

PRESENT: Bill Bayard, Chairman; Roger Sorell, Vice-Chairman; Peter Brothers, Selectmen's Rep.; Liz Lapham; Mary Lee Harvey, Adm. Asst., Comm Dev.

Sorell moved, Touhey seconded, MR. CHAIRMAN, I MOVE WE APPROVE THE MINUTES OF OCTOBER 25, 2011, AS PRESENTED. Voted unanimously.

### APPLICATION SUBMISSIONS

1. **KAREN H. DURWOOD** –Proposed Boundary Line Adjustment to transfer equal area exchanges between Tax Map U28, Lots 5A and 5B, located at 43 Stonedam Island Road in the Shoreline District.

BLA plan, application checklist and abutters list are in file, filing fees have been paid. Recommend application be accepted as complete for the purpose of proceeding to a public hearing this evening.

Sorell moved, Touhey seconded, MR. CHAIRMAN,I MOVE WE ACCEPT THE APPLICATION OF KAREN H. DURWOOD FOR A BOUNDARY LINE ADJUSTMENT AND PROCEED TO PUBLIC HEARING THIS EVENING. Voted unanimously.

### PUBLIC HEARINGS

1. **KAREN H. DURWOOD:** (Rep. Carl Johnson, Jr.) - Karen Durwood purchased both of these lots simultaneously and at the time there was a small cabin on the land to the north which has since been dismantled and there is no structure other than a small temporary shed so the land to the north which is the lakefront lot is currently vacant. She began to develop the southerly lot by constructing a house, a driveway, a septic system and drilling a well and had a portable carport located roughly at the end of her driveway that she wanted to turn into a more permanent type structure. At the time she wanted the garage in a position away from the house where she could drive in and exit the garage out into the turnaround area and then go back out to the driveway. She thought it would be wise to check and see where the line was to make sure she could meet the setback and as is often the case when a line goes at a steep angle from the road and it's 445' long, she was not aware the line was as close to her as it was. It caused a lot of problems because there really is no other reasonable practical place to put the garage on the lot so we're proposing to actually move the lot line between these two lots in a manner that's going to allow her to tuck the garage in here and allow for sufficient setback plus the overhangs so you can have a garage in the position basically how the lot was laid out in the beginning and allow her to have the garage. There is no garage there right now, the portable structure has been removed but pending the approval of the Boundary Line Adjustment, we will go back and stake out the garage to make sure it conforms to the new boundaries. Essentially, on the plan you can see how the line went straight through here. we have set a rebar which is about halfway up the line and we're going to create this triangular piece and then swing this boundary

down so you create two triangles the same size, Parcel A and Parcel B, so Parcel B becomes a portion of the southerly lot, Parcel A becomes a portion of the northerly lot. Because there's an equal area exchange, there's no net loss of area. The frontage and setbacks will all meet requirements. Since there are no structures other than a shed on the northerly lot, this setback situation isn't causing any problems. Essentially, it's a fairly cut and dry situation, the bank holds a mortgage on both of these lots together and one of the things we don't have this instant is written confirmation from the bank that they are signing off on this situation. We only have a verbal response from the bank indicating they don't have any issues with it. If you entertain a conditional approval, one of the conditions would be that the bank certifies they are all set. It is a little bit different than BLA's we bring in, normally there are 2 separate owners so there's a conveyance that takes place and in this case the applicant owns both lots so there will be no conveyance because you can't convey land from you to you, it has no legal standing. The plan will be filed in the Registry of Deeds with a note that when this lot is conveyed, it's conveyed minus Parcel B and including Parcel A so the new line will be described as shown on the plan. Similarly, if she were to sell the house lot, the same thing would be true. It would be conveyed with the benefit of Parcel B and not Parcel A. We set the pins this morning so that does not need to be a condition of the approval. Based on the staff review, the only condition would be the release of the mortgage or the signoff on the mortgage from the bank. Because they would like to construct this garage as soon as possible, we are requesting authorization to have the plan signed outside of a meeting. Public Hearing closed at 7:08 p.m.

Brothers moved, Lapham seconded, MR. CHAIRMAN, I PROPOSE A MOTION THAT WE CONDITIONALLY APPROVE THE KAREN H. DURWARD PROPERTY LINE ADJUSTMENT (BLA) AT ASSESSOR'S MAP U28, LOTS 5A AND 5B, AT 43 AND 45 STONEDAM ISLAND ROAD, FISH COVE WINNIPESAUKEE WATERSHED IN THE SHORELINE DISTRICT SUBJECT TO THE FOLLOWING CONDITIONS: (1) THERE BE SATISFACTORY EVIDENCE OF A RELEASE OR MODIFICATION RECORDED IN THE BELKNAP COUNTY REGISTRY OF DEEDS IN CONJUNCTION WITH THE RECORDING OF THE MYLAR AND THAT IS WITH THE UNDERSTANDING THE PINS HAVE BEEN SET PER MR. JOHNSON'S COMMENTS THIS EVENING AND (2) THE BOARD AUTHORIZES PLAN SIGNATURES OUTSIDE A MEETING. Voted 5-0 in favor of the motion.

### **PRE-APPLICATION CONCEPTUAL CONSULTATION**

#### **1. ADVANCED LAND SURVEYING CONSULTANTS FOR TOWNSEND**

**THORNDIKE:** (Rep. Carl Johnson, Jr.)- Pre-Application Conceptual Consultation to discuss a potential subdivision of Tax Map S23, Lot 32, located off Reservoir Road in the Business & Industry District.

Johnson – I took the Chairman's suggestion to bring this in for a conceptual discussion because I think it's a fairly cut and dry and simple situation but it is very unusual in the sense that this is part of the old Annalee Doll factory situation and the

breakup of it into different components creates unique situations to say the least so I thought I would bring this before the Board and kind of explain why we're doing what we're doing so when we make the formal application and you see it, maybe some of the questions we could ask tonight could be flushed out and be a little bit clearer. If you're familiar with the situation, coming up what used to be called Hemlock Drive which is now Annalee Place to the old office building and turning right, you go past a fairly newer storage building and then come to the situation where continuing up Reservoir Road, you'd go to the old Annalee Homestead. If you take a right at this existing access point, you come to a portion of the old Annalee factory which was called The Townhouse. It was a production facility then it was part of Annalee Dolls Manufacturing and then continuing beyond that was the large set of very long buildings which was called Chuck's Corner and part of the major manufacturing portion of Annalee Dolls. Since Annalee Dolls now has no manufacturing on the site here, this long building you may remember is now a series of condominium units, different businesses take place within each one of those components. It's a large piece of property, the major portion of the property is all common area and the individual sections of the building are individual condominium units. Right now Townsend Thorndike owns the remainder of the lots that are essentially on this side of the road. The homestead lot is another lot and there's one lot on the other side of the road that he's offering up for sale. One of the things he wants to do when he offers this property for sale is he wants to keep this storage unit for himself because he does have a lot of things to store and wants to keep this as a separate storage unit and sell the old production facility along with the land and it creates some problems with a traditional situation in that in a traditional subdivision situation, you'd have a hard time creating a traditional lot around that building. That can be solved through the condominium process in that you have limited common areas which aren't really lots, they are not subject to the standard type of setbacks and so forth that standard lots are and the other unusual aspect of this is this 30' access easement is the only access to these properties back there so it has to be reserved somehow through the process. What we are proposing to do is create a two unit condominium and Unit 1 would be about 20,000 sq. ft. and would include this storage unit. Unit 2 would include the old production facility, all of the developed land that's around it and a little bit of undeveloped and then the remainder of the parcel (2.6 acres) would be common area and would be essentially left undisturbed. It's a little over 5 acre piece of property so you'd have the 2 units and then the common land which will wrap around it. The configuration of the lots may change a little bit as we do some detailed on-site mapping. This is pretty much an overview of what's there based on some aerial photographs and the old mapping we have based on the fact we did pretty much all of the work on the Annalee facility starting in the 80's, late 70's and the 80's, 90's and 2000 so we have quite a bit of information. The plan that we would bring before you would also include condominium declarations and documentation on how these things are going to be held. Essentially, the access easement is going to be a portion of Unit 2. Of course, its going to be reserved for the access to the condominiums out here which it already is. Those condominium deeds reference the access and this parcel is subject to that access easement so those people can get there. Right as you stand now, it is not

defined by any shape or means. It's just the right to go across so somebody with a stretch of imagination could come up here, go around the building and go out. What we intend to do through this process is not only create these 2 units but also to define this access easement by metes and bounds to provide access for the properties that are out back. Of course, it will also be the access for Unit 1 and Unit 2. Really, in terms of what's happening on the site, there's going to be no changes to the site. After the plan is approved it's going to be exactly the same as it is right now. It's going to be used pretty much the same way with the exception that at some point in time, somebody may want to put some type of industrial use or business use in this existing spot. For a while Mr. Thorndike had his other business in here (a doll related business and he was operating it out of this facility). When he sells it, it's basically going to be a vacant building subject to site plan review for anything that is going to go in there. The properties are serviced by the municipal sewer. They do have on-site wells that are the source of the water as opposed to municipal water. Lapham – What is that rectangular area? Johnson – This is a little woody area. Right now, the way the pavement is, it comes up and goes around the building and it also comes up because there is an emergency fire access to get to the back side of the long buildings and continues off around the back of the buildings so this is just a little green area roughly shown in and when we come in with a plan it will be mapped and shown exactly how it is. I took the old plan and then took a, if you've noticed the google earth images almost the entire town of Meredith are high resolution photography. You can get fairly detailed information on a lot. You can calculate lot coverage pretty accurately, building sizes and position so I took some of that information off the google earth image. Brothers – Carl, tell me a little bit about the existing access road and the new 30' exit easements behind the storage he had in front of #2, what is the extent of the traffic that there's access to on the map, the larger buildings in the back, right. Johnson – the larger buildings are these condominium units, that's why they have separate numbers. That accessway is the only means to get to those properties and right now it simply says the right to cross and recross over this piece. It doesn't say through the access easement as identified so its not bounded, its just a right so what we intend to do is to define the right and basically this is pretty much all pavement so it may end up being a 35' or 40' easement, 30' is definitely wide enough for cars to pass. Brothers – That's what I was curious about, just the distance between the buildings and any setback. Johnson – We try to keep them away from the buildings and remember what we're proposing is 30', Route 3 where school buses and dump trucks pass at 50 MPH, its only 22' between the white lines so 30' is plenty of distance for vehicles to pass. When we do the proposed reduced roadway standards for some of the roads like Clover Ridge and out at Mr. Vaal's subdivision the pavement's much less than 30' so 30' is wide. If you're trying to compare that to a 50' ROW which sometimes you see on a plan, the 50' ROW normally includes the traveled surface, the side slopes and a little bit more for utilities so I don't have any worries about 30' being wide enough for the traffic to pass. Brothers – Again, I'm not suggesting that it wasn't wide enough, I was just trying to get a feel for the type of units that are in the back, the type of activity whether its large delivery trucks or office space up in the back, where the access is to the storage building on the front and also the current Unit 2, I'm just

trying to see how much traffic was going to be going through there, what general types of activity. Johnson – Right now, the primary use of that space back there is storage. You have a situation where each one of those is an individual condominium unit and if a business wanted to go in there, it would be subject to site plan review and they would have to come in and justify, there's a ton of space out there also and there's more than adequate parking for the types of uses that are out there. That's also zoned B & I as well so the B & I zone does not have the commercial component without the benefit of a variance. They have some accessory uses, showrooms and types of things but you can't have a true commercial type operation in that zone and that's the same with this. Brothers – One more follow-up question if I may, the units that are out in the back on S24 you said there were individual wells for water supply, is that a common well that supplies them all and does the store also extend up to those as well? There is more than one well that services the Annalee properties and they service different buildings. What we would have when we came in with the formal plan would be, I believe the well for this property is on the lot but I believe it services this and other properties so the answer is yes there are common wells on the Annalee property that service multiple buildings and remember that traditionally, even when Annalee had 270 employees working on this site, basically all of the septic load which is a washroom type septic load its surprisingly low for a septic load. The same thing is happening with the development of these properties being in the B & I zone. If someone were to buy a vacant lot here, they can't build a house. A residence is not a permitted use in a B&I zone. It would have to be B&I approved without the benefit of a variance. I would imagine if somebody bought the lot that the Thorndike's house is on, it will be a house lot. Other than that, this is an industrial situation and there's not a lot of draw on the wells and not a lot of load on the septic and the old septic are now discontinued because almost every building out there is on the sewer. When they developed the new theater property, they extended the sewer and water up to those properties so those are all now on town water and sewer. Brothers – The history was important I think. Lapham – I'm just curious where he wants to keep the storage area, I don't know enough about our lot sizes and stuff yet, but is that a standard size lot for that storage? Johnson – Because they're on the sewer, it would meet the density requirements. Although a condominium unit limited common area doesn't have to meet the density. What has to happen is the overall 5 acres has to meet the density because in a true condominium situation, the only thing you buy is the building, your unit is the building and if you look at the tax map here, see how these are numbered, that's what the guy owns who owns that condominium, he just owns that shape. Everything else is common land so the density is figured out by taking the whole 5 acres and dividing by 2 even though the limited common area is 20,000, that doesn't mean anything directly to the density, it's the overall property. Bayard passed the Site Plan for the condos for the Board to look at. Johnson pointed out the fire road that comes around the back and pointed out all of the parking spaces and most of its storage so most of it's not used. The same with back here where a gigantic parking area exists that isn't being used. Touhey – Is that parking lot going to be used by the Playhouse? Johnson – I hadn't heard that. Touhey – I'm trying to think of how far it might be away from the

Playhouse. Johnson – If they have a valet parking situation, they may but people are not going to park here and walk to the Playhouse, it's a long walk. This is going to be a totally separate condominium. The existing condominium is owned by a different person and is completely separate. The only thing that's in common with the 2 is this is the access to that condo unit. Bayard – I assume there would be some type of easement for the fire access too? Johnson – There would be. That would probably be more a verbal easement rather than a defined easement. Bayard – I think we'd want to make sure its noted, I'm not sure you have to specify all of the lines and all but you would want to make sure it was noted so nobody could go in and do some development there inadvertently. There's plenty of property and you could think of putting a shed there or something. Johnson – I'm going to look into that a little bit because I believe when the Fire Department looked at this, they were satisfied with the access to the front of these units and I don't think they required and I think this guy's doing that more for insurance purposes to have that maintained year-round. I don't think the Fire Department's as concerned with it as his insurance company but I could confirm that. Now that they have the big rig, they have a lot further reach to get to a building. Touhey – What's the distance between those 2 buildings? Are you talking Unit 1 and Unit 2, that's kind of where I was going earlier. Johnson – Probably the closest distance is about 67 feet between the buildings. Touhey -There's access there for trailer trucks, how's that building played out now? Basically what happens here, remember that this dashed line which is a 30' easement, there's pavement completely between these buildings basically so this guy's not limited to stay within this 30' easement, this is for these guys so the condominium declaration will say that this guy has the right to use probably a portion of Unit 2 if he had to come in here and back a unit in, that's not uncommon in a condominium situation. Touhey – How would it negotiate? It's not going to be any different than it is right now, we're not creating this situation. This situation exists. I'm going to say if a tractor-trailer is accessing this building; probably they are going to come in and go parallel to the building to wherever the door is and unload there. There are no loading docks, this building is at grade with the ground so if you go up above, there's loading docks and they have to back in, this is all at grade. Bayard – So you're not planning on digging up any of the pavement and stuff like that so it will still remain. Johnson – When you take a snapshot as it is right now and you take a snapshot when we're done, the only thing different will be the lines drawn on the paper, the physical aspect of the property is going to remain unchanged. Bayard – Now all the common area you have there, is that all paved for the most part? Johnson – No. It's not all paved and what you'll see when we come back with the plan will be a delineation of everything that's paved and not paved and grassed and remember when we come back we're not submitting a site plan, it's going to be a subdivision plan creating a condominium so we're not going to be saying anything about what this thing is going to be in the future, its' just going to be a subdivision in order to more effectively administer the sale of the property and its going to be a lot better in that right now you kind of have this 5 acre piece of land. There's different uses occurring on this land by different people by agreement and there's an access to a giant condominium use up there that's not defined so I think it's a step in the right direction that you're defining some of this stuff, you get it on paper, you're

identifying exactly where things are so if somebody that's over here starts parking vehicles over here, right now the way its written, if some guy over here started parking vehicles on here Mr. Thorndike would probably have a difficult time telling him he couldn't but because its not a defined right by metes and bounds, it could get a little gray. As a matter of fact, if I owned a unit out here, I would think this would be a good thing because now I would know what I have, right now I don't know what I have. As Mr. Touhey said, say Mr. Thorndike comes through here and puts a tractor-trailer there backed up to his building and decides he's going to take 2 days to unload the stuff that's in it and he can say to them, you're blocking my easement and he can say go around. Having this reserved would prevent somebody from blocking it because that would be the entitled access easement for somebody else. When we were in for the Winnepesaukee Forge and we had that boundary line, that easement in the deed clearly says you have the right to go on both sides of that line and to keep it free and clear so you can't block it. That's exactly what this would do; it would keep it as a situation that would be benefitting the people out here more than is there right now which is nothing. One further question, are there any wetlands in there that need to be delineated? Johnson – No, I'll take that back a little bit. On the lower end of this I believe there's a pond and there may be wetlands associated around the pond but there's no wetlands in the developed portion of it. Touhey – What's the condition of the fire road? Johnson – Not too good right now I don't think. Touhey – Is it just a gravel road? Brothers – The plan says its supposed to be maintained year-round. Johnson – That means plowed. Touhey – It can't have washouts in it. Johnson traced the fire road which goes off the property goes all the way down and comes into the big parking area so they can theoretically make this loop. Touhey – And that's the whole long building. Johnson, Yes. Peter, the sewer shows up on this building as accessing the big buildings and it also shows 2 wells on the big lot which is not our lot. Touhey – This is a lot of square footage, this could create a lot of traffic. Johnson – Right now that's where they are coming from and that's their only access. You've got to remember that when Annalee Dolls was up and running, they had 50 trucks a day coming in and out of this site and they had 270 employees so this is not a result of something we did now, this is a leftover of something different. The number of spaces you show in here is driven by the square footage of these buildings. Most of these condos were used as storage. There are no cars up there now. When Annalee's was up and running, cars were parked everywhere, in every spot that's a spot and then up on the bankings, in between the trees, cars parked just everywhere. I think what we're trying to do is we're certainly not exacerbating the situation by doing this, I think if anything we're making things a little more defined and things a little bit better and as I mentioned in terms of what's out there for the facility, square footage of pavement, square footage of buildings, utilities, nothings changing, we're not proposing any changes whatsoever. Bayard – It all meets the square footage and everything currently. The simplest condominium situation would be to have no lines, just call this a 2-unit condominium, this condo Unit 1, this condo Unit 2, no other lines at all. Everything else is common area. What we're trying to do here is separate because this at some point in time is going to be used differently from this and we'd like to preserve some open space. The condominium preserves the open space;

otherwise, right now if he sells this as a 5 acre lot in the B&I zone, I believe lot coverage is 75% so they could expand this 5 acres quite a bit. That's one thing you get as a bonus is it kind of gives you this the way it is to be the way it is for a long time and we like open space. Are there loading docks on Building #2? Johnson – I think there are. Those are the details you don't get in the conceptual discussion that you'll get when you get the full-blown plans; you show the loading docks, entrances, the actual parking spaces that are there and the utilities. This plan was done in 1983. I think it was worthwhile coming in. We plan to come back in at the January meeting. I think it would be worth taking some extra time getting the details right, having some draft condominium declarations, covenants and restrictions defining things like the fire access making sure that's memorialized. Brothers – Has Carl or the owner had any kind of discussion with the people on S24 in regards to the access and how you're proposing to define it because I would think you're not just going to draw something up and say we're going to have a public hearing? We'll be in contact, we also did this plan and we did it for the current owner so we'll be making sure we don't create a situation that's going to be aggravating anything. We want to make sure this is defined in the manner its being used and we want to make sure its wide enough so they are going to have the full use of it and basically give them everything they already have except in a manner that they can identify and see it. Right now there's no plan on record that I'm aware of that shows their right to come over this property. Sorell, Carl, if you get that all done, is there any way to paint that ROW on the pavement out there? Johnson - I suppose you could get into putting white lines down defining it. I think what happens, if you were to drive out there, because these buildings are like this and the roadway is constructed the way it is, if you were to drive out there now not knowing where you were and you drove from here to these buildings, you'd be right inside this 30' strip. Bayard – Is the Board interested in a site visit? Brothers – I'm certainly going to have to take a look because I've never laid eyes on it. Johnson – Right now since there hasn't been a formal application filed, I would encourage all of the Board members to go up there and look at it, you don't have to announce anything, just drive up there and take a look. Bayard – I have a couple things I want to discuss before we close. As I did mention, one of the things we're looking at a little bit is the requirement or what requirements we might consider for design review for all the commercial properties. I think it helps a lot in clearing up issues that come up and hopefully give us a more complete application so we don't run into incidences where the application isn't complete. I'm going to put in the areas we might want to consider and I don't think we want to consider them all at once. I think we have a little problem with what exactly an accessory use is, get that better defined and home occupation, another thing we might consider looking at. The better you define them, the easier it is for Bill to administer. Lapham – How do we do that, do you have an off-session time when we can sit and do that? Bayard – That might be a good idea. One of the things we're looking at is what requirements we might consider for design review for all the commercial properties. Another thing is if we do start to require more design reviews, at some point if things pick up we may have to go back to the bi-weekly meeting. It may add a little bit of burden to the Board, but I think it will reduce it on the other side. From what I read, it will probably be sometime after 2018 when the



economy starts to pick up. There are some other things that are likely to come up, (1) Is it time to review the master plan? I know John would like us to do it a lot and recommends somewhere between 5 and 10 years so this may be time to look at it. The other thing is I know Lou put a lot of time into some of the definitions and where things should be in all and I think we might want to relook at that, I'm especially interested to see if we could tighten up some of the definitions of things. What was once a Nursing Home now has become combined with assisted living and various other things. Brothers – That's one of the concerns I think we've spoken in regard to and to some degree we saw that here tonight. You have an old building that may have been almost over utilized at one point, certainly would be non-conforming by most standards today and because it pre-exists, it gives it a license to do whatever it wants and part of that is the process like I heard him say, I'm going to come in with a subdivision approval, you're not going to know what's there or how its going to be used or anything else and you're going to make a decision and that could apply to abutting properties as well in terms of the future use of that. All of a sudden, he's saying you've got enough roadway for this whole thing but that depends entirely upon what's going into those 2 units and how those other units are going to be used in the future so its like they're using the fact that it was non-conforming almost as a license to be able to go forward with very limitation. There's no expiration, if a use is discontinued in some communities, you have to come back and yet we've got all these little pieces around town that everybody's taking advantage of because they were non-conforming and they were used that way for 50 years but even that use may have been over-intensive or too intensive. With the different types of products, the traffic, the patterns that it may impact in terms of transportation, all those things are subject to what's out there today. It's kind like a free ride, it's a pass almost. Touhey – What I was asking about the fire road, in the back of my mind I was concerned about the increase and maybe that should be a permanent loop that the property out back would be able to go around and come back out, but I think that's probably putting too much burden on the owner at this point, you're right its grandfathered and then they can tear that building down as long as they build in the same footprint, right? Brothers – And then anything happens. Bayard – And that's another reason to look at the condominium documents, that's a concern I have along what you're saying, especially, sometimes a condominium gives them a little more freedom in a way because we can't just say we're going to deny something if it goes condominium. Brothers – I understand, a perfect example of that Bill is Pollard Shores Cottages. Bayard – I agree with you and that's a good reason to be looking at that condominium document and like you say we need to re-explore some of those items. Lapham questioned the date of the December meeting. December 20, 2011.

Lapham moved the meeting adjourn @ 8:10 p.m. Voted Unanimously

Respectfully submitted,  
Mary Lee Harvey  
Adm. Assistant, Community Dev.

The above minutes will be reviewed and approved at a regular meeting of the Planning Board on December 20, 2011

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John W. Dever, III, Secretary