That one tree is not going to be staying there if you take those other ones down so that's a problem. I can't quite believe you have all of this extra land and you're not going to do anything with it because you can get an whatever you call it an amendment or something and yes you can put in some more and then we're going to have even more and we can't say anything because it's too late because we already let it go through. Anybody that's up there can say, as she said, can say "no" and if this was in your backyard, you would not be hesitating, you would be saying "no" it's not going to be here. There are a whole of problems that are going to be with all these extra people. Talking about a fence, I would like one right in front of my place to keep them over there. I think you might just as well block that whole section right in if you're going to have them and you can live with them I don't care, but block them because we are getting overcrowded. Are we a city or are we a town? We're getting so overdeveloped and it's too bad and I'm still worried about the poor animals. They don't have much place to be. Are you going to build a place for these animals to go? Zach LaBrie, 30 Boynton Road – If you put in a sidewalk 5' into my property? Reals – Into the road, from the road line into the road 5' so you'll have a buffer with a granite curb along that so you'll actually have more protection for your children and the like. I have a specific question for you, you say your mailboxes are going to be internal, did the Postmaster agree to that? Reals – In my one meeting with the Postmaster, he did say he wanted them interior, he didn't want it out on the road. Edgar – You want to make sure you clarify with him that this is not a publicly maintained accessway because he may have a different view of that. Vadney – We've run into the opposite with him and if it's a private road, they won't put them in there. Edgar – What

they've allowed in some cases as long as it's not real far interior, they just don't want to go way down a private road so you definitely want to follow up with the Postmaster on that and reflect the resolution of that on the final plans you will be bringing back to us. Vadney – I think we have a number of issues on the fence, I'll leave it to John to go around the property and figure out where there's a 6' stockade and a 4' chain link. Edgar – Let's do it right now, I think the line with the ILMHP was going to be 6' chain link, the Connell line was going to be 6' stockade, we were going to continue the 6' stockade around the Kimball property, it's the right-hand jog and then heading straight up to the corner and then up back where we're showing a 4' chain link because of the concern of the dirt piles there was an agreement to raise that to 6'. Is that your understanding, Mr. Chairman? Vadney – Yes. Kahn – I took them up on the list of properties in Laconia. I didn't go into any of those properties but I did visit every one of them and they all look clean and neat and my own view is it's going to add a lot new residents in the neighborhood but I think its going to be an improvement in terms of looks anyway. Cassell – When do we become a city. Vadney – That's a little too long to go into but it's the number of people and the way you vote to manage your government and I don't think we want to go there for the time being. Reals – I would be interested in the Board considering conditional approval of our development site design Public Hearing closed at 11:59 p.m.

Kahn moved, Finer seconded, I MOVE WITH RESPECT TO LACONIA AREA COMMUNITY LAND TRUST SITE PLAN REVIEW FOR (A) RECONFIGURED MOBILE HOME PARK AND (B) 32 UNITS OF MULTI-FAMILY HOUSING, TAX MAP U11, LOT 63, THAT WE CONDITIONALLY APPROVE THE SITE PLAN SUBJECT TO THE FOLLOWING:

- (1) THE PROPOSED MULTI-FAMILY USE REQUIRES A SPECIAL EXCEPTION FROM THE ZBA. FINAL PLANS SHALL CROSS-REFERENCE THE ZBA APPROVAL.
- (2) ANY APPROVAL SHALL BE MADE SUBJECT TO WRITTEN CONFIRMATION FROM THE BOARD OF SELECTMEN THAT WATER WILL BE AVAILABLE FOR THIS PROJECT.
- (3) APPROVAL SHALL BE MADE SUBJECT THE WATER DEPARTMENT'S SIGNOFF ON FINAL PLANS.
- (4) THE FINAL PLAN SET SHALL INCLUDE THE ELECTRICAL PLAN AND THE ENGINEER SHALL CONFIRM THERE ARE NO CONFLICTS BETWEEN UTILITIES AND THE SITE PLAN.
- (5) A DPW DRIVEWAY PERMIT IS REQUIRED.
- (6) APPROVAL IS SUBJECT TO THE DPW SIGNOFF ON FINAL PLANS FOR BOYNTON ROAD IMPROVEMENTS.
- (7) TO THE EXTENT THAT WE ARE REQUIRING OFF-SITE IMPROVEMENTS TO THE PUBLIC ROW, APPROVAL FROM THE BOARD OF SELECTMEN AUTHORIZING IMPROVEMENTS TO THE ROW IS REQUIRED AS A NECESSARY CONDITION TO FINAL

- PLANNING BOARD SITE PLAN APPROVAL. WE RECOMMEND THAT THE BOARD OF SELECTMEN AUTHORIZE SUCH IMPROVEMENTS TO THE PUBLIC ROW.
- (8) AN NHDES TERRAIN ALTERATION PERMIT IS REQUIRED AND SHALL BE CROSS-REFERENCED ON FINAL PLANS.
 - (9) A PERFORMANCE GUARANTEE WILL BE REQUIRED TO GUARANTEE SATISFACTORY SITE STABILIZATION, CONNECTIONS TO MUNICIPAL MAINS, ROAD RESTORATION (BOYNTON ROAD) AND RESTORATION OF SERVICES FOR THE MOBILE HOMES. THE DESIGN ENGINEER SHALL PROVIDE A UNIT COST ESTIMATE ON FORMS PROVIDED BY THE TOWN. STAFF WILL REVIEW THE ESTIMATE AND MAKE A RECOMMENDATION TO THE PLANNING BOARD. THE PLANNING BOARD SHALL ESTABLISH THE AMOUNT OF THE GUARANTEE FOLLOWING A PUBLIC HEARING. 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.
 - (10) DRAFT DRAINAGE, ACCESS AND UTILITY EASEMENTS NEED TO BE SUBMITTED FOR STAFF REVIEW. THE EASEMENTS HAVE PARTICULAR IMPORTANCE AS THERE ARE TWO LOTS WITH POTENTIAL SEPARATE OWNERSHIP.
 - (11) FINAL PLANS SHALL NOTE THAT SLABS ARE REQUIRED FOR ALL RECONFIGURED MOBILE HOME UNITS.
 - (12) FINAL PLANS SHALL NOTE THAT THE INTERNAL DRIVES, DRAINAGE IMPROVEMENTS, AND PARKING ARE TO BE MAINTAINED PRIVATELY BY THE OWNERS.
 - (13) THE ROAD IMPROVEMENT PLAN SHALL BE SUBJECT TO A COMPLIANCE HEARING.
 - (14) THE FINAL PLAN SHALL NOTE THAT THERE SHALL BE NO FURTHER SUBDIVISION OR CONSTRUCTION OF ANY FURTHER HOUSING UNITS ON THESE SITES.
 - (15) SITE PLAN APPROVAL IS SUBJECT TO ARCHITECTURAL DESIGN REVIEW APPROVAL; AND
 - (16) THE PLANNING BOARD RESERVES THE RIGHT TO REVIEW AND AMEND.

Voted 7-0 in favor of the motion.

Reals – This is an elevation for the multi-family with the 4 buildings and this is an aerial view of the 4 buildings plus the 13 manufactured houses and this is the plan submitted for Architectural Review. We believe they are in keeping with the various characteristics published in the architectural guidelines for the Town. This basically is the actual color we're proposing, a two-tier color, a light below and a dark above. Breen – Can our fire apparatus get up to that height? Vadney – Yes, that will all be worked out, we have limits on heights. The Fire Chief has reviewed all

of this. Breen – We have all that equipment now? Edgar – It’s a two-story building.

Finer moved, Sorell seconded, MR. CHAIRMAN, I MAKE A MOTION THAT THE BOARD FIND THAT THE PROPOSED DESIGN DEMONSTRATES SUBSTANTIAL CONFORMITY WITH THE GENERAL AND SPECIFIC CRITERIA SET FORTH IN THE ORDINANCE AND THAT WE APPROVE THE ARCHITECTURAL DESIGN REVIEW. Voted unanimously.

Vadney – We share your concerns about the growth in the Town. Some of you I suspect believe we can control more than we can. Property owners have rights and we have to work to balance the needs of the existing residents versus the property developers who want to do more so our hands are tied to a large degree. We do try and add and I can’t guarantee anything for a 100 years but as ironclad as we can make it and almost a perfect guarantee, there will be no further subdivision or development on that thing you brought up. We do what we can on that and that’s one of the things we think we’ve given you, we’ve given you the fences as much as we can. The idea that we could let that land sit and not have something happen to it is a near “0”.

Meeting adjourned at 11:04 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant
Planning/Zoning Department

The above Minutes were read and approved at a regular meeting of the Meredith Planning Board held on 11/27/07.

s/William Bayard
William Bayard, Secretary