

PRESENT: Bayard, Chairman; Sorell, Vice-Chairman; Dever, III, Secretary; Kahn; Lapham; Torr, Selectmen's Rep.; LaBrecque, Town Planner; Harvey, Adm. Asst.

Lapham moved, Dever seconded, MR. CHAIRMAN, I MOVE WE APPROVE THE MINUTES OF APRIL 26, 2011, AS PRESENTED. Voted unanimously.

### APPLICATION SUBMISSIONS

1. **JONATHAN T. WHITE REALTY, LLC** – Architectural Design Review of proposed alterations to an existing commercial building, Tax Map U10, Lot 34B, located at 351 Daniel Webster Highway in the CB District.

This is for an Architectural Design review of the proposed changes to the building. The Board previously conditionally approved the Site Plan, as well as the architectural design review for Family Dollar. Some revisions are proposed that you reviewed so they are back for you to review those changes. The application and abutters list are on file, filing fees have been paid and its recommended the application be accepted as complete for the purpose of proceeding to a public hearing this evening.

Sorell moved, Torr seconded, MR. CHAIRMAN, I MOVE WE ACCEPT THE ARCHITECTURAL DESIGN REVIEW APPLICATION FOR JONTHAN WHITE, LLC. Voted unanimously.

2. **185 REALTY TRUST LLC** – Proposed Site Plan Amendment to replace an existing structure with a new 80' x 70' building and add a 22' x 65' addition to an existing structure, Tax Map S25, Lots 11A and 13, located on Waukewan Street in the B & I District.
3. **185 REALTY TRUST LLC** – Architectural Design Review of a proposed new commercial building and a proposed addition to an existing building, Tax Map S25, Lots 11A and 13, located on Waukewan Street in the B & I District.

This is a Site Plan Amendment and Architectural Design Review. It's on two lots but because they are merging them, we're reviewing them as one Site Plan because that's the way coverage calculations have been done. Its an addition to the Overhead Door Options building and they will tearing down the building next door on the corner and building a new one. It's a Site Plan review as well as an Architectural Design. Both applications, checklists and abutter lists are on file, filing fees have been paid and its recommended both applications be accepted for public hearing this evening

Lapham moved, Sorell seconded, MR. CHAIRMAN I MOVE WE ACCEPT THE SITE PLAN AND ARCHITECTURAL DESIGN APPLICATIONS FOR 185 REALTY TRUST, LLC. Voted unanimously.

4. **SACHEL'S REALTY TRUST** – Proposed BLA between Tax Map R07, Lots 49 and 49K, located on Solace Pointe Road in the Shoreline District. This is the 11-lot subdivision approved a couple years back. They want to do a BLA between 2 of the lots, both lots are still in the developer's ownership. The plan, checklist and abutters list are on file, filing fees have been paid. It's recommended the application for a BLA be accepted for public hearing this evening.  
Voted Unanimously.

Sorell moved, Torr seconded, MR. CHAIRMAN, I MOVE WE ACCEPT THE BLA APPLICATION AND PROCEED TO PUBLIC HEARING THIS EVENING. Voted Unanimously.

5. **BRUCE VAAL & JANELLE (FITCH) VAAL AND JOHN WILLIAM BELVISO REV. TRUST** – This is a Boundary Line Adjustment very close to the previous application. Its on Sanctuary Lane which is right near Corliss Brook. There's a BLA between 5 lots and essentially it's making the lots more rectangular in shape and it will also be providing access to the Belviso lot so the easement will go right to the lot that it's on currently. All lots are developed as well, they all have single-family dwellings. The BLA plan, application, checklist and abutters list are on file. The fees have been paid and it's recommended the BLA application be accepted for public hearing this evening.  
Dever moved, Sorell seconded, MR. CHAIRMAN, I MOVE WE ACCEPT THE APPLICATION FOR A BLA AND PROCEED TO PUBLIC HEARING THIS EVENING.

### PUBLIC HEARINGS

1. **1<sup>ST</sup> T DEVELOPMENT** – (Rep. Don Jutton) Public Hearing to consider a request to grant additional time to fulfill a conditional subdivision approval issued by the Planning Board on September 25, 2007, Tax Map R04, Lot 5, located on Pease Road, in the Forestry/Rural District.

Jutton – I am the principal in 1<sup>st</sup> T development. This project was conditionally approved by the Planning Board in 2007 about 6 months before the economy did whatever it is doing. I have continued to pay the taxes and mortgage and hope that the economy comes back before I'm too old to make this happen. I was here last time and explained that I have 2 realtors who are shopping this looking for development partners but as long as the economy stays the way it is, there's simply no chance of getting it financed and there are no development partners to be had. So I humbly request that you extend this for another 2 years in hopes that the economy turns around. LaBrecque – Just for the record I wanted to state that the Planning Board did conditionally approve this subdivision on September 25, 2007. It's a cluster subdivision and since then a Conservation Subdivision Ordinance has been adopted and I don't know how that affects the existing proposal but likely it would. On January 13, 2009, the Planning Board granted Mr. Jutton a 2-year window to satisfy the many conditions that went with that subdivision. There is supposed to be a community well, roads and all sorts of improvements. On that

date, a 2-year deadline was granted and that would have expired January, 2011. We tried to get in here sooner but it didn't work out for Mr. Jutton nor the Town. I have a staff report from when he came in January regarding all the conditions but I don't know that we really need to get into that. Kahn – I'm not opposed to a 2-year extension but picking up on what Angela said, I think the reason we put in a cutoff date was not just to keep things from sort of staying alive forever but because there were possibilities of changes in the Zoning Ordinance that we might want to apply and I think its fairly clear that this subdivision would not comply with the zoning ordinance as we changed it but, on the other hand, I don't think its unfair under the economic circumstances to give them another 2 years. Kahn – I think it's fairly clear that we've got a much better ordinance now and this particular approval should not go on forever. Bayard – I think if we do grant a 2-year approval, it should be effective only until January, 2013. It doesn't appear that there was any malice involved, but we don't want to leave open where we can have big gaps and then have two year approvals put in. Carol DeFranc expressed some concerns regarding the wetlands. Bayard - This is not the time to address any abutter issues.

Kahn moved, Sorell seconded, MR. CHAIRMAN, I MOVE WE GRANT A 2-YEAR EXTENSION EXPIRING JANUARY 13, 2013. Voted 5-0 in favor of the motion.

2. **B & F MEREDITH, LLC** – Public Hearing to consider a request to grant additional time to fulfill a conditional Site Plan approval issued by the Planning Board on February 10, 2009, Tax Map S19, Lots 54, 55 & 36 located on Needle Eye Road and Daniel Webster Highway in the Commercial-Route 3 South District.

Bill Franks – I am the Manager of the Meredith LLC and we were here a couple years ago when you people were good enough to give a conditional approval. We had intentions of building a 12,000 sq. ft. spec building for retail and so forth, we did lots of surveys but unfortunately to make it viable we had to be getting rents of something like \$15.00/sq. ft. and the market had dropped down to \$12.00/sq. ft. and there were all kinds of vacancies. I have an associate who is very good at marketing but we weren't able to come up with anything so nothing's really happening. We would like to ask for a 3-year extension because I'm not sure when this economy is going to improve. I don't see anything changing so that's what we would like to do. we comply with you and have combined the 3 lots into one so we're here to make that request. LaBrecque – I'll just let you know that the Planning Board conditionally approved this site plan back on February 10, 2009. In that conditional approval it stated the approval was valid for 24 months and that's what brought us here today. Kahn – I think it's clear that when we give conditional approvals, we limit them for 2 years so I think it would not be appropriate to consider granting an extension for 3 years, however, I'm in favor of an extension for 2 years. LaBrecque – After 2 years you can always come back and ask the Board for another year or 2 if you like. Franks – I like to be optimistic and think it's going to turn around in 2 years. The one before me has gone for 4 years so I figured I'll go for 3. Public Hearing closed at 7:23 p.m.

Kahn moved, Torr seconded, I MOVE WE EXTEND THIS CONDITIONAL APPROVAL FOR 2 YEARS FROM THE DATE IT EXPIRED, FEBRUARY 10, 2011. NEW EXPIRATION DATE – FEBRUARY 10, 2013. Voted 5-0 in favor of the motion.

3. **JONATHAN T. WHITE REALTY, LLC:** (Carl Johnson, Jr., Rep.)

Johnson – We were here last month requesting some changes to convert the previously existing bowling alley into a Family Dollar store and we did receive a conditional approval on the Site Plan and Architectural Design Review. We had some issues with the signage and also what happened subsequent to that approval is there were some additional consultations with the Family Dollar outfit in terms of the actual storefront entrance to the building. We have submitted a new architectural design layout of the storefront entrance, it looks significantly better than just having a door going into the building and it really makes it look a little bit more like a storefront than an entrance to a warehouse. The site plan elements are essentially the same, there is a walk up to the door but we have a larger awning that kind of breaks up the 100' length of the building as well as 2 storefront windows on either side of the door. The remaining portions of the building are the same. Originally, we had proposed an emergency exit on a different side of the building but that emergency exit is actually going to be on the complete opposite side of the building away from public view on the north elevation which satisfies all of the fire codes. Mr. White had discussions with the Fire Chief and Bill Edney regarding that exit. We'll entertain discussion, comments and questions regarding the redo of the front. We think it's a big improvement over what was originally submitted in terms of how it looks overall to the building. The second issue is with the signage. If you remember, we had originally proposed a single sign 25' x 4' which is 100 sq. ft. and the Board determined that sign in that particular location was disproportionate to the building but left it to be worked out administratively. Two weeks ago, we were still lacking specific sign detail information from Family Dollar so I came in with a sign that was reduced in size from the original sign centered over the awning instead of on the end of the building. Yesterday morning I received the technical specifications from Family Dollar regarding the signs (copies provided to the Board). There are actually 3 signs that were presented by the Family Dollar organization. I pointed out to them that the Town of Meredith has a Sign Ordinance and also have an Architectural Design Review Ordinance and because the architectural review specifications talk about building mass, building orientation and size of signs and whether or not they are proportioned to the building, we couldn't just automatically take the square footage of the sign ordinance to the site plan and say that's what we would be allowed. What they came out with I think meets all of the concerns the Board had originally. The sign is the same (96 sq. ft); they are just sticking Family Dollar in there, removing the letter board and painting the bottom white. Family Dollar does not utilize reader boards. The overall dimensions of the sign that's now located central and above the awning are 25'- 1 3/4" but the actual Family Dollar letters are only 34.5" high so the square footage of

that sign is 75 sq. ft., a 25% reduction in the size originally proposed. The proportion of the sign looks much better with the storefront underneath it. We thought it was a significant enough change in the location that we would bring that back to the Board. Three signs were presented by the Family Dollar organization that were not available at the time the application was filed. This is a franchise that doesn't like to deviate too much from its corporate logos. We do have the information now for the Board's approval. If the Board is not ready to approve what Family Dollar has submitted, could we separate out that aspect of the application and get some type of conditional approval over the revision of the storefront which is also important. LaBrecque - I think you could give a conditional architectural design review approval with a condition that states a public hearing will be held subsequent to determine the details of the signs. I think Mr. White wants to get started on the exterior renovations and without knowing how big a window he can cut out for the storefront without the approval, he really can't make progress getting that building ready for when Family Dollar wants to move in August. There is a substantial amount of work to be done before the signs get put up. The camel color would be the body of the building and the bright red would be the awning which matches their sign, so the whole building will be camel with a red awning. I believe the landscaping is the same. The windows on the Route 3 side of the building have been removed because they have an issue with windows looking into their store. LaBrecque - All of these signs are with exterior illumination, right? White - The one in the front over the awning is articulated, meaning its 3 dimensional exterior lighting and the other one is a flat metal sign so the two are a little different. I don't have a problem with separating the two issues, I think that's appropriate. Kahn - I really like this entrance, I think it looks a lot better. I think the entire building looks a lot better than what was there. I don't have a problem with the sign that they propose over the entrance or the sign out by the road. Kahn- I think the 6' x 2' sign is too small. We had the same corporate issues with Volvo. If we're going to let them have a sign, let them have a bigger sign. Why take this to another meeting, why don't we get this resolved and get it over with. Johnson - If we could take the sign thing in 3 steps. Is the front sign meeting the Board's expectations? Yes. Lapham - Quite frankly, the sign itself for Family Dollar needs some vegetation, stonework, or something to cover the white slab of concrete. I think we need to keep up the beautification of the town on the other side of the lights as well. Dever - Maybe the base could be painted the same color as the building. Johnson - Repainting the base to match the color of the building and adding some landscaping towards the base would work. White offered to provide some landscaping at the base of the sign. Lapham - I would like to see some nice landscaping that will carry through the theme of what we're trying to do along our highways. Sorell - Is that sign in the State ROW? Johnson - It is. Bayard - I think this is good; the only thing is the sign on the front. I think everybody's pretty pleased with everything we have here, I think everything you're saying is good, the only question would be about the new sign on the front. Johnson - They actually have it to scale, centered on the building on that end. I'm pleased to see that you've added more landscaping. White agreed to fill the hole where the door came out. Public Hearing closed at 7:52 p.m.

Dever moved, Kahn moved, MR. CHAIRMAN, IN THE CASE OF JONATHAN T. WHITE REALTY, THE ARCHITECTURAL DESIGN REVIEW FOR THE FAMILY DOLLAR STORE AT MAP U10, LOT 34B, 351 DANIEL WEBSTER HIGHWAY IN THE CENTRAL BUSINESS DISTRICT, I MOVE THAT WE APPROVE THE ARCHITECTURAL DESIGN REVIEW AS PRESENTED AS IT IS A MAJOR IMPROVEMENT, SUBJECT TO THE FOLLOWING:

(1) ANY PROPOSED CHANGES IN THE FUTURE TO THE BUILDING ELEVATIONS OR THE SIGNS WILL REQUIRE ADDITIONAL PLANNING BOARD REVIEW.

(2) THE BUILDING ELEVATIONS SHALL BE REVISED TO NOTE THE PROPOSED LIGHTS WILL BE CUT-OFF-FIXTURES.

(3) I FEEL THE PROPOSED DESIGN DEMONSTRATES SUBSTANTIAL CONFORMITY WITH THE GENERAL AND SPECIFIC CRITERIA SET FORTH IN THE ORDINANCE. Voted unanimously.

2. **185 REALTY TRUST LLC:** (Rep. Carl Johnson) - Proposed Site Plan Amendment to replace an existing structure with a new 80' x 70' building and add a 22' x 65' addition to an existing structure, Tax Map S25, Lots 11A and 13, located on Waukewan Street in the B & I District.
3. **185 REALTY TRUST LLC** – Architectural Design Review of a proposed new commercial building and a proposed addition to an existing building, Tax Map S25, Lots 11A and 13, located on Waukewan Street in the B & I District.

Johnson – I'm here representing 185 Realty Trust, LLC. The Town of Meredith is fortunate to have Mr. Leighton who has almost single-handedly upgraded the upper end of Waukewan Street. I'm sure you're very familiar with the property that's located on the corner of Waukewan Street and the entrance to the Waukewan Village condominiums. It probably would not meet many of the architectural design standards set forth by the town in their ordinance, it's a pretty dilapidated building. The proposal is to remove the existing building and construct a new building that is much more in character with the neighborhood and also complements the abutting property which is also owned by Mr. Leighton. The proposal here is to merge the lots creating one lot and access would be connected between the buildings and in back of the buildings. The Meredith Public Health Nursing Association building located across the street was also designed by Peter Stuart from Stuart Architects, the same architect that's working with Mr. Leighton on this building. This zone is Business & Industry so there are industrial type buildings in this area. On the corner you have the very large Vutek/EFI building occupying the entire corner. Directly across the street from the Overhead Door building you have the Meredith Public Health Nurses building and you also have some photographs of the existing building that's on the Overhead site which is very clean and nice and doesn't look like an industrial building. Mr. Stuart proposed to remove an existing portion of the existing Overhead Door Company and replace it with a new 22' x 65' section with a

proposed overhead door in the rear. That can be seen on the left-hand side of the architectural rendering. The existing driveway goes to the right of the building and will be widened out a little bit. That property line will go away so there's no setback there anymore because the properties are going to be merged. The new building being proposed is 70' x 80' and is larger than the existing building, but it's very much within the lot coverage that's allowed in the zone. The total lot coverage of the combined lots would be about 50%, well within what's allowed in the B & I zone. Behind the existing Overhead Door business is a large gravel area, but there is no delineated parking. The delineated parking shown on the plan is to provide the Board with the indication it's a sufficient area for parking, should it be necessary. The parking calculations are based on the industrial use at 250 sq. ft. for each space. The total required in that area is 18 and the total provided is 18. There is parking almost in front of every building that's on that side of the street, which does require a special exception by the Zoning Board of Adjustment so we will have to apply to the ZBA for the parking located here in front of the building, but its very much in keeping with the character of the neighborhood and would actually add to the building as opposed to taking away from it. It also allows sufficient room for snow storage and some landscaping, some of which was existing at one time on the property by a previous owner. Currently, there is an entrance and an exit which goes onto the ROW strip leading back to the Waukegan Village condominiums. That will be reconfigured as shown to be an "exit only". There would be a sign on this portion of the property "Do Not Enter" so this would be an exit from the property and no additional traffic will come up Village Drive to go into the property. Also, the way the exit is designed and the traffic flow is analyzed on the site, people will probably go in and come out here as opposed to going out there. because its windier requiring two right turns to get out as opposed to one right turn so the architect, when designing the position of the building and the parking on the site, he kind of put in this funky little thing which discourages big trucks from going out there. The intent is to minimize any effect on the existing roadway that goes to residential property. This is all zoned B & I but a portion of the Waukegan Village Condo Assn. property is actually zoned B & I in the front portion of that strip. Most of what's existing on this lot is staying the same with the exception of the demolition and reconstruction of the new wing. That style and architecture is going to be in concert with the new building that's proposed on the second lot which will be merged. The way this works is there will be office areas and a covered walkway in the front, these will be bays with overhead doors in the back and that will be accessed from the back. In terms of the types of uses that are to be considered for that building, you're always in the position where you don't always have the exact tenant or tenants for a building. This building has 3 bays; right at the moment; I believe Mr. Leighton does have a tenant lined up for two of the bays. The use for the first 2 bays will be plumbing & heating, very similar to some of the businesses we have in town. For that type of business, the majority of their work is done off-site so they are there in the morning to pick up supplies and then gone so it's a lower intensity type use in the B & I zone than some of the other uses that are permitted. That would leave one bay to be available and because it would be one bay, it's actually quite self-controlling in what can go in there. You can't put that big

a business in a one-bay shop. I believe that bay would be 25'. The other component is a monument sign very similar to the signage that's on the next property down. This BLNB, LLC property on the other side of the entrance to Waukegan Village also is owned by Mr. Leighton as well as the next property down and they have this type of monument sign which has the 3 separate businesses listed on a sign that's 7' high, 2' x 4' maximum on two sides for a total of 48 sq. ft., which is well within the limits allowed by the ordinance. There may be some directional signage on site to keep people flowing in the right direction. The "Do Not Enter" sign would be one of those. We have provided snow storage; we're showing some additional landscaping with some shrubbery on this side of the building as well as in the front of the building. There's a proposed lawn area that's in between the overhead door business and this new building as well as a lawn area that extends beyond the shrubbery over to the edge of the ROW. Right now there is a kind of disfigured wet area that's in the back of this lot, which was kind of disturbed by the previous owner. Mr. Leighton is working with Randy Shuey from New England Environmental and with the state to do a restoration and relocation of that wetland so that's a separate project from the Planning Board but I wanted you to be aware that right now this qualifies as a non-designated exempt wetland that doesn't connect to any brook or stream and is under 3,000 sq. ft. total so it doesn't have any setbacks associated with it. What Randy Shuey's looking to do with the state is actually mitigate this wetland and put a somewhat larger wetland complex out to the back so there would be an actual net increase in the amount of wetlands and to make that area go away because it's kind of an ugly scar on the lot right now. It was primarily just a result of drainage; it was a naturally occurring wetland on the site. Over time it develops the water table and a vegetation so it becomes a jurisdictional wetland and was mapped by Mr. Shuey at one point in time as a jurisdictional wetland. The lawn area will wrap around so it will look quite nice in that area. In terms of the architecture, it's a low-riding building, single story, has the entrance with the covered walkway in the front which accentuates the building, breaks up the rooflines a little bit, there is a notch in the front of the building that's kind of mimicking the notch that will be in the front of the revised building on the other side so you've kind of got Mr. Dever's symmetrical bookend thing going on so Peter's taking a look at that and I think the architecture will probably speak for itself with what Peter has done across the street. There was a question about the propane tanks and they are much smaller than what I said so there is no setback required from the building. They are essentially the fat boy tanks which you see all over town right up against the buildings, but they will go through the Fire Chief's staff review. LaBrecque – The uses that were noted were warehouse, accessory salesroom, inside storage, light manufacturing and business offices under 5,000 sq. ft. which is not permitted in the district. For some reason, our B & I list of uses says offices above 5,000 sq. ft., I think it's more towards office buildings. I ran it by Bill and he said he wasn't clear on exactly what was being proposed so he asked for some additional detail or clarification. I didn't have that and I didn't get the uses until the second gyration of the site plan Carl submitted. I think he wanted more clarification on business offices. The office would be attached to the business that's in the bay. You wouldn't have a plumber in the



back and a lawyer in the front. LaBrecque – Are you planning to pave some more because this is gravel or dirt back here? Johnson pointed out where the pavement currently ends. The initial plan is to pave the new section up to the point where it enters the new building and I'm not sure Mr. Leighton wants to pave the entire area. LaBrecque – How about the wooded area towards the back that kind of separates this site from the condos? Johnson – No change. This tree line is the existing tree line that shows up on this plan and I would be happy to add a note. Leighton – There will be a few trees removed, we're proposing to relocate the wetlands right in that area and there are a few trees that have been impacted from the fill and essentially have died so those will be removed. Any screening between the condos and this 183 property, we're going to try to leave all that. Basically, it's been pretty well cut. LaBrecque - I wanted to note they are both served by municipal sewer and they will be served by a private well. Johnson – No, actually there is an existing water line coming in and that's going to be split to go to the two buildings. LaBrecque – The Water Department reviewed it and thought it was going to be a private well serving both lots. Johnson – There is an existing well right now that's going to be discontinued. LaBrecque – So permits will be required from the Water Department for the connections. They require permits for every connection. Leighton - The old building is currently being served by water and sewer. LaBrecque – The lots are being merged so it's OK to have water service going from one building to another as long as it's on the same property. It's a condition of this approval that the lots be merged. LaBrecque – The Fire Chief did review the plan so he noted his concern on the propane tanks, but I informed him the tanks will be 100 gallons so they can be near the building, they just can't be near an air intake or anything like that. As far as access to the buildings, he's satisfied with the access for his emergency vehicles to be able to get in there. With respect to drainage and stormwater management, there really isn't anything noted on the plan. I know there will be some restoration apparently of the wetlands. Ed Touhey had a big part in the Nurses Association building across the street and they installed a rain garden. He e-mailed me that he had concerns about the drainage and what impact it might have on the watershed or perhaps the condos, but I don't think the condos are downhill from here. Johnson – This area is already disturbed; we're actually not disturbing anymore area than what's already disturbed by the building and the extent of the previous owner's lot so this all fits within the area that's already disturbed and it's essentially all at grade, there's no real grade difference to speak of. It doesn't look like there's any site lighting proposed. LaBrecque – The Board encourages cutoff light fixtures if there is outside lighting proposed. Johnson – I meant to talk to Peter about that. We will add a note that any of the lighting will be the cutoff type fixtures. LaBrecque – If there are any dumpsters proposed, they should be screened from public view. Johnson – The roof is not a flat roof, it is a half-pitch roof. LaBrecque – So if you look at the photograph of the Overhead Door building, apparently the pitch of that roof will be the same on the new buildings. The ordinance talks about roofs and it just says that flat roofs are strongly discouraged. Lapham - It would be much more architecturally pleasing to have something that doesn't look like a rectangular, flat roofed building, although it has a pitch. Leighton - It is a metal building but the façade will change. We're

proposing, hopefully, to cover the clapboard front with cedar shakes underneath the overhang much like we have on the building adjacent to it, but that's basically budget permitting. Peter and I spent a great deal of time discussing the architecture. He had designed a building similar to the LL Bean building in Conway, but it didn't fit in this area, it didn't go with the street, it didn't go with the architecture on the other properties I own, so basically we axed the idea. I would like to build a better looking building and agree that's a little bland. We're tweaking it now with potential awnings much like I have on the other buildings adding a little more flavor if you will to the front end curb appeal. Lapham – It would help if you could come up with something to soften that look. And again, that's an entrance into Meredith and many people use that street. We're trying to let it flow from the other buildings. Torr – I'm a little bit bothered by this snow storage in the back. We're dealing with an area that's reasonably flat by the looks of the topo and if it's sloped, I know it will run down to the Waukegan Watershed. The cutting of trees allows some of the flowage to go so it is a concern. I guess a wetland has been created by what has existed there. Johnson – This is not a new area in terms of being plowed so the amount of snow storage being proposed is probably no different than what's there now. There's no real need to plow that whole area. The area there now has been building, parking lot, snow storage area and has been plowed with snow storage similar to what we're showing. Dever – I'm assuming you intend to clear most of the debris from your new purchase and then work on mitigating the wetland towards the back of the lot. Does that include planting more shrubbery or something to try to screen it a little bit more from the condos? It will be a lot greener because you're not extending your parking area as far back to where it's all disturbed now. Leighton (inaudible-no mike). Johnson – Eventually, if approved by the state, the plan is to fill this wetland and create a more functional, better wetland in the back that deals with water retention. LaBrecque - By filling it, it's not going to be another parking lot or whatever else? Leighton (inaudible-no mike) Johnson – The other thing about the condominiums and I know I rubbed Mr. Touhey the wrong way when we were talking about it, is the landscape buffers are a two-way street and when you have a development that cuts all the trees right to the property line and then have a lot of comments about the lack of screening between the industrial and residential, there was a lot of screening there that was taken down so the tree line for lack of a better delineation is here so there's probably 60' of tree line to the property line. The fact they had a wooded 15-acre site and they cut to the property line, some of that is a two-way street. Bayard - Is the mitigation plan something you've formalized or is that something in process. Johnson – It's in process. Bayard – It seems to me that will tend to deal with any potential drainage issues. Johnson – It will. Part of what the state looks at in wetland mitigation is the source? There is no natural source to this wetland, it was created by off-site drainage coming on, sitting in a pocket for a period of time and then the previous owner put a culvert in, was driving onto this part of the lot and using this part of the lot for storage so it was a situation where the wetland had been impacted. Mr. Leighton hired Mr. Shuey, because it had been impacted, to have a mitigation and restoration plan prepared. He's met with the state regarding the plan and is in the design process and the state would look at the source of the drainage causing this

to make sure it is rectified and put in a different location. If there is an off-site source to this drainage in this area, it would be sent out in some type of a swale to the wetland that's in the back to provide retention or detention. If there was some source coming in this direction, I believe it's been mitigated by the new road they built so I don't believe there's any drainage coming in that direction any more. This is a road with curbing so the drainage coming down now is dealt with in the drainage plan prepared as part of the condominium development. A catch basin right here shows up on the plan and picks up any drainage that's coming down the street in that location. Bayard – Is the overhead door you have right now going to remain the same? Is the addition going to blend in somewhat with the overhead door? For the architectural design review, we'll need more than what we have here. We generally get to see a few sides of the building and I would also like to see how it looks with the overhead door. Johnson – There were specifications of the building submitted in the packet. Dever – I think Bill's question is that the addition on your main building is going to be stepped back from the front by the drawings in front of us. Are you starting at the existing roof line to match it? Leighton – Currently, there's a 16' x 16' office here that will be removed and then the proposed addition will set back 8' as this new structure will to have some continuity here and the roof line will be at the same pitch as the existing one. They won't be flat, they will be a transition, 16" higher because we're coming back with the same height eave so this will be a bit higher than the existing one. You're taking essentially the same height as you have on the front of your building presently, sliding it back 8' and then maintain that same pitch going back and it would be a 16" step or so between the two roof lines. Architecturally, it wouldn't be just one big flat roof adding 22' to it. We are still working with Peter potentially adding almost like fake façade windows to give it some more curb appeal. We are trying to break up the roof lines. Johnson – When we started this project, Brad was looking at 2 options, one of which was building a separate building on this piece or merging the lots and having an addition to this building. Brad was pushing for the single building and Peter and I were pushing for separate buildings. One big mass would be almost like another Vutek building. Bayard – Are you going to have to put in drainage and things of that nature, the roof will drain and it's already pitched down. We will need some additional renderings of this including the Overhead Door building in the picture to see how it looks with the new addition. Johnson – Is it possible to approve the site plan portion of it because it's a separate application and continue the architectural design review? Bayard – I think we might want to do a site walk on this. Lapham – I think a site walk would be a good thing for us to visualize what's being cleared, what's being restored, and what's being covered, especially on the back part of that lot. Lapham – I think you're correct in asking for additional drawings on this building. Johnson – One of the dysfunctions with the way this thing works is we can't go to the Zoning Board without a conditional approval of this parking in the front from the Planning Board so if you were going to continue this for a month, we'd be held up until the end of June and that would mean we couldn't go to the ZBA or the Planning Board until July. There's a 30-day appeal period for a zoning board decision so we're looking at the end of August before he could do anything. Is there a way that the Board could

indicate they don't have an issue with the parking in the front so we're not blowing the whole summer? The problem is you can't make an application to the zoning board for a special exception for parking within the setback unless you have a conditionally approved plan. It doesn't say approved plan, it says written permission by the Planning Board. LaBrecque – Yes, it does. It doesn't say you can't make the application to the ZBA, they just can't hear it without an approved site plan. A great deal of discussion took place regarding what constitutes an approval. Johnson – If there's no way around it, we have to be at the July meeting of the ZBA. We could take the parking off the site plan or hatch it and say, parking in this area would be subject to the granting of a special exception by the zoning board of adjustment. Dever – If they were able to get the site plan approval from us next month, could they be on the docket for the ZBA following that to get the special exception, would that be an amended site plan to us?. Johnson - I would revise the plans so when we come back to you next month, I would have sufficient parking on the site shown elsewhere so you could approve this plan. It would be signed and Mr. Leighton could pull his building permit and the plan would say, parking in this area is only allowed with the granting of a special exception by the ZBA and if we went to the ZBA and got approved, we wouldn't have to come back to you. Does that seem reasonable? Bayard – So far we've brought up a number of issues and the parking is not one of them. Is this something we're getting in June? LaBrecque - You're not going to the ZBA until July anyway so it doesn't matter. Johnson – Mr. Leighton's question is why are we coming back in a month? Bayard - We want to have a site walk. Kahn - When we come back in a month, where is the wetland plan going to be? I don't know that but I can tell you the status when we come back. Can there be a plan subject to the state approval? Leighton - Based on the plan today, we are not impacting any wetlands so I'm not sure what a site walk can do but literally cost us 90 days. If you come back to us after we've done the site walk and we're looking at some more architectural elements and if everything is in order, you could walk out of here with your conditional approval and go forward from there, then you would go to the zoning board. Bayard – I think there is some concern about the drainage and I think showing the outline of your mitigation plan would go a long way to addressing any drainage and unsightliness and all the issues in the back. LaBrecque - The deadline for the June ZBA has gone by so you are going to the July meeting whether the Planning Board approves this tonight or not. I can't tell you right now that we are going to give you a conditional approval, but I think those are two elements we have concerns over. Johnson requested the Board authorize this plan to be signed outside of a meeting once the Board gives its conditional approval. Bayard - When we do this, Roger can sign in my place in case I'm unable to be available. Johnson – So you're looking for additional architectural renderings of the buildings, some indication of the progress and the function of the wetlands mitigation plan, including a rendering of the addition including the entire Overhead Door building. You're looking for the normal elevations in addition to the 3-D rendering. Bayard – Yes, we usually get multiple dimensions like the Family Dollar one. A site walk was scheduled for June 4, 2011, at 9:00 a.m. Public hearing closed at 9:02 p.m.

Dever moved, Kahn seconded, I WILL MAKE A MOTION THAT WE CONTINUE THIS TO THE JUNE MEETING, JUNE 28, 2011, AND WE SCHEDULE A SITE WALK FOR SATURDAY, JUNE 4, 2011, AT 9:00 A.M.

4. **SACHEL'S REALTY TRUST – (Rep. Carl Johnson, Jr.)**

Johnson – The Board is familiar with this subdivision. It was completed and approved in 2008 or 2009 and is an 11-lot subdivision. The plan has been recorded in the Registry of Deeds but only one of the lots has been sold. Mr. Vaal has an interested party in one of the lots who would like the lot line between what was Lot 1 and what was Lot 11 to be slightly different so we're proposing to convey a very small triangular portion of land, about 10,000 (sq. ft.) which is to be conveyed from Lot 11 to Lot 1. There's a note that Parcel X, formerly a portion of Lot 11, is to become a portion of Lot 1 and the purpose of this revision is to show this change. Neither Lot 1 nor 11 has been conveyed from the original developer as of the date of the revised plan. The 10,000 sq. ft. does not make a difference in either one of the lot sizes because it all falls within the buffer setbacks of the designated brook so it's not used for lot sizing calculations. The density's not affected because it's the same number of lots. The only reason we're really back here is because the plan has already been recorded and we're changing one of the lot lines. This plan will supersede the previously approved subdivision plan and be recorded in the Registry of Deeds. There is no mortgage release required because nothing has been conveyed. Because of the nature of this and there is an interested party, if we could get this mylar signed outside of a regularly scheduled meeting, that would be awesome. All I really have to do is set the pin and prepare the mylar for signature. Bruce Vaal – It would be awesome if you guys could do that tonight just because we have an interested party that has been hemming at this for a bit. It would be appreciated if the Board would inconvenience themselves to do that.

Dever moved, Torr seconded, MR. CHAIRMAN, I WOULD LIKE TO MAKE A MOTION IN THE CASE OF SACHEL'S REALTY TRUST FOR A PROPOSED BOUNDARY LINE ADJUSTMENT, TAX MAP R07, LOTS 49 AND 49K, LOCATED ON SOLACE POINTE ROAD IN THE RESIDENTIAL DISTRICT, THAT WE APPROVE THE BLA AS PRESENTED WITH THE CONDITION THAT THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO RECORDING OF THE MYLAR AND THAT WE ALLOW THE MYLAR TO BE SIGNED OUTSIDE A REGULARLY SCHEDULED MEETING. Voted unanimously.

5. **BRUCE VAAL & JANELLE (FITCH) VAAL AND JOHN WILLIAM BELVISO REV. TRUST: (Rep. Carl Johnson, Jr.)**

Johnson – This plan is too small. The final plan for recording will be larger. Mr. Vaal owns the balance of this property, 3 other properties in his wife's name and the big lot under Satchel's Realty Trust. Mr. Belviso and his wife own their property in a double trust. This is the 5<sup>th</sup> parcel involved in this multiple transaction.

Currently, right now 4 of the lots are very small and the Satchel's Realty Trust lot is a big lot. We are trying to accomplish two here are things. We're trying to make the smaller lots bigger so every lot that has an existing home on it right now is getting larger to a certain degree. In Meredith it doesn't matter that its not getting big enough to be a legally acceptable lot as long as its getting bigger and the lot the land is being taken from doesn't become non-conforming as a result. There are several conveyances of parcels that are going to take place as a result of this plan. Right now, this lot (R07-44) wraps around the back of this lot. In order to make this lot bigger, they are conveying parcel D which is almost 12,000 sq. ft. out of this lot to here. That wouldn't be allowable normally except that Satchel's Realty Trust is conveying this 15,000 sq. ft. parcel to this piece so this piece is getting smaller by 12,000 sq. ft. and getting bigger by 15,000 so it's getting bigger net by 3,000 sq. ft. and this lot's becoming bigger by a lot (double). The following conveyances are taking place as a result of this Boundary Line Adjustment: Parcel "A" 523 SF to be conveyed to R07-45 and merged with existing lot; Parcel "B" 6,485 SF is to be conveyed to R07-45 and merged with existing lot; Parcel "C" 11,377 SF to be conveyed to R07-43 and merged with existing lot; Parcel "D" 11,888 SF to be conveyed to R07-46 and merged with existing lot; Parcel "E" 15,617 SF to be conveyed to R04-44 to be conveyed to R07-44 and merged with existing lot. Parcels "A" thru "E" may not be sold separately. There are two distinct accessways getting down into these properties. They all come off of Sanctuary Lane which is off of Collins Brook Road to the fork. The access to this lot comes across the Satchel's Realty Trust portion and then across Mr. Vaal's property here to get to his property. The Belviso's come across the Satchel's Realty Trust property, across Mr. Vaal's property in two places and then get to their property. That is all accommodated by easements that are all recorded easements. The second thing that's happening as a result of these BLA's is giving the option to these parcels to use the second wing and alleviate going over multiple properties to get to their own property. They still will all go over Satchel's Realty Trust property and they will still have to pass along the back of these lots but they won't be going through the middle of them as they are right now. If R07-43 wanted to, they could apply for a driveway permit to connect in a different location and then Mr. Belviso could apply for a driveway permit to connect in a different location. It would require going to the Zoning Board of Adjustment and we're not here to decide the merits of going to the ZBA or not and what we're doing is not critical on those people getting access there. That's up to them should they decide to pursue it. We are not saying they don't still have the rights to go where they want to go. In the legal end of this, I wouldn't want to be the lawyer that's handling this because in the ultimate end of it, this is going to be resolved with parcels giving up easements if they should obtain rights to get somewhere else so they would be relinquishing their right because they've got another driveway. It's to try to get everybody a more sensible driveway access to their property which doesn't go down through the middle of somebody else's property. There are multiple conveyances to abutting parcels and the notes all say they are to be merged and become a part of existing property and can't be sold separately. As a result, everything is getting bigger with the exception of the Sanctuary Lane lot which is Satchel's Realty Trust lot but that is not getting small

enough to make it non-conforming, it's still 152,000 sq. ft. after adjustment and there is still a very large buildable area laid out on the lot for a potential building envelope, there's a test pit on it and is adequate area for a leachfield and so forth so we're not making the other lot non-conforming and every other lot is getting bigger. Bill has no problem with it in terms of the lot sizes and configuration. Dever – So ultimately we're improving access to each of the lots, but they could in the future potentially gain better access because of these actions here and could actually come off the other fork of Sanctuary Lane directly. Johnson – which is going along the back of the lots instead of down through the middle. Dever – We've increased the lots, should there be a need for lot loading calculations would make it much simpler to put in a septic system where we obviously have wetlands or smaller issues close to the water. Johnson – For this lot, you can see it dramatically increases the buildable box. Chris Volpe – I have 3 lots, R07-42 I think is the most impacted lot. Due to the complexity of what's going on, to state simply my interest is that I enjoy ROW down this access here and the proposal will involve Belviso using the same ROW which at this point I don't have any objection to, however, I also own two lots here on the left as well so what we'll be doing basically is potentially increasing usage behind two of my lots. I haven't really evaluated the impact of that at this point, but there may be a headlight issue which I don't think is going to be an issue, but I haven't evaluated it. Those are the two issues I'm concerned with. At this point I haven't created any sort of objection but I would like time to evaluate or at least have a professional evaluate this issue for basically the impact to the value of the 3 lots. The potential here is really for the expansion of the Belviso property which is the lakefront property located to Lot 42 and I think that would enhance the value of probably all of the properties in the area if that property could be properly expanded or reconstructed so I have no objection in that respect but the issue for me at the moment, I truly don't understand what's surrounding me in terms of the ROW on the other property owners properties. I'm not certain about Belviso and Vaal's deeds at the moment, I think its sort of a sketchy legal issue. The deeds were written in a very obtuse fashion where no ROW'S' were actually described. Some confusing information reached me today by an attorney, and I won't get into the details but it confused me frankly and I'm uncertain as to how the deeds will be untangled. Who owns the easement in fee? Vaal owns the easement and will have an easement over it. Johnson – And he will continue to have an easement over it, we cannot take away Mr. Volpe's easement. We're not asking Mr. Volpe to relinquish anything; he has a right to cross over that roadway and will continue to have an easement. Belviso already has an easement; we're not granting any additional easements to Belviso. We're not saying as a result of these conveyances that we're approving any driveways for anybody. We're adding land to existing lots of record which will have a connection to this accessway. Johnson – There's an easement out there and it does not describe where the easement is. The key is it grants an easement across the property but doesn't say where it is and it has always been that way. Bruce Vaal – Sanctuary Lane has been defined by the driveway that is paved and used. Originally, 3 camps were broken off of one piece and the easement is not defined by anybody's deed to the best of the research that the lawyers I've employed have found. The

easements are there, there are rights to springs, rights to get across, it doesn't say where it is, we're not trying to take away somebody's easement, Chris will still have the right to cross as Carl had said. He was concerned about the traffic coming around, the traffic comes around his first lot and our drive comes in here, we all share this and split off. Chris and his brother was basically the use of this drive. By us switching this out, I have where the drives come down now, I have Belviso coming through my side yard which is about 20' off my door, it goes right across my neighbor's front door to get to their home. Vaal – We have headlight issues. The property line as you see is the red line coming around, this is all trees because Chris's lots are uncleared right now so there's a buffer. There could be headlight issues as they come down to the bottom but if a driveway permit were to be applied for that could be part of a conditional approval to put a screen of trees across so the headlights wouldn't go down. Our intent is not to take easements away from anybody, everybody has them, if it goes forward all I'm trying to do is add property to the lakefront lots. They are small lots, we're trying to get them bigger. I was involved with the transfers that were done in the mid 90's. After Mr. Havrenak did these transfers to the front, we all bought property behind us. After he was done doing that, a couple years later I purchased the balance of the property. That's how I came into this loop. No one's applying for driveways at this point; Belviso is going to move forward. There was a discussion with Bill Edney, Bill is in favor of Belviso acquiring some access to clean up a lot of mess that's down here. This is the 4<sup>th</sup> time we've been before the Board to change things around and try to clean things up, this is the last of it hopefully because this is basically as far as we can go and give as much property to the lake without taking too much away from the back. Either one of the relocations of the driveways for Mr. Belviso or the other lot that Mr. Vaal owns is currently being rented would require relief from the ZBA of a wetland crossing and a buffer impact; the other lot would just be a buffer impact but there's no guarantee that would ever happen so we're not here demonstrating the need for the driveways to connect, we're just pointing out to you that one advantage of this is maybe that they could happen. The review process at this level is primarily to determine that the amount of land being taken away does not make the existing lot non-conforming which we've demonstrated. All of the other maybe's, what-ifs are kind of out there but not really part of the Planning Board's review this evening for this particular application. Volpe – I'm not objecting to this but due to the deed situation and the easement situation, there is some lack of clarity as to, at least in my mind, until I talk to an attorney tomorrow, as to who has ROW over whose property. In my deed I have ROW over Vaal, however, a reasonable source told me today that it was a one-way situation where I had ROW over Vaal, where previously I've been at the property for 10 years, I was under the understanding that Belviso, Vaal and Volpe all had ROW's over each other's property. I think Bruce has indicated that and I don't question the voracity of what Bruce is saying, however, in stating a public opinion, I'd better be sure of my information. Vaal – We are not changing the ROW's, all we want to do is move the property lines, nothing to do with access, access stays the same as they are, we just want to make the front lots bigger. Basically, that's what we're here for tonight. How it works out with ROW's and deeds in the future has nothing to do with what you people do



tonight. Johnson – It may very well be that as a result of these happenings, if Mr. Belviso were to go and get his approval for his driveway, he may want to clarify his association with Mr. Volpe and Mr. Vaal by further relinquishing rights that he may or may not have. You can quitclaim away rights, just like you can quitclaim land so I would suggest to all the parties involved as a result of anything happening down here, I think it would be a very good thing to put these easements in a much more definable state but as Bruce mentioned, that’s antecedent to tonight’s decision. Volpe (inaudible). Bayard – It sounds like the parties don’t have a problem with this and if an issue does arise, it would probably be dealt with at the zoning level should there be changes to the ROW and driveways and stuff like that.

Dever moved, Torr seconded, MR. CHAIRMAN, IN THE CASE OF BRUCE VAAL AND JANELLE VAAL AND JOHN WILLIAM BELVISO REVOCABLE TRUST FOR A PROPOSED BOUNDARY LINE ADJUSTMENT, TAX MAP R07-43, 44, 45, 46 AND 55, LOCATED ON SANCTUARY LANE IN THE SHORELINE DISTRICT, I RECOMMEND WE GRANT APPROVAL FOR THE BLA SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) THE EXISTING AND PROPOSED LOT SIZES FOR EACH LOT SHALL BE NOTED ON THE PLAN.
- (2) THE PLAN SHALL NOTE THE SETBACKS FOR THE SHORELINE DISTRICT ARE 65’ FROM THE SHORELINE, 20’ ON THE SIDES AND 30’ AT THE REAR.
- (3) THE DISTRICT BOUNDARY BETWEEN THE SHORELINE AND RESIDENTIAL DISTRICTS SHALL BE SHOWN ON THE PLAN.
- (4) THE APPLICANT SHALL PROVIDE A DRAFT CONVEYANCE DEED(S) AND EASEMENTS FOR STAFF TO REVIEW. THE EXECUTED DEED FOR THE CONVEYANCE TO LOT 45 (BELVISO) SHALL BE RECORDED WITH THE MYLAR. THE APPLICANT SHALL VERIFY IN WRITING WHETHER THERE EXISTS A MORTGAGE ON LOT 55. IF THERE IS A MORTGAGE, THERE SHALL BE A SATISFACTORY RELEASE RECORDED IN CONJUNCTION WITH THE CONVEYANCE DEED.
- (4) THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO RECORDING THE MYLAR. Voted 6-0 in favor of the motion.

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 \_\_\_\_\_.

\_\_\_\_\_  
John W. Dever, III, Secretary