

PRESENT: Dever, Chairman; Pelczar, Vice-Chairman, Flanders, Thorpe, Goodheart, Reichlen, Edney, Code Enforcement Officer, Tivnan, Clerk

Thorpe moved, Flanders seconded, THAT WE APPROVE THE MINUTES OF NOVEMBER 10, 2011. Voted unanimously

Dever – Has any Board member been contacted by anyone, in any way, in relation to any of the applications before us tonight? I mean by email, phone, letters, conversations or any other way trying to get your opinion on how you would vote? All Board members said no.

PUBLIC HEARING

Jack Dever stepped down. Pelczar - We have a case (Right Angle Engineering for Foundry Ave.) that needs a motion.

Thorpe moved, Flanders seconded, that the application of Right Angle Engineering for Foundry Avenue Realty Trust be scheduled for further proceedings at the Board's meeting of March 8, 2012 and that notices be issued accordingly. Voted 5-0 in favor.

2972: BRIAN BUSHMAN: An appeal for a SPECIAL EXCEPTION (ARTICLE V, SECTION D- 5A) to relocate an Equipment and Truck Repair Facility from its current location in the Business and Industry District to a new location in the Business and Industry District, Tax Map S23, Lot No.53, located at 31 Foundry Ave, Unit 1 in the B/I District and Lake Waukegan Watershed Overlay District.

Dever is sitting, Pelczar stepped down.

Carl Johnson (Advanced Land Surveying Consultants) – This site is commonly referred to as the “Village Canvas” building. This is a multiple use building in this district. It is surrounded on the north and the west by other industrial uses. It is bounded by Rte. 104 to the south and on the east by land which is owned by Metro Health Foundation, which is Golden View Health Care. The proposal is to replace an existing business with this truck repair. The tenant there for many years was Dave Little (Winnepesaukee Forge) and Brian’s business was off of Winona Road. Dave Little had the opportunity to buy the property on Winona Road and move his business to that location. That has been approved by the Planning Board and Brian’s Truck Repair is moving from Winona Road to Foundry Ave. The use is a permitted use by Special Exception in this zone. We did go before the Planning Board and received conditional approval. One of the requirements was to appear before the Zoning Board for the Special Exception. The Planning Board process covers all of site plan issues. There was a review by John Edgar, Dan Leonard and Bill Edney. They came up with a list of suggested items to be added to the site. Those have been added to the plan. Some of the issues are 1. Parking for truck repair business reserved for vehicles awaiting service and employees only. There shall be no storage of parts/junk vehicles on this site. No wrecked vehicles will be towed to this site. 2. Env-wq 400 best management practices for groundwater protection as applicable

shall apply to this site. 3. Compliance with NHDES best practices for groundwater protection, as applicable, shall be reviewed in conjunction with the applicant's Certificate of Use and Occupancy. If we receive approval tonight for the Special Exception, that would satisfy one of the requirements of the Planning Board. 4. There shall be no outside use, storage or handling of regulated substances. 5. There shall not be any floor drains. 6. There shall not be any work sinks for the performance of activities that require the use of regulated substances. 6. Spill control and containment equipment shall be located in the immediate area where any regulated substances are transferred, used or stored. 7. There shall be no outside vehicle service or repair and no outside storage of vehicles, parts, equipment, etc., associated with the truck repair business. Those are the major things that came up in the planning process. This use is not in conflict with any of the other uses in this building. The use is not detrimental to the character or enjoyment of the neighborhood by reason of undue variation. The neighborhood is a defined Business and Industrial Park. The use will not be injurious, noxious or offensive and thus detrimental to the neighborhood. All of the abutting properties within significant distance of this site are B/I uses with the exception of Metro Health Foundation. The use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life and property, unsanitary or unhealthful emissions or waste disposal or similar adverse causes or conditions. We believe, by the nature of the site plan approval process, the conditions put on the property and satisfying the criteria for a Special Exception in the zoning ordinance, we are hoping for an approval. Goodheart – Out of the conditions that are on the site plan, are you currently practicing 5 thru 10 now? Bushman – Yes. Goodheart- How many cars do you do in a bay? Bushman – I will now be able to get 4-5 cars inside. Most of our business is pick up and delivery. Hearing closed at 7:20 PM

2974: BRUCE REICHLEN: An appeal for a SPECIAL EXCEPTION (ARTICLE V, SECTION D-9 G1b) to construct a water impoundment area (pond), Tax Map S25, Lot No. 27J, located at 42 Wall Street in the Shoreline and Lake Waukegan Watershed Overlay District.

Reichlen stepped down. Goodheart sat in.

Reichlen – I am requesting to put in a small pond. In the construction of my house, which was completed a year ago last September, two swales were formed. One comes off the side of the garage and another one is on the side and drains down the back yard. The two swales join behind the barn and in a heavy rain it becomes a creek that is eroding. It continues down towards Lake Waukegan. I am asking to put a pond in the area where the two swales meet. There is clay underneath and about two- inches of top soil. The pond will act as a retention pond. I also plan to turn the area in pink (pointed to the Plan) into a garden. I will use the pond to water the garden which will decrease the runoff going into Lake Waukegan. According to Section V D9G I need a Special Exception to do this. I plan to excavate out the area and build the pond about 8' deep. The northern side will get built up close to 2' with an overflow drain coming out into the creek. This construction should take less than a day. Going through the criteria. Criteria I -The use will not be detrimental to the character or enjoyment of the neighborhood. This pond will be in character with the neighborhood. This is a 6 acre lot. It is a small pond. It

is a considerable distance from any wetlands. It will reduce erosion. Criteria II —The use will not be injurious, noxious or offensive. The pond will be more attractive than the current situation. Right now it is starting to get wet in this area and the pond will prevent it from just becoming muddy. Criteria III —The use will not be contrary to the public health, safety, etc. The use obviously does not affect traffic or add risk to life and property. It will actually add to the overall public health as it will be a retention pond reducing sediment and runoff into Lake Waukegan. Caroline Driscoll (56 Winona Shores Road) – I received notice for this application and I would like to know where you are in relationship to me. Reichlen – Wall Street comes off of Waukegan Street and I am at the very end of Wall Street. I have a 6 ac. lot. You are behind me. There is a good 3acs. between my house and Winona Shores. Driscoll – Have any hydrology studies been done? Reichlen –No. This is a simple project. It is a small pond. The height difference is less than 2'. We will build it up. We know the soil underneath is clay and this water is already flowing. The water will come out of the pond and actually flows underneath a culvert that is underneath the Langille's driveway. Duncan McNeish – (88 Water Street) About 5 or 6 years ago we got the Select Board to approve the Wall Street extension. In 2006 and 2008 we saw a lot of water come down from Robin Way, down the creek I believe Mr. Reichlen is talking about. My concern is two fold. Mr. Langille would be here tonight but he is at an award ceremony for his son. The Bicknell's are in Florida. I have spoken to them both. They are concerned the pond may breach and exactly where he intends to put the pond. It seems as though the outflow is going to be directed to the left of his house and down the creek that runs down the side of Langille's property. In 2008, when we had the floods, the Langille's ended up with an 8' ditch and trench, lost his dock, beach and a good part of his property. I would like to see the outflow from this, if it's to be directed towards the creek, down the left side and down the road extension be redirected towards what is already there, which the Hiltz Company did for Mr. Juve when they put in an extensive drainage when he had the road built before Mr. Reichlen occupied the property. There is significant and sophisticated drainage that takes it away from that creek, down along the western part of the road and then diverts under two culverts. One down on the property between Mr. Juve and Bicknell's and one down to the left of Mr. Juve's driveway. That's what I would suggest. I am not against this. I want to make sure that all safeguards are taken to ensure that if there is a breach, like the one we saw in 2008 up at Waukegan Village, there is no significant damage to the lake. Where his property is and the pond in reference to the lake, if I understand correctly, that is closer to the lake than where it would be through all the intervening mechanisms that Hiltz put in to ensure that the water travels a distance before it gets to the lake along Juve's side of the property and the right side of Bicknell's property. Reichlen - First, let me start with, I am not redirecting any water at all. The water currently, as I have shown here, when my house was built, to keep the back of house from getting water coming off the hill, the swale was installed. That was back in 2010. Whatever happened in 2008 has little to do with this issue. The swale created the runoff. When the water drains off the roof, it comes down and runs \ right behind the barn. These two outflows already exist. I am not redirecting anything. I am just putting in a pond where they meet. My driveway is off the 3 point turn around to Wall Street. The Langille's driveway comes off another leg of the 3 point turn around. The water that is there, to my knowledge, has always been there. It's just with the construction of the

house we have concentrated it a bit more but the water has always been there. I'm just asking to put the pond in to collect it. Flanders – If I understand you right, the water is going to exit your property in the same location that it currently does? Reichlen – Correct. McNeish – I'd ask the Board to determine from Mr. Reichlen, where the water coming out of the pond, if there was an overflow, what path would it take and where would it end up in the lake? Reichlen – Frankly, the water is going to continue to flow right into the creek that is already there. I am not changing any of that. For me to determine where that creek goes, no, I have not done that. I believe it goes into the wetlands area where there is a culvert that brings the water underneath the Langille's driveway and from there, I do not know. I know it goes down to the lake. McNeish – The concern from the Langille's and the Bicknell's is, if the pond overflows, they would receive the effluent from that on their properties. What I referenced earlier in 2006 and 2008 is in fact the truth. Water came down through that property from Robin Way and comes down that creek. That creek has become deeper as a result of the effluent coming through there from the rain. Mr. Reichlen has constant drainage off his property right now. Again, if the pond overflows, they would receive the effluent from that on their properties. When this happened in 2008, Mr. Langille had mud and silt in the back of his garage, which is at the end of his road where his house is, as well as his entry way. I want to make sure, as they do, that safeguards are taken to assure, that if there is a breach, and being directed that way, it is not going to harm the people's properties across the road and not going to get into the lake. What are the safeguards? Reichlen – I have met personally with both the Bicknell's and the Langille's, long before I submitted this to the town and they got the same write up you guys got and I showed them the same maps you have. Neither of them brought these issues up with me. The Langille's do have a water issue but he told him his water issue is coming off of Winona Shores Road, not Robin Way and Winona Shores Road is all the way to the other side of my property. That water is not coming across my property in anyway. I'm a little bit distressed that we are having this conversation on representation of them and they are not here. It seems unfair and it is not characteristic of the discussions I have had with each of them. They each told me they were not opposed to this project. Had all of this come up, I wouldn't have applied for this application. I am trying to do a good thing here. I am not going to spend a lot of money on hydraulic testing. I will just leave it alone. The maximum build up is two feet and that's assuming it's completely full which it can't be because the outlet pipe has to be in there. So you are probably talking 1'. Edney – Clarification for the Board. The major impact the Langille's felt was not part of this system. The system that runs to the left side of their house does indeed come from Winona Shores Road. It has nothing to do with Reichlen's property. McNeish – Be that as it may, I am here to tell you that I spoke with the Bicknell's before they departed on the 25th of January. I spoke with Brian Langille today and over the weekend and I think they have had time to process this and they have concerns about what I brought up tonight. Brian asked if he could make a statement or submit a statement to the Board tomorrow morning. Dever – After we close the hearing tonight, there will be no more testimony allowed. They can appeal our decision. Driscoll – I do have some environmental concerns. Is there any approval required by some Environmental Agency? Dever – If this was a project that was a lot bigger than this, then there would be a lot more requirements. This is a very minor project. Hearing closed at 7:50PM

DELIBERATION**2972: BRIAN BUSHMAN:**

Dever – One thing that was not mentioned was on the property that was occupied by Brian's Repair off of Winona Road, prior to it being sold, there was an environmental study done and it passed with flying colors. He has been there for at least 15 yrs.

Thorpe – With the requirements the Planning Board placed on this site and the past history up off of Winona Road, it's hard to believe that this will have any impact at all. I believe the 3 criteria have been met.

Thorpe moved, Goodheart seconded, IN CASE # 2972, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE V, SECTION D- 5A) TO RELOCATE AN EQUIPMENT AND TRUCK REPAIR FACILITY FROM ITS CURRENT LOCATION IN THE BUSINESS AND INDUSTRY DISTRICT TO A NEW LOCATION IN THE BUSINESS AND INDUSTRY DISTRICT, TAX MAP S23, LOT NO.53, LOCATED AT 31 FOUNDRY AVE, UNIT 1 IN THE B/I DISTRICT AND LAKE WAUKEWAN WATERSHED OVERLAY DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

2974: BRUCE REICHLEN:

Pelczar – After listening to the testimony of Mr. McNeish, there are a couple of things that come to me. All the abutters were noticed and they had plenty of time for them to respond. If Mr. McNeish talked to Mr. Langille over the weekend, I don't know why we don't have something for today. I would liked to have heard something directly from the two abutters. Dever – I agree. We could have had something from them by today. Looking at this project, it is not a major one. I don't see it being detrimental to the area in any way, shape or manner. Flanders – I think the objections that were brought up are comparing it to a much different and bigger situation that isn't related to this area and I think they may be misinformed on the scale of this project. I don't see an issue with this. Thorpe – The concerns that Mr. McNeish is raising are all coming in a hear say fashion and to not hear from the two abutters who would be most impacted makes me feel as though their objections are not as strong as Mr. McNeish would like us to believe. Dever – If they were really concerned, they could have had something to us by tonight. Mr. McNeish is not an abutter. Flanders – This is a permitted use by Special Exception. Dever – As long has he meets the criteria; we are bound to approve this.

Pelczar moved, Thorpe seconded, IN CASE # 2974, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE V, SECTION D-9 G1B) TO CONSTRUCT A WATER IMPOUNDMENT AREA (POND), TAX MAP S25, LOT NO. 27J, LOCATED AT 42 WALL STREET IN THE SHORELINE AND LAKE WAUKEWAN WATERSHED OVERLAY DISTRICT BE GRANTED, AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

Dever – Remember there is a 30 day appeal period on these applications.

Meeting adjourned at 8:15 PM

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on April 12, 2011

Jack Dever - Chairman