

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Finer; Kahn; Worsman; Flanders; Touhey; Edgar, Town Planner; Tivnan, Clerk

Chairman Vadney called the meeting to order at 7:00 p.m.

Finer moved, Sorell seconded, THAT THE MINUTES OF June 13, 2006 BE APPROVED AS PRESENTED. Voted unanimously.

APPLICATION SUBMISSION

ALBERT AND DONNA DUCHARME – Proposed Major Subdivision of Tax Map R30, Lots 3 & 4, into 9 lots (10.00 ac. – 104.17 ac.) located on New Road in the Forestry/Conservation District.

Edgar – Attorney Baldwin's correspondence dated 6/9/06 raised numerous issues relative to the completeness of the application. I offered a response to the items. The long and short of it is that the purpose of the elements of a completed application being set forth in the Board's regulations is to identify what information the Board needs on hand to invoke its jurisdiction to proceed to public hearing and to consider the application and to make an informed decision. Although Attorney Baldwin has made several observations suggesting the application is insufficient to trigger Planning Board review, it is my view that the application is essentially complete for this purpose. The Board should acknowledge Attorney Baldwin's objections for the record and proceed to accept the application as complete on the basis of several items: (1) doing so would be consistent with the Board's longstanding practices, (2) acceptance of the application as presented is well within the spirit and intent of the subdivision regulations and (3) should additional information be required by the Board as a result of testimony received at the public hearing, any additional information that is needed can be required by the Board and reviewed prior to completing the hearing process and rendering a decision. The application, subdivision plan and abutters list are on file. Filing fees have been paid. The additional information requested previously by the Board on May 23rd has been submitted. I would recommend the application be accepted as complete for purposes of proceeding to public hearing and that the hearing be scheduled for July 11, 2006. I would further recommend the Board determine that the application, if approved, may have regional impact as defined in RSA 36:55 and that the Town of Sanbornton and the Lakes Region Planning Commission be notified of the application submission and of the July 11th hearing. I would also recommend that for the record, in the minutes we note the objections raised by Attorney Baldwin in her correspondence dated 6/9/06.

Finer moved, Sorell seconded, THAT WE ACCEPT THE APPLICATION OF ALBERT AND DONNA DUCHARME FOR A 9-LOT SUBDIVISION AND THAT THE PUBLIC HEARING BE SCHEDULED FOR JULY 11, 2006. Voted unanimously.

PUBLIC HEARING

N.H. ELECTRIC CO-OP, INC. – Public Hearing pursuant to RSA 231:158 to consider a proposal to perform the necessary cutting and trimming within the Town's ROW to build and maintain a pole line along a scenic road known as Pinnacle Ridge Road.

Rep. Brad Lawrence, N.H. Electric Co-op. Chris Roesch, who is a landowner on Pinnacle Ridge Road and our power line runs across his property, has approached us and asked us to remove it if we could which means we would have to run it down the road. His part would be buried, of course. I know you've probably seen the paperwork, but that would mean we'd have to come down part way aerial. Vadney – John, do you have any details you want to enlighten us on here? Edgar – The proposal I believe and correct me if I stray at all on any of the details, I believe the proposal is to locate approximately 8 utility poles within the Pinnacle Ridge Road ROW. This would result in the removal of approximately 25 trees. Pinnacle Ridge Road was designated as a scenic road in 1983. I've given the Board a copy of the governing statute which is RSA 231:57-58 which triggers tonight's public hearing. The statute provides in part that any utility erecting poles, and this is an abbreviation of the statute, that any utility erecting poles shall not remove trees with a circumference of 15" or greater or tear down stonewalls except with prior written consent of the Planning Board. A public hearing is required with notice provided in a newspaper of general circulation. The Co-op had tagged the trees at my request that were scheduled for removal with red and white survey tape. The pole locations were also staked in the field and I've encouraged the Board to visit the site in anticipation of tonight's meeting. The Co-op has also provided some photographs that are in your packet and perhaps if need be, we could refer to those. Those are Page 52, 53 and 54 of your packet. I then provided directions to the Board given its somewhat remote location in hopes that you would be able to visit the site prior to tonight's meeting. The statute does not require or enumerate specific criteria. It basically just says that once the designation occurs, if there are trees of that specified size or greater, prior to their removal there's a prerequisite that this Board after a public hearing would give its consent and that's basically the purpose of the hearing this evening. Hopefully, you've all had a chance to get out there or at least some of you and perhaps, you know one thing I had mentioned in the office was what has the Co-op done when you looked at staking it out and running the lines, what have you done to possibly minimize some of the tree work that would possibly impact the scenic qualities of the road. Maybe if you could speak to that briefly, that might help the Board. The pole line will go back and forth across the road, which will limit the amount of cutting that has to be done and also chosen spots that would limit our cutting. The question on the number of trees to be removed would actually be about 38. Vadney – Do you have a certain number above 15" and quite a few below that or 38 above 15". Lawrence - Yeah, 38 above 15". Vadney – How long a stretch is this? Lawrence – About 2000 feet. Kahn – What are you doing in the

way of pruning? I see what you've been doing along Chemung Road in that area, the pruning is fairly drastic? Are you going to be pruning back 15'-25' from the road? Lawrence – It would be approximately 15' but would be limited. We can limit the amount that gets cut back. On Chemung Road I do believe that's a 3-phase line; this is only a single-phase line. Kahn – How does that affect the pruning? The height of the poles or what? Lawrence – No, you can limit your trimming better. You can be more conservative. Vadney – What's the ROW width on Pinnacle Ridge, do you know? Lawrence – It's 33'. Edgar – It's basically stonewalled. Vadney – Are you going pretty much 33' wide with your pole setting? Lawrence – It will be 8' from the edge of the traveled way, which is what we set most of our poles. Vadney – That section in there is what, not more than 12 feet? Edgar – It's very narrow. Sorell (inaudible). Kahn – He hits them as much as possible. Finer – What's the potential impact if we say no to this? If we say no, is this going to mean that the landowner has to keep the poles on his property? Edgar – maybe one thing that he might be able to help explain to everybody. I notice on the pole, let me ask a question and maybe that will pull out the answer, I don't know the answer off the top of my head, Bill. I notice on the Sanbornton end of the project, there is a fairly significant amount of underground conduit that would go in on the private side of the stonewall and a series of vaults, explain to us where the line goes currently so that maybe we can better understand what it is they are trying to do. Lawrence – At the intersection of Colby Road, it's down two poles from Colby Road and goes into a ROW, the line at the present time goes through the woods and then comes back out to the road below Chris Roesch's farmhouse, I think it's Alberta Roesch's farmhouse actually and then it goes down the side of the road. He has requested that we remove that from across his view, which goes up through the woods. Edgar – Does the Co-op have an easement through the area where you're on the private property? Lawrence – This is an REA line that was built in the early 40's so I'm not sure if there's any easements or not, it would be very vague at best. Edgar – So if I understand it correctly, there's part of this line that serves those properties that is not in the ROW that is say back country a little bit. Lawrence – Very back country. Edgar – And then you're trying to get it off the back country and up to the road and in and around the houses, they are going on their own property with undergrounds and beyond their property, you'd be putting up the 8 poles back to Colby Road. Lawrence – Yes, about from the Connifer property back to Colby Road. Edgar – So, the properties are currently served by electrical? It's not like this service is being done to provide new service at this point is it? Lawrence – Not at this time, no. Edgar – Are there other plans for a future subdivision with all those vaults? Lawrence – I'm not sure, he has talked about building some other stuff, but I'm not sure of the timeframe or anything like that. We are presently doing an upgrade on our service up to Colby Road and this is a line that was built in 1940 and it would certainly enhance the power down over the hill to change this. Touhey – I was out there and I could see where you were attempting to put the poles zigzag over the roadway to limit cutting. I counted the number of trees that I saw tagged and it came to about 25. Now does that mean that perhaps you've done some more work out there and tagged additional trees since my visit out there a

week ago? Lawrence – Actually I did tag about 38 trees. There's a lot of tagging out there. Two large trees that you see in the front in the photographs are optional trees I can trim those without removing them, keeping the appearance of the yard the way it is. Several of the larger trees, as you can see a lot of them are really in tough shape anyway. Worsman – Do any of the neighbors have any comments or complaints about the trees you're taking down. Is there anything that hasn't, I don't see anybody in the audience that's got any comments, but have you heard anything. Lawrence – Everybody is in agreement with what we're doing. Pulling out some of those trees will help the road to straighten out and probably make the road agent's job a whole lot easier. Vadney – Anyone from the public that would like to speak on this. Kahn – Is there going to be any impact on stonewalls? Lawrence – I do not believe so.

Worsman moved, Touhey seconded, REGARDING THE TREE TRIMMING IN THE TOWN'S ROW TO BUILD AND MAINTAIN A POLE LINE ALONG A SCENIC ROAD KNOWN AS PINNACLE RIDGE ROAD, I MAKE A MOTION THAT WE ACCEPT THE CUTTING OF 38+/- TREES ON PINNACLE RIDGE ROAD IN ORDER THAT THE NH ELECTRIC CO-OP CAN REMOVE UTILITY SERVICE FROM PRIVATE PROPERTY AND BRING IT INTO THE ROW. Voted 7-0 in favor of the motion.

Kahn – Mr. Chairman, he doesn't plan to put the poles in the ROW. If we assume the ROW is 2 rods, he may be going outside the ROW. Vadney – He has to put them in the ROW, I think. Edgar – It's within the stonewall. The only piece on the pole location plan that indicates outside the ROW is the underground utilities on the Roesch compound on the Sanbornton end I believe, so at some point you transition from underground service to a pole and then you zigzag it back to Colby Road in the ROW. Lawrence – That's correct. Vadney – John was that motion clear enough to cover what you need? Edgar – Clear enough. Mr. Chairman, the final step on this is that we have to send you (N.H. Co-op) a letter because the statute requires written consent from the Planning Board. We have a letter that we'd work up tomorrow and get that out to you.

RICHARD AND GAIL FREEMAN – Compliance Hearing to determine compliance with conditions of approval granted May 9, 2006, for a proposed Site Plan/Subdivision of a multi-family use into condo ownership, Tax Map U03, Lot 8, located on Mass Avenue and Hillrise Lane in the Residential District.

Rep. Carl Johnson – This project is located on Massachusetts Ave. I think most of this Board is familiar with this project. It is a conversion of a single-family home to a three-unit condominium. We appeared before the Planning Board and received conditional approval with a list of items most of which were administrative and one was to appear before you for a Compliance Hearing after a review of the condominium documents, largely to address some of the issues that were of concern to the Board and abutters. John has done a staff review of the documents that we received from Attorney Michel going over the items that were in the minutes

of the Planning Board meeting. I will let John address them as he sees fit. Essentially, I believe we have complied with the concerns of the Board and have incorporated all of those into the Condominium Documents and the plan. Edgar –As Carl indicated, the conditional approval included two conditions that required a Compliance Hearing. The purpose of the Compliance Hearing is for the Planning Board to determine compliance with conditions that involve the discretionary judgment on the part of the Board. The status of the conditions of approval are:

Condition No. 1 Status: Special Exception for multi-family use was granted on 4/13/06, Case No. 2737, which needs to be added to final plans.

Condition No. 2 Status: A Certified Wetland Scientist plan note has been added.

Condition No. 3 Status: The existing and proposed utility sewer service location has been added to the plan.

Condition No. 4 Status: The existing and proposed water service and Bob Hill's sign off on final plans has been added to the plan. Bob Hill has not signed off on final plans. The absence should not be taken as a problem with the application. Bob has had a few things that have kept him away from some projects. I recommend Bob's sign off be handled as an administrative matter prior to final approval.

Condition No. 5 Status: The electric, cable and telephone service information has been added to the plan.

Condition No. 6 Status: The DPW Driveway Permit has not yet been filed, issued or referenced on final plans. I recommend the DPW Driveway Permit be handled as an administrative matter prior to final approval in that there are no physical changes being proposed to the existing driveway.

Condition No. 7 Status: The existing two culverts have been added to the plan

Condition No. 8 Status: The snow storage area locations have been identified on the plans

Condition No. 9 Status: Section: 2-503 (a) of the Condo Declaration stipulates that there will be no exterior condo signage.

Condition No. 10 Status: Section 2-700 of the Condo Declaration stipulates that there will be not more than 3 units. The plan also notes that the approval is restricted to 3 units and Section 2-704 stipulates that the units cannot be further subdivided.

Condition No. 11 Status: Section 2-503 (B) stipulates that there will be no exterior storage of *unregistered* vehicles, boats, motor homes, snowmobiles, trailers or other

like recreational or motorized vehicles. I had a conversation with Attorney Michel that we wouldn't want this to be interpreted that as long as things were registered, we could put anything anywhere in the yard. I recommend that in the final Declaration, the word "unregistered" be deleted so as to not allow the outside storage of registered boats, ATV's, etc., or other revised language to this effect. This has been agreed to by Applicant's attorney and will avoid any future confusion over interpretation. The restriction is also reiterated in Exhibit D, Use Regulations, Item (j).

Condition No 12. Status: The revised plan notes that fuel storage shall be inside the building. Any code compliance issues at this point would be picked up as a function of building and occupancy permits.

Condition No. 13 Status: The approval is subject to a Compliance Hearing, which we are having.

Condition No. 14 Status: The consistency between the Declaration and Subdivision terminology has been addressed. Specifically, assigned limited common areas are identified on the plan and referenced in section 2-504 of the Declaration. Both the plan and Declaration now refer to six spaces.

Condition No. 15 Status: The stipulation that the parking being left as is (based on the revised plan reviewed by the Board at the public hearing) requires no action on the part of the Board from a compliance perspective. The plan notes that any additional parking beyond what is depicted will require additional site plan review.

Condition No. 16 Status Review and Amend requires no action on the part of the Board.

Condition No. 17 Status: The Architectural Design Review approval was granted 5/9/06.

Condition No. 18 Status: The Subdivision approval was granted 5/9/06.

With respect to the conditions from a staff point of view: we have an outstanding DPW driveway and final sign off by Bob. It appears they have addressed the conditions. I would like to point out two other things. There is a standard Amendment Clause. The amendment clause is found in section 25-100. The section precludes any amendment that attempts to amend any of the underlying terms and conditions of Town approvals or any use restriction stated in section 2-503

The other, although not included as a condition of approval, applicant has included a cutting restriction in section 2-503 (d). The section states, "There shall be no cutting of trees in the perimeter buffer", so called, except for dangerous or dead trees pursuant to best practices for tree care. I have asked Applicant's attorney to clarify

what is meant by "perimeter" and suggested that the cutting restriction apply to both lot line and wetland setback areas. I recommend the final Declaration be clarified with respect to the cutting restriction. Vadney – I am troubled about the one on the parking. If you just drop out the word unregistered, the way it reads now says unregistered vehicles, I would assume that means your automobiles, which you can't store outside. I also recall we had a long discussion designating some areas around 900 sq. ft. Johnson – The way the discussion was going, it was my anticipation of the Board's conditional approval it was going to include some provisions to that extent. The vote was 5-2 in favor of leaving the plan the way it was. Mrs. Bliss made the motion based on her observation that the parking shown on the plan was sufficient. . Vadney – The parking yes. I am talking about storage. Johnson – We have eliminated all storage on the plan. In terms of that wording, I had made two suggestions to Mr. Michel who told me that I didn't properly understand the function of a comma in the English language. Kahn- I would agree that Mr. Michel is putting undo emphasis on that comma. Johnson - We have identified six parking spaces on the plan. By saying there will be no storage of trailers or whatever; we don't have to provide a space for them. In terms of the driveway permit, Mike Faller reviewed the driveway and there are no changes. There is no existing driveway permit for the property because it is an old property. Because this is a new proposal, Mike is requiring one be issued. Johnson - Two additional things, one is that traditionally when you have a condominium situation and a Site Plan, there are two plans prepared. Many times there are differences between the two plans. In this case, the plans are essentially the same. What I am proposing to the Board is that I have just one plan that has everything on it. It would be recorded at the Registry of Deeds and at the Town. Vadney – Does that work for you, John? Edgar – Yes, that is fine. Johnson – Also, I was hoping that you would be able to include in that motion that the final plan could be signed outside of a regularly scheduled meeting.

Touhey moved, Sorell seconded, THAT THE BOARD APPROVE THE DECLARATION OF CONDOMINIUM DOCUMENTS;. THAT THE CONDITIONS OF APPROVAL HAVE BEEN MET FOR RICHARD AND GAIL FREEMAN'S PROPOSED SITE PLAN AND SUBDIVISION OF A MULTI-FAMILY USE INTO CONDO OWNERSHIP, TAX MAP U03, LOT 8, LOCATED ON MASS AVENUE AND HILLRISE LANE IN THE RESIDENTIAL DISTRICT. ALL CONDITIONS HAVING BEEN MET SUBJECT TO DRIVEWAY PERMITTING, SIGN OFF BY BOB HILL RELATIVE TO PROVIDING WATER AND SEWER, AND PLANS MAY BE SIGNED OUTSIDE OF A REGULARLY SCHEDULED PLANNING BOARD MEETING ONCE THE ADMINISTRATIVE CONDITIONS HAVE BEEN MET AND SUBJECT TO THE RIGHT THE RIGHT TO REVIEW AND AMEND.

Worsman – I just want to make sure that instead of separating it by a comma we put in two separate sentences. Kahn – Use the word or. That would work. That would be an amendment to condition 11 as discussed. Vadney – We include it here as an administrative thing for John. Edgar. That's fine. I just want to know my checklist. Is that agreeable to the motion and the second? Touhey – That is agreeable to the

motion and the second. Edgar – So relative to the issue of storage, replace the comma with the word “or”, or something. Also I would ask the Board relative to the discussion on perimeter cutting that was discussed at the meeting offered up by the applicant, in the document that refers to it as the perimeter buffer so called, I thought as a practical matter that we limit that to lot line setbacks. Touhey – I intend to include that as part of the motion. Shall I give more specific wording to that? Edgar - No, that's fine. So what I have on my list is the driveway permit, Bob's sign off, allowance for final plans to be signed outside of the meeting, tweak the provision using the word “or”, or something else on the outside storage and the cutting restriction that we just discussed and review and amend. Vadney – OK, we have a motion. Any more discussion? Ok, please poll the Board.

Voted unanimously in favor of the motion.

LINDSEY LU, INC. – Compliance Hearing to determine amount of Performance Guarantee and compliance with conditions of approval granted March 28, 2006, for a proposed 8-lot subdivision Tax Map R09, Lots 19, 19A and 21, located on Corliss Hill Road in the Residential District.

Rep. Carl Johnson – As you recall, we received Conditional Approval on March 28, 2006. One of the conditions was to appear for a Compliance Hearing to discuss the amount of performance guarantee for the construction of the road, the extension of the municipal waterline and to discuss the elements in the legal documents. We had the engineer submit to the Town an amount, which was \$245,843. Mike Faller and Bob Hill reviewed those estimates and the figure was revised to \$264,632. With regard to the legal documents, they were submitted to John for review. He had some comments and we resubmitted some revised comments for those covenants and restrictions. John has reviewed those and has some comments. Essentially the items that John has identified in this staff review the applicant has agreed to make those changes. We believe these changes can be made administratively. We are proposing the amount recommended by the Town for the Performance Guarantee and to make the changes as recommended by Mr. Edgar for the Covenants and Restrictions. Edgar – The short version of what the adjustments were: Mike likes to see a conservative number carried for the hot top element. Bob went through and identified coupling and hardware and all types of things like that. With respect to the legal document, I would like to highlight a few of the clauses. In Section 1: There would be private maintenance and repair until such time that the Town accepts the roadway. The Declarant initially reserved the right to further subdivide and to revise units and the common areas and I explained to Attorney Hill that would probably raise some questions, if not issues. Applicant's attorney has agreed to delete the reference to any further subdivision. Easements are reserved on all properties for the installation and maintenance of utilities, drainage, embankments, etc. One of the documents is a water line easement granted to the Town for the purposes associated with the municipal water line extension (not to be privately maintained). The Town's practice is to have a separate easement document executed by the

applicant and formally accepted by the Selectmen. Attorney Hill has agreed to revise this section accordingly and work with the Town's (Water Department and Board of Selectmen) to provide the necessary easement document for consideration by the Board of Selectmen. Lot A1 is declared to not be part of the cluster, however it is subject to a 50' perimeter buffer wherein no buildings, pavement or any other alterations shall be made or created without prior Planning Board approval. The applicant's attorney has agreed to put in some clarifying language regarding cutting restrictions and that the same buffer restrictions shall apply to those other units that contain the 50' buffer within the limits of the lot (Units 1,3,4 & 7). Section 10 indicates that the designated 11.96 ac. green area on the subdivision plan shall be maintained as open space in perpetuity and shall not be further subdivided or developed in any manner without Planning Board approval. The green area can be used for passive non-motorized recreation. The applicant's attorney has agreed to further clarification and the addition of stewardship responsibilities on the part of the Homeowners Association. Section 12 includes provisions for subsequent amendments to the Declaration. Attorney Hill has agreed to a revision that would stipulate that certain sections, specific to the Board's approval, shall not be amended without prior approval from the Planning Board following a duly noticed public hearing. Today I received an e-mail from Attorney Hill that just reiterated in writing his agreement to make these types of adjustments. Notwithstanding any issues that may result from the Compliance Hearing, the applicant's attorney has agreed to the modifications as suggested above and it would be my recommendation that the Board acknowledge that the legal documents are essentially in order, subject to the modifications agreed to in principle between the Town Planner and Attorney Hill as outlined in the Staff Report summary dated 6/27/06, and that the final Declaration of Covenants and Restrictions shall be handled as an administrative matter. If for some unforeseen reason we could not agree on a final resolution, the unresolved matters could always be brought back to the Planning Board at a public hearing.

Worsman – In Section 5- regards to pre-cutting in the buffer. Can we use words that we used on Mass Ave., no tree cutting but dead or dangerous, so that we can create a privacy protection area from the subdivision to the neighboring homes? Edgar – I think that would be appropriate and I would be happy to work in that direction.

Worsman –Is the bond based on regulations of the road or based on the assumption that the Board of Selectmen are going to approve some version other than what is normally our road standards? Edgar - I believe the estimates are based upon the initial design which include the cross section, the 3:1 slope and the one adjustment that has not yet been sent back to the Board of Selectmen is the issue of platform and we are working on that recommendation as we speak. We use the figure recommended here as a base figure and then add anything to it should there be a subsequent waiver.

Worsman – So that also includes the beefing up of the subsurface that we had thrown around. Edgar – At this point, it does not.

Worsman – Should we? Edgar – That's what I am saying. At the end of the day, if a subsequent act by the Selectmen adds to this, I would be going back to them and would make corresponding adjustment to this base figure. I think it would be appropriate to work that into the motion that the number here is prior to any formal

waivers by the Board and in the event there are any adjustments to the engineers plans, the adjustment would be made administratively. Johnson – My interpretation of that John would be that Mike would review the changes and recommend an amount and then we would agree to it and not be coming back to the Board. Edgar – From my point of view that is correct.

Johnson- Typically what happens is the number that the engineer prepares is closer to an actual construction cost amount. Edgar – We would make adjustments to the unit costs based upon any requirements of the Selectmen that add cost to the project. The Board of Selectmen seem responsive to the concepts of the waivers. We just needed to work out a safe and acceptable compromise on the platform but I would rather have the unit cost add-ons built into the estimate on top of the base figure that we have. Vadney – Something you should know Colette, is that the numbers we get are far more concise than accurate. Kahn - My problem is with Section 10 and Section 5 in the Declaration of Covenants and Restrictions. Each one has a provision that says you won't do something without Planning Board approval. We have an ordinance that says you can't have a cluster unless you have a green area. We have an ordinance that says you can't have a cluster unless you have a buffer. I think the words "without prior Planning Board approval" should be dropped in each case. We have a development that meets our ordinance. It has a buffer and a green area. The buffer and green area should be preserved inviolate forever. No one should be coming back to the Planning Board asking for approval in any of those areas. Edgar – No objection from my point of view. One other thing, on a lot of these projects, when there are wetland or buffer impacts, we look for language that says no further encroachment. Vadney – We are talking the area down by the brook? Johnson - There are two basic areas of concern. One is the green area itself, which has specific language in the document. The other is, that part of the 50' perimeter buffer that is required for a cluster subdivision is in the green area. There is language in the documents that deals with what can and cannot be done with the portions that are not in the green area. The important distinction is that Lot A1 is a conventional lot. Vadney – If I go down and buy unit 5 in addition to the 20,016 sq. ft. that I own, do I also own any part of the green area? Are they held in common with say Lot 2, Lot 7, etc. Johnson - Yes, you would have a 1/7th ownership. Lot A1 is not part of it. Vadney – So everybody buying here is buying his or her own unit and 1/7th of the common area? Johnson – Correct. Vadney – What would be the issue of ever subdividing it anyway? You would have to get all seven people to agree. Johnson – Yes, it is only an issue in that we are trying to prevent any possible weasel from coming down the road and making it an issue. What you see is what you get. What Lou is saying is that there is some indication that you can't do anything "without prior Planning Board approval" but we should be stating that you couldn't do anything forever. Vadney – So you would have no trouble striking out the words "without prior Planning Board approval". Johnson – That is what you are hearing. Worsman – That conventional lot, I am seeing a buffer? Johnson – Yes. Worsman – There is an easement on A1 that says the 50' buffer belongs to the cluster? Johnson – No, the land that the 50' buffer is on lot A1, is part of lot A1. Lot A1 is subject to that buffer in the same manner that

everyone else in the cluster is. Worsman – So they have the same right of view protection? Johnson – Yes.

Kahn moved, Finer seconded WITH RESPECT TO LINDSEY LU, INC. PROPOSED 8-LOT SUBDIVISION, 7-LOT CLUSTER PLUS ONE CONVENTIONAL LOT, TAX MAP R09, LOT 19, 19a AND 21 ON CORLISS HILL RD THAT WE APPROVE THE PROPOSED AMOUNT OF PERFORMANCE GUARANTEE OF \$264,632.00 AND THAT WE ACKNOWLEDGE THE LEGAL DOCUMENTS ARE ESSENTIALLY IN ORDER SUBJECT TO MODIFICATIONS AGREED TO IN PRINCIPLE BETWEEN THE TOWN PLANNER AND ATTORNEY HILL AS OUTLINED IN THE STAFF REPORT SUMMARY DATED 6/27/06 AND FURTHER TO BE AMENDED AS DISCUSSED AT THIS MEETING WITH RESPECT TO SECTION 5 AND SECTION 10 AND THAT THE FINAL DECLARATION OF COVENANTS AND RESTRICTIONS SHALL BE HANDLED AS AN ADMINISTRATIVE MATTER.

Edgar – I would like to ask Lou if he would be willing to acknowledge what Colette and I were speaking about, that the \$264,000. would be used as a base figure and to the extent that any Selectmen's waivers increase the units and the unit costs, that that would be considered an administrative matter in terms of increasing this to reflect those changes if any. Kahn - I agree to that. Vadney – Ok, discussed and amended.

Voted unanimously in favor of the motion.

PRE-APPLICATION REVIEW

CARL JOHNSON, JR. FOR HORATIO AND CYNTHIA MELO – Pre-application Conceptual Consultation to discuss possible subdivision of Tax Map R11, Lot 14, located on Chase Road in the Forestry/Rural District.

Rep. Carl Johnson – This property is a 144 acres located on Chase Road. There is a very large wetland complex out to the northwest of the property. We are subdividing the property in a manner that is consistent with some deed restrictions that came with the property when purchased. The most significant restriction is that there can be a maximum of 5-lots created and each one of those lots has to be a minimum of 10 acres. This is zoned Forestry /Rural so this deed restriction far exceeds the density requirements of the Town. Additionally to the acreage restriction, there are setbacks from Chase Road and certain portions of the wetland are in excess of what the Town's requirements would be. We would proceed to subdivide the property in a manner that is consistent with the deed restrictions. We have done some wetland delineations, some topography and some basic soils analysis. The owner has met with Mike Faller on site in terms of some driveway access points. We have identified 5 points on Chase Road. There is one driveway

permit already and that would allow one driveway to be constructed now and one home on the 144 acre. The hope was that there would be no additional wetland issues on any one of these lots with regard to homes and driveways. We do believe there will be some additional wetland impact regarding the driveway crossings. We are still investigating that. There is a former roadway, Old Stage Road that runs through the middle of the property. That roadway is abandoned and the Town has no interest in it. However, there is a lot of record that is not owned by the applicant that's out along the roadway. When you abandon a road, although you absolve the Town's interest in the road, you cannot absolve the interest that the person has in the road to get to their property. This person does have a right to get to their property over Stage Road. During the development, we hope to be in contact with the person to get some input. Vadney – Would you use Stage Road as one of the driveways? Johnson – Not at this point. I have identified 5-lots and the actual configuration may be different. We will look at what we believe to be the most productive portion of the property. The applicant's desires are to have them spread out so they have privacy. At one point we considered a cluster subdivision but because of the deed restriction we were not sure how that could be incorporated. The applicant may want his home to be on one of these lots. It would be on the biggest lot and it may be big enough that the applicant would be able to grant somebody, potentially the Town Of Meredith, a conservation easement on much of the land that buffers and borders the wetlands complex. The next step is additional soils work and test pitting of the individual home sites. Edgar – Is there a clear history on the Town's outright discontinuance of Old Stage Road? Johnson – I wouldn't use the word clear. As far as I have determined at this point, it is abandoned. The ownership rights reverted to the applicant because they own both sides of the road. The Town no longer has any vested public rights in the road with the exception of those people who have a private right to it. Edgar – Please cross-reference that on the plan. Are there any existing snowmobile trails on that property? Johnson – I know the applicant has addressed that issue. Mr. Melo – I have met with the snowmobile club and walked them through the property and we would accommodate them. I will reroute the trails so they're not close to the homes. Edgar – I did speak to Mike Faller and you have the e-mail in your packet. Mike has confirmed that he had met with the applicant and there was some discussion about deeding some additional ROW on the property that would allow some straightening of the road and improve site distance. According to Mike, the applicant would pave the road from the end of the pavement by the brook bridge to the end of his frontage. One issue Mike has is the deeding of the additional ROW and the other is to have \$38,550 placed in a separate account, used principally for the paving. This is similar in concept to what has been done on Collins Brook Road. This is a challenging part of the road. Vadney - On 144 acres, with 5-lots on a public road, I would think it would not be a showstopper.

TOWN PLANNER'S REPORT

Zoning Amendments - Since the defeat of the article on the portion of the rewrite we really haven't discussed what is the next step. I think the next time around we should have some discussion, so we are not scrambling in November or December. There are different ways we could review the defeat of the article. I think we need to set some time aside to talk about the next steps. How might we compartmentalize it? I think we need to take a hard look at the cluster provision in light of its popularity.

Vadney – We need to find a way to sell our ideas. Flanders - I think one of the mistakes that was made was we put it all in one package. It was either sink or swim. They voted against the package because of one item. Vadney – You are right. We have our work cut out for us. It is confusing and that scares people. Kahn –I agree we had too many things in there but I do think because we failed to sell it and failed to pick up public support from the business community, that was the thing that really collected the most negative votes. I don't think we should come back with the Village proposal again this year. I think people will feel we are not listening to them. I think we should sort out more technical stuff. The proposals with respect to the Central Business, Business and Industry, Route 3 South and more were good things but unless we were to pick up public support from the business community, I wouldn't bother. I do agree with John, that we try and clean up our cluster subdivisions. If we clean it up, I think people would find it more advantageous to use. Edgar – If anyone has any follow up ideas, certainly send them along. Pisapia – If the Board is going to take up amendments to the Zoning, I would like the Board to consider the end of Meredith Neck. Much of it is zoned Shoreline as opposed to the Meredith Neck District and there are a lot of inconsistencies there. Flanders – I would like to see us set some kind of a schedule. Edgar – I agree with that and if we were to make adjustments to the Wetland Ordinance there are some terms and provisions that have been troublesome in the past. It would be an opportunity to do some clean up work there. Vadney – I would be cautious on that. Kahn- I don't think we should go to the Town until the Conservation Commission has come up with something pretty solid as to what the parameters of the Prime Wetlands are.

Worsman – The biggest complaint that I hear is growth. I would somehow hope that we could build in some way to stem growth to some degree.

SIGNATURES: Windover Realty Investment, LLC. – Subdivision
Windover Realty investment LLC & Jane Rice – BLA
William Woodaman – Two -Lot Subdivision

Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

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

William Bayard, Secretary
Meredith Planning Board