

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary; Flanders; Nardone; Bliss; Kahn; Granfield; Touhey; Edgar, Town Planner, Harvey, Clerk

Sorell moved, Kahn seconded, THAT THE MINUTES OF SEPTEMBER 14, 2004, BE APPROVED AS PRESENTED. Voted unanimously.

### PUBLIC HEARINGS

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

Latchkey Charities is the owner of a building on 92 Main Street at the corner of Lake and Main across from the Library. The existing building has been somewhat derelict for five years and we were able to come to an agreement with the owner to purchase the building for the purpose of getting it back on the tax roles at some increased revenue to the Town and to make it look a lot better and to make it functional as a member of the community. It has been empty quite awhile. Prior to that it had housed apartments, offices, stores, a restaurant and it had even been the Town Hall at one point in time. Chris Williams from Christopher Williams Design has put together this design for the building. We came 6 weeks ago or so and didn't have a full plan of the block which we now have and there were a couple of other things that the Board wanted to see on that plan regarding the history. The survey was distributed to the Board. The building is entirely on the property. The survey notes in the left-hand corner talk about the existing building which has historically been a mixed-use structure consisting of retail/office space and apartments. Most recently, the building housed 2-2 bedroom apartments, 2-1 bedroom apartments and retail/office space. The building historically has occupied the entire lot and has required all parking to be off site which will be the case for the existing remodel. There will be no external refuse storage and the structure, by deed restriction that was put on by the seller, will not allow it to be a restaurant, bar or any food service or liquor service kind of business. The design is to keep what the historic structure looked like. We know that this building was there in 1898, but I don't know exactly when it was built. It seems to be one of those buildings that because it's been in disrepair for so long, people don't seem to really notice it any more, but it really is a very visual and focal part of the community as you drive up Main Street. Chris has kept the original look,

designed a front porch with a side entrance to it and we think it will be a plus to the Town. It was a good paying member of the Town years ago, it should be and can be again and so we are here to ask for this architectural review to be approved. Kahn - There was some discussion the last time about whether or not you could work in handicap access in on the South side of the porch. Has that been worked out? McLearn – Yes, the main entrance will be handicap accessible. That was supposed to be a note on the plan. I will resubmit the plans with that note on it. Hearing closed at 7:12 p.m.

Flanders moved, Kahn seconded, THAT WE APPROVE THE ARCHITECTURAL DESIGN FOR FACADE IMPROVEMENTS ON AN EXISTING COMMERCIAL BUILDING, TAX MAP U06, LOT 81, LOCATED AT 92 MAIN STREET IN THE CENTRAL BUSINESS DISTRICT AND THAT A NOTE BE ADDED TO THE PLAN TO INDICATE THAT THE MAIN ENTRANCE WILL BE A HANDICAPPED ACCESS AND THIS CAN BE HANDLED ADMINISTRATIVELY. Voted 7-0 in favor of the motion.

2. **PATRICIA NESTOR:** (Rep. Carl Johnson, Jr.) (Flanders stepped down, Granfield on Board) - Continuation of a Public Hearing held on September 14, 2004, for a proposed Boundary Line Adjustment between Tax Map S09, Lot 10 and Tax Map S11, Lot 22, located on Meredith Neck Road in the Meredith Neck District. Application accepted August 24, 2004.

We were in previously and I described a Boundary Line Adjustment that was to take place, but there was a last minute change in the amount of land that was going to be transferred. This now represents a composite plan of the land that Mrs. Nestor owns. As you can see, it is a significant piece of property. She owns all the way from Meredith Neck up across the Pinnacles so-called and actually has frontage on Pinnacle Park Road and a small portion of land that has frontage on Lake Winnepesaukee. It's in excess of 100 acres of land. There are several different taxable units that she owns. They are all currently under current use taxation. There is a 7-acre parcel that her brother was going to purchase and then they decided to add some land to that parcel so what we've come up with is a piece of land (Parcel A) that's going to be added to and merged with and become a permanent portion of this 7-acre piece and to be taken away from the majority of the land that Mrs. Nestor owns. That's the overview that shows the general configuration of what's going on. This is the actual Boundary Line Adjustment Plan. Parcel "A" is slightly over 15 acres that's to be conveyed in and merged with the existing Tax Map S11, Lot 22. The separate saleable tax parcel of Unit #10 is still almost 10 acres, but again it's connected to and a part of the major 100 acre excess that she owns.

This line is largely an administrative line at this point. You can see there's no reduction in the frontage of the existing lot so really this is a case of essentially starting with two lots and ending up with two lots. Setback information has been added for the new parcel that was created as part of this Boundary Line Adjustment. The standard conditions that are normally set forth in a Boundary Line Adjustment would be that the draft deed of the parcel to be conveyed be submitted to staff for recommendations and review. Upon review of that deed, the deed would actually be executed and delivered to the Town prior to recording the mylar. The Town records the deed and the mylar at the same time so there's not a plan in the Registry that reflects a conveyance that's not going to occur. At that time, an attorney either provides a mortgage release for the portion that's to be conveyed in or a statement that there is no outstanding mortgage on the property. It is my understanding there is no mortgage on any of the property she owns. There would be a certification by the land surveyor that all the monuments have been set prior to recording the mylar. Since John wasn't able to deliver a staff review for this project, I would be happy to add the condition that any recommendations or notes that he would like added to the plan, we would add those and he could handle this administratively prior to recording the mylar. It's a fairly simple Boundary Line Adjustment and if there are any questions, I would be happy to try to answer them. Hearing closed at 7:20 p.m.

Bliss moved, Nardone seconded, MR. CHAIRMAN, I MOVE THAT WE GRANT APPROVAL FOR PATRICIA NESTOR FOR A PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN TAX MAP S09, Lot 10, TAX MAP S11, LOT 22, LOCATED ON MEREDITH NECK ROAD IN THE MEREDITH NECK DISTRICT WITH STAFF REVIEWING THE DEED AND THAT A LETTER BE PROVIDED INDICATING WHETHER OR NOT THERE IS A MORTGAGE ON ANY OF THE PROPERTY AND WHEN JOHN RETURNS, HE CAN CHECK ANYTHING ON THIS AND MAKE CHANGES IF HE FEELS THE NEED. Voted 7-0 in favor of the motion.

3. **18 MILE POINT DRIVE LTD. – (“LAKE RIDGE ON MEREDITH BAY” - PHASE 2):** (Rep. Steve Nix, Esq.) – Compliance Hearing to determine compliance with conditions set forth in a conditional approval granted on September 23, 2003, for a 20-lot subdivision, Tax Map S17, Lots 18 & 18A, located on Mile Point Drive in the Shoreline District.

We have been before the Board for Phase I (16 lots), the road's in, several lots have been conveyed, there's houses going up. Tonight we are here for a compliance hearing on Phase II which I've put up on the Board. Phase II consists of two roads with 20 lots. John and I did not have a chance to sit down as we normally do and go through each one of the items so what I propose to do tonight is go through each item and make representations that we have all the paperwork to back it up. What I do for John is put together a book, meet with him and give him the book so the paperwork I'll make representations about will then be in his hands. There was a conditional approval granted in September of 2003 and that conditional approval approved the 20 lots conditioned upon an amended NHDOT Driveway Permit and we do have that amendment. Waivers from the Selectmen for the length of the cul-de-sac and the turnaround configuration were required. We were before the Selectmen a couple of weeks ago and those waivers were granted and I do have the minutes in the package. There were some suggestions for the driveways to be located and the engineering plans be changed to reflect those driveways as being off the corners. Vadney – When you say off the corners, you're talking about ... Nix – Phase I, Lot 7, the driveway is off of Mile Point Road, but it's moved up the hill away from the corner. You couldn't get in this way because there's a big cut there, but the driveway for 8 is off and the driveway for 9 is a common driveway which is down away from the corner. The issue with those driveways, we have done quite a bit of engineering and those were included in the engineering drawings that were submitted to John. NHDOT will sign off on potential drainage impacts to the State ROW and confirm that their approval includes Phase II. Again, in the package, we do have numerous documents regarding the drainage. There's been a complete drainage design done for the railroad ROW because the culverts down there were substandard. The ditches were substandard. What happened when the sewer went through back in the 70's, they dug up what is now the access road, threw a bunch of rock over to the side and they effectively filled in the ditch that used to be there for a hundred years, so it's been a problem down there for many, many years before this subdivision even came about. There were washouts in that particular section of the railroad and as part of the common area development and drainage design, it was agreed that the developers here would pick up some of the cost of fixing that so we have worked with the State and continue to work with the State in getting that drainage work done down there. As a matter of fact, it's in the process of being constructed. If you were to go down there, you would see the machines. NHDES approval is required for both sewer and water which we have in the package. Final plans need to be approved by Lou Caron, Mike Faller and Bob Hill. They have all looked at the plans. Mike

Faller was at the Selectmen's meeting and discussed them. The water system has been constructed. At this point the pump test has been done and is working after some kind of snafu along the way, they fixed that and it is now working. The numbers for the Performance Guarantee have not changed to my knowledge and the Letter of Credit will be coming along and the documents for the Letter of Credit are supposed to be executed this Thursday so that will be an administrative follow-up. A tree cutting plan was submitted with the package earlier and matches the other tree-cutting plan. Pedestrian access to the abutting conservation easement - The set of plans I have on the Board don't have those lines on them, but they will be on the final mylar and will show a 50' access of each one of these cul-de-sacs out to the conservation land which abuts to the South and those are simply walking access, it's not for motor vehicles. It's so the people in the subdivision can get onto the conservation land for any type of future trail system that's ever developed. We are just leaving the options open for that. The Boundary Line Adjustment between Phase I and Phase II - There were actually two boundary line adjustments which have already been approved, they are on record and the deeds have been transferred so that portion of this is already done. Street lighting - There is a street light that was added to the engineering plan which was submitted and the same verbiage that is on the Phase I plans regarding the private roads is on Phase II. It's included on the plans as well as in the Declaration of Restrictive Covenants which has already gone on record at the Registry of Deeds and has been reviewed by Town Counsel. That restrictive covenant covered both phases I and II so we have one covenant that does everything. With that, we would request that the Board find that the application is in compliance subject to the administrative review of John Edgar of all these documents upon his return and we would request that you allow the mylars to be signed outside of a meeting so we don't have to wait for another cycle, if John finds that all of the documents are in order. Bayard - The pedestrian access, was that just for the people on the site or is that supposed to be for anyone? Nix - It's just for the people on site because these two roads will be private. Vadney - Are you going to implement the cutting plan like you did on Phase I? Nix - That's a trick question. Hearing closed at 7:30 p.m.

Bliss moved, Bayard seconded, MR. CHAIRMAN, I MOVE THAT COMPLIANCE IS COMPLETE ON 18 MILE POINT DRIVE, LTD., WITH CONDITIONS SET FORTH IN A CONDITIONAL APPROVAL ON SEPTEMBER 23, 2003, FOR A 20-LOT SUBDIVISION, TAX MAP S17, LOTS 18 AND 18A, LOCATED ON MILE POINT DRIVE IN THE SHORELINE DISTRICT WITH THE FOLLOWING NOTE THAT JOHN REVIEW THE PLANS WHEN HE GETS BACK AND MAKE ANY

CHANGES HE FEELS ARE NECESSARY, UNLESS MAJOR IN NATURE AND THEN WOULD COME BACK TO THE BOARD, AND THAT THE MYLARS CAN BE SIGNED OUTSIDE OF A MEETING. Voted 7-0 in favor of the motion.

2. **SUSAN AND TOR BRUNVAND FOR SCOTT CARPENTER:** (Rep. Joanne Coppinger) – Continuation of a public hearing held on August 24, 2004, for a proposed Site Plan to establish a catering/take-out restaurant in an existing commercial/residential building, Tax Map U10, Lot 27, located on Daniel Webster Highway and Plymouth Street in the Central Business District. Application accepted on August 24, 2004.

The proposal we are here for is site plan review for a change in use from an existing residential and commercial use building from a boat storage facility to a catering and take out restaurant business. The existing use consists of 3 apartments on the Plymouth Street side and the boat storage facility is on the Route 3 side with access also from the Plymouth Street side. The project as proposed is two-phased, the first phase being establishment of a catering business on the site and the second phase getting the restaurant up and going with the associated parking and site plan improvements. The catering business restaurant will have a service entrance on the Plymouth Street side and the restaurant will be accessed only from Route 3. The restaurant will be a takeout style restaurant with up to 36 seats and there will be no wait staff. Interior renovations will be extensive and will include a fire wall between the existing apartments and proposed business. Exterior improvements include new windows, siding and an enclosed stairway to the left of the building as you look at the building from Route 3. Since the last Planning Board meeting, the following changes have been made to the plans. The 2:1 slope that was proposed on the right-hand side of the building as you look at it from Route 3 has been replaced with a retaining wall. The finished grade on the Plymouth Street side in that parking space where there was ledge at the surface has been increased by 6 inches. The crushed gravel surface that was proposed in the parking areas has been replaced with ledge pack. The existing catch basin on the Plymouth Street side near the apartments will be discontinued, filled-in and the area has been graded to drain. A sign location has been added to the plan as requested and a note regarding water and sewer connections has been added to the plans as requested. Also, there was some concern that the existing grade elevation on the northeast corner of the building was incorrect. We sent a surveying crew out and verified that it was indeed correct. The reason it looked incorrect is because there is a big pile of gravel there that's a result of that failed retaining wall that has washed down

along that side of the building so it did not affect the finished grading for the project. I believe that brings us up to date on the application and I would be happy to answer any questions. Vadney – On that north side of the building there was a stairway, that's been abandoned? Joanne – Yes, the applicant decided not to go with that. Kahn – I'm still unclear as to where deliveries are going to be made. Joanne – That will take place mainly on the Plymouth Street side where there's a big garage door there. Vadney – One question I have is what do you use for catering trucks? Susan Brunvand – We use a van. Vadney – Just a small, not a particular box caterer like Hart's has up here. Nardone – When you get deliveries are you having something like Cisco trailer trucks coming up there? That's an awful small street. Sorell – But he would have room enough to back right in there. Nardone – A lot of little kids playing out there. Vadney – We did talk about the radius coming into that driveway on our site walk on the Plymouth Street side, coming into that driveway and chiseling out that ledge, now you've put in 6 inches of gravel. The issue is you had some parking spaces that came close together like the two that go over toward where your propane tank is going to be, to get into those if there's cars in the others, was a fairly narrow area to back around. Joanne – Correct, but it's 13½ ' and that's wider than a typical lane on many streets so as long as you are good at backing up, it shouldn't be a problem. Flanders – We had some dialog about the ledge there. I don't see a plan note... Sorell – That's where the gravel's going to go. Flanders – At one point, you were going to put 6 inches of gravel and then you said that was going to stay the way it was and it was a little confusing. Where did we end up on that? Coppinger – I revised the finished grading so that over that spot where the ledge is, there's now a finished grade of 527.5. It's existing 527 so that means the finished grade comes up 6 inches from existing which should level that out. John Granfield, Alternate Board member, If you are not going to have that culvert any longer? Where is the water going to go, to the left of the building on the North side going down and if you are putting in a retaining wall, will that go to the edge of the building and act as a dam for this water? I'm confused on how that water's going to go down and get to wherever it's going to flow away from the building. Coppinger – I have indicated finished grades that will cause the water to sheet flow toward the proposed retaining wall and/or towards the building, but there are trench drains in there, like a gutter on top of the ground, along the building and then along the retaining wall to catch surface runoff. But I also added a note to the plan that when the retaining wall is designed, that trench drain may need to be modified with under drains or whatever they need to ensure the integrity of that retaining wall. Granfield – So basically what you've said on the plan is subject to change after you see whether it works or not. Coppinger – I have not designed the

retaining wall, someone else will have to design that. I'm not a structural engineer. Granfield – So it could act as a dam and all your water back up. Coppinger – There will be proper footing drains or they may keep that trench drain to catch surface runoff. If they are concerned with underground water when they get in there, they may want to put other drains in behind that wall. I don't want them to be limited only to the trench drain that I've indicated on the plans. Flanders – One comment about that trench drain, it may work good 8 months out of the year, but when it gets filled with snow and ice in the winter time, then what's the plan. Coppinger – It's like every other drain in the winter time, it's a maintenance issue. Vadney – If it's done to code, that's all we can expect. I'm sure it has to be because that's retaining about 7 or 8 feet of fill. Coppinger – The height of the wall at the building end is 5 1/2 ' and then it tapers down to about 3' because of the way the fill comes in. The proposed retaining wall tapers from 522.5 to 523.5, but the grade on the northern end existing will be about 519. The furthest corner of that northernmost parking space, so that's 3 1/2', but the fill comes down around it so it won't look quite that high. Vadney – Above that retaining wall, is that horizontal earth or is it going to be still at grade. Coppinger – It's slightly sloped. Flanders – I've got one more question, what's the dimension of the parking spaces on here I don't see any dimensions indicated. They are all exactly 10' x 20'. We had talked about a propane tank and it's going to be above that retaining wall, then I see another square, oh I see proposed dumpster location. Coppinger – The retaining wall came about largely because they wanted to access the propane and the dumpster from the Plymouth Street side rather than the Route 3 side and with that 2:1 slope, that wasn't possible. Bliss – What is the reasoning for using Plymouth Street as opposed to Route 3? Coppinger – For service? Susan Brunvand – The kitchen is upstairs and the shop is down below so the easiest access is from Plymouth Street. Bliss – How often are you expecting deliveries, weekly, bi-weekly? Brunvand – Weekly. Bliss – I guess one of my concerns is, even though it is in the Central Business District, there's a lot of kids, houses up on Plymouth Street and seeing how you do have the access from Route 3, I'm a little concerned about the trucks on Plymouth Street. I know at the other end, there are delivery trucks, but there isn't as much residential housing. Flanders – Just from a historical standpoint, when we did Cumberland Farms which is across the street here, we specifically excluded on the site plan any deliveries from the Plymouth Street side which was a way of trying to get some separation between the residential neighborhood and the commercial. Vadney – To clarify for us, I think this operation is going to be a commercial kitchen on the ground floor if you come off Plymouth Street and that's where all food preparation will be and then downstairs or the ground level if you



come off Route 3 is going to be the restaurant. I use the term restaurant somewhat loosely because it will not have a wait staff and how will customers get their food? Brunvand – You mean from upstairs to downstairs, that's what the stairway is for. Vadney – Is there going to be like a display counter downstairs showing the things and customers are just going to pick one out? Brunvand – Yes. It'll just be you people running the kitchen, you'll come down and hand over the sales down there. Brunvand – There probably will be someone at the counter. Vadney – Like a clerk or something that just sells it, but no wait staff of any type. OK. Bayard – There was an issue raised and comments about where the stormwater will flow. I guess the question was asked about where that's going to end up. Coppinger – It ends up down on Route 3 and we do have a pending DOT driveway permit. We've got a paved swale coming across the driveway and it should end up on the south side of the property in the catch basin around the corner. There's also a wetland in that area where runoff from the entire area ends up. Bayard – So it will be directed toward that catch basin, I assume. You don't want icing going out into the road in the winter time. Vadney – The drainage doesn't cross Route 3 at that point, it continues down toward the Irving Station and then crosses at a lower point. Flanders – This whole site plan hinges on getting a waiver from the State to construct in the ROW so I wonder if we can reasonably make any kind of approval, conditional or otherwise, until we actually have the document in hand from the State. What do you think? Vadney – We could do a conditional approval with that being one of the conditions. If they don't get that, our approval doesn't make much difference. They've got some other things to do here, you need a Special Exception for this? Coppinger – Yes. Vadney – And a number of code issues to bring the barn up to kitchen standards. Coppinger – They will also need a sign permit. There are a number of things outstanding. Vadney – This is just the Planning Board aspect of do you want a commercial kitchen and small restaurant on the property? The parking is crowded, but you are calling for only 36 seats. It's a fairly large room. Brunvand – By the time I get everything in there, I don't even think I'll be able to fit 36 seats in there. It's really not people sitting, they are coming in and picking up their food and going. Tor Brunvand – It has never been intended to be a sit down restaurant. I almost corrected you when you said a restaurant because it's more of a self pickup deli. Vadney – I think that's been one of the sticky points for the Board and that it's been defined here on the map as a 36-seat restaurant and if 6 years from now you leave and somebody else wants to put in a 36-seat restaurant, it's an approved site plan. Just a new occupant paying the rent or whatever. So that's an issue the Planning Board has to look at whether it's a restaurant or not. Are we approving a 36-seat restaurant? Can you buy a meal and sit there and eat it? Brunvand – You may do that as well. Vadney – I don't know if it's

defined as a restaurant or not , but I think that's one of the issues that... Sorell – Cafeteria... Brunvand – Actually if I'm going to give you a for instance, it's like have you ever been to \_\_\_\_\_ Bread? You can either get your lunch and you can leave with it or they have a nice seating area. Vadney – I would say that's a restaurant, if that's what you are intending. If it's similar to that, we'll think of it like that. Sorell – Is there any way if we give them a conditional approval, we could always bring it back in for review and amend? Vadney – We would have the right to review and amend, it's a commercial property site plan. Bayard – I guess an issue might be should there be any limitation on the size of trucks going in and out of the... Bliss – If you order from Cisco, you don't have a choice, they come in those big trucks. Sorell – They are running small trucks. Bliss – I still have a concern with that street. Everybody travels too fast on that street already, as you come around the corner, it just is dangerous. Nardone – They put those islands at the end to slow people down. Vadney – At the same time, we have not heard from any abutters this evening to complain about it. It's up to you guys. Do you want to go with conditional approval or just a continuation where we can ask John to investigate some of the... Flanders – Mr. Chairman, I think I would be more comfortable if we did a continuation until John could take a look at this, but I can't remember any plan where it has been so largely dependent upon something like the State authorizing construction in the ROW which historically they usually do not do so if that were not to be approved, then this whole site plan goes away and has to be redone. I'm a little uncomfortable giving a conditional approval with that hanging over our heads, especially without John reviewing things and critiquing the language. Vadney – I can live with that if you want to make a motion to continue. Vadney - This shouldn't be a big issue once John's looked at it. Flanders – How soon will you be getting something from the State? Coppinger – Very soon. I spoke with them yesterday and they need to sign some type of encroachment waiver, but the State engineer has reviewed it, we met on site and he had no problems with it. He is waiting for his superior's signature. Lou Kahn – I guess my concern, being fair to the applicant, if we feel that having trucks on Plymouth Street is fatal to this site plan, we ought to let them know rather than put it off a couple more weeks and then tell them we don't want trucks on Plymouth Street. Tor Brunvand – So then we just switch and take it off the highway. Bliss – I would like to see that happen. Tor Brunvand – It seems you're better off to do it off Plymouth Street because you've got a driveway to back into. There are so many places downtown where you stop in the middle of the street and unload trucks in the middle of the street, this seems to me far safer off the street. Vadney – I have to, in this case, agree with the applicant and granted there aren't as many houses, but there are some residential apartments and stuff near... you've Thyme, you've got the

Legion, you've got George's Diner. Bliss – But they are all so far down the other end. Vadney – Yes, but ... Tor Brunvand – There are only going to be 1 or 2 deliveries a week, it's not a huge operation. In our operation in Waterville Valley, if we get two trucks a week, it's a lot. Vadney – There are much more serious conditions on Main Street when those trucks come into Main Street. We work around it, that's what you do in a developed area. That's not a perfect location for it, but it's not a narrow part of Plymouth Street. I question if it would be any more intelligent to put it down on the lower level coming off Route 3 because that's a pretty small area. It looks bigger than it is because the Town owns that lot beside it. You take that land out of the equation, that's a pretty small end on Route 3 and if they forced the trucks in there, it would further restrict what they could use for parking and the parking above isn't much good to the restaurant aspect of it because there's no longer a north stairway. I do think the plan to a large degree hinges on deliveries coming off Plymouth Street and I personally can live with that. Bayard – To some extent, I think I agree with you and I think there may need to be some discussion between the applicant and John as to size of trucks. I think semi's would be a little difficult in there. Vadney – One of the first rules of governing is don't pass a rule you can't enforce and if someone brings in a semi, you can't have the police up there arresting them. I don't think we should burden the Selectmen or the police with a truck size enforcement issue. If they can drive on the streets legally, they can do it is the way the rule goes. We have a motion to continue, at this point we vote on that motion or if you feel strongly, we should press ahead tonight and disapprove the motion. If you want to continue, we'll do it. May I make a comment? I'm Scott Carpenter, the landowner, and I've got to say this. I feel it is very unfair, when I lived there and I hear the town trucks, the dumps there and the town is there and I hear town trucks back and forth on Plymouth Street all the time. The UPS guys are there with a truck about the size of Sisco all the time. It just seems unfair to me that we're not allowed to use the road for this use and my goal here is not to have deliveries on Plymouth Street because it's a noisy truck bothering the tenants and myself living there, but I don't want to restrict her in her business for whatever is convenient since the kitchen is up there on the second level. So we are going for approval for that delivery, but my goal in the long run is to have them all on the Route 3 side, we just haven't worked out how the trucker's going to go up five steps from his truck up to that level. That's why we are going for the Plymouth Street approval, it may have to work that way for a while. Bliss – I would like to add that what he has just said makes a big difference. If they are not going for a permanent, if they are eventually going to come back to us and say we would like to have deliveries on the other side, I don't have as big a problem with it and I would hope also that if a delivery could be made in the front, it would be

made in the front. I don't want us to restrict them to the back. Tor Brunvand - If deliveries are permitted on Plymouth Street, is it not a permitted use on Route 3. Vadney – Either one is permitted. Brunvand – It would be nice to have the option and let the trucker figure out what works best for him. Hearing closed at 7:50 p.m.

Flanders moved, Sorell seconded, MR. CHAIRMAN, I MOVE THAT WE CONTINUE THIS HEARING TO A DATE SPECIFIC BEING OCTOBER 12, 2004. Voted unanimously.

5. **REI LAND DEVELOPMENT, LLC FOR BRADLEY A. LEIGHTON 1998 TRUST:** (Rep. Allan Clark, Lee Tessier, Peter Howard, Jim Gove, Tim Gold, David White, Paul Fitzgerald) - Continuation of a public hearing held on July 13 and August 24, 2004, for a proposed Major Subdivision of Tax Map S25, Lot 11B, into 58 Townhouse Condominium Units located on Waukewan Street in the Residential and Business/Industry Districts. Application accepted June 22, 2004.
6. **REI LAND DEVELOPMENT, LLC FOR BRADLEY A. LEIGHTON 1998 TRUST** – Continuation of a public hearing held on July 13 and August 24, 2004, for Architectural Design Review of a 58-Unit Townhouse Condominium in 11 buildings, Tax Map S25, Lot 11B, located on Waukewan Street in the Residential and Business/Industry Districts. Application accepted June 22, 2004.
7. **REI LAND DEVELOPMENT, LLC FOR BRADLEY A. LEIGHTON 1998 TRUST** – Continuation of a public hearing held on July 13 and August 24, 2004, for a proposed Site Plan for site improvements, including road construction, water, sewer, drainage, landscaping and lighting relative to a condominium subdivision located on Waukewan Street in the Residential and Business/Industry Districts. Application accepted June 22, 2004.

This development is located off Waukewan Street. Property consists of 14 acres and is approximately 800' from Winona Forest Recreation Area and less than 1 mile to the Town Beach. There are industrial type uses abutting this property. The proposed units will be 1300 sq. ft. in size and are designed to sell in the \$165,000.00 price range. The development will have a homeowner's association and will provide plenty of parking. Over 50% of the 14 acres is a no-cut area. One of the buildings was moved further away from Mr. Stoke's property. Bob Hill, Mike Faller and Chuck Palm's comments have been addressed. A landscape management plan has been prepared. All concerns have been addressed. The fuel source will be underground. Propane tanks are not regulated because the type of fuel

does not create a hazard to the water. The landscape plan has been modified, use of salt is minimized. Financial guarantees have been provided to John. A letter has been provided on how the financial guarantees will work. The bus does not come into development so a school bus stop has been added for the kids to wait for the bus. A multi-purpose area has been set aside. Applicant feels that the association should make the determination as to how to use it. A fence will be erected around the pond. A new traffic count was prepared by Steve Pernaw's office. The new count does not change anything. The intersections are capable of operating safely. Tim Gold – The initial traffic study was done in the fall and published in the spring of this year. On a daily basis, Waukewan Street has about 2500 vehicles, 130 vehicles during the morning peak hour and 260 in the pm peak hour. All movements are a level "A". No capacity deficiency. The recommendations do not change. Lou Caron and Mike Faller agree with the recommendations. The first building is back 500' from the street. David White, Architect – Buildings will have 12/12 pitch. A green accent will be on the front doors; a clay color for the lower level. Trim will be white. Two foot alcoves will break up the massing of the buildings. Shingles will be vinyl. A woman in the audience had a concern about light pollution. Flanders – The light fixtures are minimum, not just here, even if you drive by the Harley Shop, they don't have lights going way off to the sides and way up in the air and that's because we require what they call cutoff and shielded fixtures or if you go to the senior development at Meredith Bay Village, you will notice there's a shield that keeps the light from going straight up and there's also, where possible, side shields to keep it from spreading out. We have consistently tried for a number of years to reduce the amount of light pollution. Vadney – There will not be big security lights of any type either on poles or off the building. Hearing closed at 8:40 p.m.

Flanders moved, Bayard seconded, MR. CHAIRMAN, I MOVE THAT WE CONDITIONALLY APPROVE THE MAJOR SUBDIVISION FOR REI LAND DEVELOPMENT LLC FOR BRADLEY A. LEIGHTON 1998 TRUST'S PROPOSAL FOR A MAJOR SUBDIVISION OF TAX MAP S25, LOT 11B, INTO 58 TOWNHOUSE CONDOMINIUM UNITS LOCATED ON WAUKEWAN STREET IN THE RESIDENTIAL AND BUSINESS/INDUSTRY DISTRICT WITH THE FOLLOWING CONDITIONS:

- (1) A SPECIAL EXCEPTION IS REQUIRED FOR A MULTI-FAMILY USE AND SHALL BE CROSS-REFERENCED ON FINAL PLANS.
- (2) A NHDES DREDGE & FILL PERMIT IS REQUIRED AND SHALL BE REFERENCED ON THE FINAL PLANS.

- (3) A SPECIAL EXCEPTION IS REQUIRED FROM THE ZBA AND SHALL BE CROSS-REFERENCED ON THE FINAL PLANS.
- (4) THE UTILITIES WILL BE SUBJECT TO TYPICAL CONSTRUCTION INSPECTIONS, TESTING AND AS-BUILT SURVEY REQUIREMENTS AT THE APPLICANT'S EXPENSE.
- (5) A NH DES SEWER DISCHARGE PERMIT IS REQUIRED AND SHALL BE REFERENCED ON FINAL PLANS.
- (6) ANY APPROVAL SHALL BE MADE SUBJECT TO BOB HILL'S SIGN OFF OF FINAL PLANS.
- (7) A DRIVEWAY PERMIT IS REQUIRED FROM THE DPW.
- (8) ANY APPROVAL SHALL BE MADE SUBJECT TO LOU CARON'S SIGN OFF OF FINAL PLANS.
- (9) BEST MANAGEMENT PRACTICES SHALL BE IDENTIFIED FOR ROUTINE MAINTENANCE OF THE CATCH BASINS AND GAS/OIL SEPARATORS.
- (10) A NHDES TERRAIN ALTERATION PERMIT IS REQUIRED.
- (11) A NHDES DAM PERMIT IS REQUIRED FOR THE DETENTION POND.
- (12) THE LOAM DEPTH AND LOAM COMPOSITION BE SPECIFIED (AND ASSOCIATED TESTING) ON THE LANDSCAPE PLAN TO REDUCE NEED FOR IRRIGATION, FERTILIZERS, ETC.
- (13) APPLICANT SHALL PROVIDE VERIFICATION THAT THE UNDERGROUND PROPANE TANKS DO NOT REPRESENT A CONTAMINATION THREAT AND TO BE SIGNED OFF BY THE FIRE CHIEF.
- (14) ANY APPROVAL SHALL BE MADE SUBJECT TO THE BOARD'S SETTING OF THE PERFORMANCE GUARANTEE AT A COMPLIANCE HEARING.
- (15) ANY SITE PLAN/SUBDIVISION APPROVAL SHALL BE MADE SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING BOARD OF ALL LEGAL DOCUMENTS AT A COMPLIANCE HEARING.
- (16) ANY CONDITIONAL APPROVAL SHALL BE SUBJECT TO THE BOARD'S SUBSEQUENT APPROVAL OF THE APPLICATION FOR ARCHITECTURAL DESIGN REVIEW.

Voted 7-0 in favor of the motion.

Flanders moved, Bliss seconded, MR. CHAIRMAN, I MOVE THAT WE GRANT A CONDITIONAL APPROVAL TO REI LAND DEVELOPMENT LLC FOR BRADLEY LEIGHTON 1998 TRUST FOR A PROPOSED SITE PLAN FOR SITE IMPROVEMENTS INCLUDING ROAD CONSTRUCTION, WATER & SEWER AND DRAINAGE, LANDSCAPING AND LIGHTING

RELATIVE TO A CONDOMINIUM SUBDIVISION LOCATED ON WAUKEWAN STREET IN THE RESIDENTIAL AND BUSINESS/INDUSTRY DISTRICTS, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) A SPECIAL EXCEPTION IS REQUIRED FOR A MULTI-FAMILY USE AND SHALL BE CROSS-REFERENCED ON FINAL PLANS.
- (2) A NHDES DREDGE & FILL PERMIT IS REQUIRED AND SHALL BE REFERENCED ON THE FINAL PLANS.
- (3) A SPECIAL EXCEPTION IS REQUIRED FROM THE ZBA AND SHALL BE CROSS-REFERENCED ON THE FINAL PLANS.
- (4) THE UTILITIES WILL BE SUBJECT TO TYPICAL CONSTRUCTION INSPECTIONS, TESTING AND AS-BUILT SURVEY REQUIREMENTS AT THE APPLICANT'S EXPENSE.
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- (12) THE LOAM DEPTH AND LOAM COMPOSITION BE SPECIFIED (AND ASSOCIATED TESTING) ON THE LANDSCAPE PLAN TO REDUCE NEED FOR IRRIGATION, FERTILIZERS, ETC.
- (13) APPLICANT SHALL PROVIDE VERIFICATION THAT THE UNDERGROUND PROPANE TANKS DO NOT REPRESENT A CONTAMINATION THREAT AND TO BE SIGNED OFF BY THE FIRE CHIEF.
- (14) ANY APPROVAL SHALL BE MADE SUBJECT TO THE BOARD'S SETTING OF THE PERFORMANCE GUARANTEE AT A COMPLIANCE HEARING.
- (15) ANY SITE PLAN/SUBDIVISION APPROVAL SHALL BE MADE SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING BOARD OF ALL LEGAL DOCUMENTS AT A COMPLIANCE HEARING.
- (16) ANY CONDITIONAL APPROVAL SHALL BE SUBJECT TO THE BOARD'S SUBSEQUENT APPROVAL OF THE APPLICATION FOR ARCHITECTURAL DESIGN REVIEW.

## (17) THE USUAL RIGHT TO REVIEW AND AMEND.

Voted 7-0 in favor of the motion.

Bayard moved, Sorell seconded, I MOVE THAT WE APPROVE THE ARCHITECTURAL DESIGN REVIEW FOR REI LAND DEVELOPMENT LLC FOR BRADLEY A. LEIGHTON 1998 TRUST FOR A 58 UNIT TOWNHOUSE CONDOMINIUM IN 11 BUILDINGS (PLAN DATED 9/24/04, TAX MAP S25, LOT 11B, LOCATED ON WAUKEWAN STREET IN THE RESIDENTIAL AND BUSINESS/INDUSTRY DISTRICTS. Voted 7-0 in favor of the motion.

Vadney - I would like to say this has been a long process. We've worked on it for a year and a half. The applicant really has worked hard I think with Mr. Edgar and the Board and many people in town and the abutters to bring this thing to what it is tonight. It looks like an excellent project so good luck. Allan Clark – Mr. Chairman, we thank you and all the members of the Board. We certainly appreciate and we know the townspeople appreciate all the time that you donate to planning for your Town. I know sometimes people suggest that we don't listen, but I think this is probably a case where we've listened carefully to both what the Board and the abutters and the public have said. We've done our best to be able to follow through on all of that and we certainly appreciate all your time and efforts. Thank you very much.

2. **ROBIN GRANT FOR SARAH A. TILTON:** (Harry Wood) – Proposed Site Plan to establish a commercial use with related site improvements, Tax Map U15, Lot 12, located at 85 NH Route 25 in the Central Business District.

This property is located on NH Route 25. This site has been used as a residence for some time and is sandwiched in between two commercial uses, one fairly intense undergoing reconstruction at this time and the one on the uphill side which is a combination residence and local business as part of the home. The property is being presented to you with the prospect of either being a professional office or small retail establishment and just to explain to you the difference, the perspective purchaser would like to occupy the building eventually, but she does have a period of time before she would be moving to use it if it were approved so there might be an interim tenant and that's why the difference in the two. Parking for those two uses is essentially the same, one parking space for every 200 sq. ft., so from that standpoint, it's roughly equivalent. The property is commercially zoned, as mentioned there are commercial uses on both sides of it. There is an existing structure which is outlined. It is serviced by both municipal sewer and water and we do propose commercial use of the facility. We are



also requesting an addition of 10' in width by the length of the main structure which is approximately 28 ½ feet to make the facility a workable size. You will note the main structure is only 498 sq. ft. The addition would be only 286 sq. ft. and matched into the side of the building. We did do a parking analysis and based upon 200 sq. ft. per space, we needed 4 spaces and there would only be one occupant in the building as far as managing the business and running the operation so that's a total of 5 and we do show 5. A handicap space has not been indicated at this time, but there is sufficient room for it. These spaces are 10' x 20' and there's an extra area up near the front entrance to the porch which gives sufficient space to provide an unloading zone beside a parking space. I didn't particularly want to put the space in that location, but all I have to do is shift the lines on the parking area and it would provide the same number of spaces with the handicap space. The coverage on the site at the present time is 33% and with the addition of the structure and the expansion of the rear portion of the parking lot which is shown on the plan, it would increase to 50% coverage counting everything. The parking is presently gravel. We do have several large specimen trees, we've got some blue spruces planted along the side, we have lilacs and spruces along the front and there is a rather extensive growth which has been allowed to run away in the last couple years on the right front corner of the property and we would propose to trim that down and replace that with lower plantings. Basically, that does a couple of things, it potentially creates a little bit of a difficulty with the driveway and it also screens the view of the property almost completely from that side. We do show a proposed sign location. We have no details on that yet because until the property actually changes hands, we felt that was an expense to be avoided at the present time. We are not requiring any variances or special exceptions with regard to this use. We do meet the setback requirements which you can see. We are proposing no parking in the front setback. All together, it's a fairly minimal use and that's because of the small size of the structure that's present. They do plan to use a crushed stone or ledge pack on the driveway instead of leaving it strictly gravel, but that will also help to preserve whatever permeability is there at the present time. We did ask for a waiver of topography. I don't know if you've noticed the site, but the entire thing slopes generally to the left rear corner. It's well-drained at the present time and the adjacent facility has a catch basin in this corner of the property which was part of their design because they did have water coming onto the property in that location, so we would be increasing that very minimally. I don't know the exact percentage of increase with the structure, but 286 sq. ft. out of 9,000 for the whole site. Bliss – I don't think a lot of trash will be generated out of here, but you're not going to have a dumpster or anything like that? Wood – There are a couple of sheds on the property which will provide some containment of trash and where it is a small area, if you start having exterior displays of things, it really detracts from

the appearance. We have also spoken with District 3 with regard to the driveway. They indicated there is no apparent problem with it, but did ask once the plan is available that it be sent down to them. We have forwarded it to them and anticipate getting the paperwork back soon. Bayard – I don't know if this is sufficient enough to trigger architectural review, but with the assumption that it may not, could you at least describe what is being planned for the new addition relative to the rest of the house. Wood – What's proposed is an addition which would have a level the same as the main house so it's all the same. This would probably work out to be a flavor of a shed roof, just slightly tilted because they do have to tie that back in to what is there and there is at the present time a little drawing on the rear portion of the existing dwelling that is slanted towards that so they have to bring this roof in and tie it into that somehow so there's not a valley created in there. Siding will be compatible with the main house. Hearing closed at 9:03 p.m.

Bliss moved, Nardone seconded, I MOVE THAT WE GRANT APPROVAL FOR ROBIN GRANT FOR SARAH A. TILTON FOR A PROPOSED SITE PLAN TO ESTABLISH A COMMERCIAL USE WITH RELATED SITE IMPROVEMENTS, TAX MAP U15, LOT 12, LOCATED AT 85 NH ROUTE 25 IN THE CENTRAL BUSINESS DISTRICT, SUBJECT TO OBTAINING A DRIVEWAY PERMIT FROM THE STATE OF NH AND THE USUAL RIGHT TO REVIEW AND AMEND. Voted 7-0 in favor of the motion.

6. **ANN DOUGLAS, HOLTON E. FALK, BRADFORD R. FALK AND JEFFREY A. FALK:** Rep. Dave Dolan - Proposed Boundary Line Adjustment between Tax Map I05, Lot 11 and I06, Lot 7C, located on Bear Island in the Shoreline District.

This property is located on Bear Island. This is a two-fold Boundary Line Adjustment and Boundary Line Agreement between a couple pieces of property located on Bear Island in the Shoreline District. The Douglas property is the area highlighted in yellow, the hatched area is the area proposed to be transferred from the Falk property. The Douglas property has about 150' on the lake and is about 18,900 sq. ft. in area. There is an existing structure that's been there for a number of years, a recently constructed shed, studio and guest house and a leachfield which was constructed in the spring of this year. The Falk property consists of approximately 63 acres and has no frontage on the shoreline. Before we can get to the Boundary Line Adjustment, we have a Boundary Line Agreement which is between A, B, C & D, due to conflicts between the physical evidence on the site so we can define this area to transfer and this hatched area which is about 11,000 sq. ft. will be conveyed from the Falk's to Douglas. A draft of the transfer deed will be submitted to staff for review which will reference the plan and hopefully the

latest revision date. There will be one rebar required to be set. Vadney – Is this something where you were surveying for something else and found that the lines didn't meet? Dolan – No, the Falk's became aware when there was some construction going on in this area and thought they might actually own where this was. In doing the survey work, there were discrepancies in the descriptions, you could construe that this back line based on descriptions was close to the shore here, but there's a lot of physical evidence and survey data in this direction that establishes the back line of this portion of the lot in this direction so there is some variation whether that back line "B" and then using that and the way this parcel is described, there's supposed to be a parallelogram but looking at some of the plans, you could construe that this line was supposed to go from here to the back corner of this parcel. So this is what they agreed to. This existing line of ownership becomes moot once this Boundary Line Adjustment takes place, but he can't describe an area to be transferred until they can at least agree on what the lines are between the two parcels so that's what is going to take place hopefully. They are willing to do it and all parties are in agreement. Vadney – Probably correcting a surveyor's holiday?

Bayard moved, Sorell seconded, I MAKE A MOTION THAT WE APPROVE THE PROPOSED BOUNDARY LINE ADJUSTMENTS BETWEEN TAX MAP I05, LOT 11 AND I06, LOT 7C, LOCATED ON BEAR ISLAND IN THE SHORELINE DISTRICT, SUBJECT TO SUBMITTAL OF THE DRAFT DEEDS AND BOUNDARY LINE AGREEMENT FOR STAFF REVIEW. Voted 7-0 in favor of the motion.

Sorell – How do they get to the big piece of land? Dolan – Falk's actually own Tax Map I06, Lot 5. Sorell – So they actually own one of the shore lots? The shore lot is a separate lot? Dolan – It's a separate lot, yes and has existed that way quite a number of years. Bliss – Mr. Chairman, I have a question, wouldn't we need like on past ones, a letter saying there's no mortgage on that property. Dolan – Typically, we provide a draft copy of the deed for review prior to them being executed to make sure it contains reference to the plan and latest revision date. In this case, it's also approval for a Boundary Line Agreement which the Town requires.

Meeting adjourned at 9:46 p.m.

Respectfully submitted,

Mary Lee Harvey  
Administrative Assistant  
Planning & Zoning Department

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

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William Bayard, Secretary  
Meredith Planning Board