

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary; Worsman, Selectmen's Rep.; Kahn; Flanders, Alternate; Touhey, Alternate

Kahn moved, Sorell seconded, THAT WE APPROVE THE MINUTES OF FEBRUARY 13, 2007 AND FEBRUARY 24, 2007 (SITE INSPECTION) AS PRESENTED. Voted unanimously.

PRE-APPLICATION DESIGN REVIEW

1. **PETER THORNDIKE** – Pre-Application Conceptual Consultation to discuss possible boat charter in Meredith Bay, Tax Map U06, Lot 146A, located at 285 Daniel Webster 285 Daniel Webster Highway in the Central Business District.

Thorndike - I'm basically just looking for your opinion on a possible charter boat service. The dock that would be in use would be the one behind the Christmas Loft and I'm really just looking for your opinion. I know it's going to draw a lot of parking issues, and I'm just looking for the Board's opinion and thoughts on it as to whether I should go ahead with the application for commercial docking space. Vadney – There's a boat that he has an eye on using for something like 3 trips a week roughly through the summer tourist season as a charter using the dock which belongs to Christmas Loft. Basically, the business is going to be charter service, there's no hourly service. You pay an hourly price and it's your boat for your event to do hourly cruises. It's basic, it's pretty self explanatory. The numbers on it are going to range anywhere from 10 per cruise to 35. It says in my concept here that the boat comfortably seats 30-35 people. The boat right now is being run as a charter boat out of Beaver Island and it does anywhere from 1 to 4 charters a week. Kahn – In view of the visitor we had at the last meeting for the redevelopment of the Meredith Shopping Center, advising people to use the parking lot at Brooks Pharmacy is probably a very bad idea. Thorndike – I wasn't aware of that. That was before I found the Parking Lot Map on the Town website. Vadney – Yeah, that is a private parking lot. Kahn – And hopefully it's going to be a lot busier, but there are a couple parking lots up on Plymouth Street that don't get a lot of use. There are several parking areas, they are just limited. I have spoken with the owner of the Christmas Loft and I would be leasing the dock from him and his biggest problem is parking. My customers will not be allowed to use his parking lot because he is so limited there. Vadney – Obviously, parking is going to be a major issue and we've shared that parking back and forth with 3 or 4 people over the years as we've approved other things. I think we have to pretty much make sure that this will work using the parking right in the immediate area because the idea that somebody's going to park in Holderness or at The Mug or something and walk down there is pretty slim and you know some of these spots that we sometimes wave our arms and say people will use, they simply won't use and your own customers have to be careful they don't pull into a 2-hour dock space and go on a 3-hour boat ride so those are problems that you'll have to work through. Those who don't remember over the years we've shared some parking, we approved Church Landing as a hotel, we looked at the entire parking situation with Christmas Loft, the Town Docks and the Town Docks

Restaurant and as that has expanded, we've looked at that a couple of times and in a way I'm not too concerned at all because it seems to be working and that's been more or less our philosophy in the in-close downtown area that if it's working, it's working and if you're talking 30-35 people, I wouldn't think it very likely that 30 cars would appear with one guy in a car. For a boat ride like that, it's usually going to be couples or families so I would think we don't have anything to tie this to as a hard analysis. My gut feel would be there would seldom be more than 14 or 18 cars involved with a boat ride and it would probably be unlikely that you would take one group out, come back and pick up another group right away. Thorndike – It's usually one a day. That's where we've had some trouble with some of the things, if it's a rotation kind of thing, the new ones are there waiting to do it and there's no place for them to park because the old ones are still on the boat. That's something we need to consider closely, but I'd be somewhat flexible on it. Signage would be another thing. The Christmas Loft I would suspect is already maxing out its allotted signage. Whether or not you could add anything to that without infringing on his, I don't know. Thorndike – I haven't planned on doing any kind of signage on the road side. Like it says in here, it's just a small sign down at the dock. The boat's visible, it markets itself. Vadney – The boat won't be sitting there regularly, will it? Thorndike – It would depend, I have a dock at Beaver Island I can use, but I kind of had planned on keeping it docked there throughout the summer. The other side of the parking issue too is I've kind of figured about 60-70% of the business is going to come from the Inns themselves. With 2 – 3 weddings a week, those people are already going to be at the Inn for their event and just walk down. It's not going to happen every time so the parking will come up. Vadney - Is there any possibility that you would end up using it as a shuttle to take people from there out to Beaver Island when they hold weddings and stuff out there? Thorndike – Yes, that's a possibility. Vadney – That's one actually that would worry me a little more in that a wedding with 600 people and they all decide to park in Town and use your shuttle. Thorndike – In the past the business will tend to come in Town and the boat will come in Town and pick up a group of 15, it wouldn't be for wedding parties, we wouldn't be shuttling the way you think it's going to happen, it's just basically day events and the boat can only hold legally 48 people and comfortably 30 so it wouldn't be all that wedding party parking downtown. The island itself has its own private dock on Veasey Shore for that. Touhey – Inaudible – no mike) Thorndike – The dock itself is actually right off the walkway. Touhey – So the people would be more inclined to park over near where the Mount comes in and access the dock there because there really is no other access through the Christmas Loft lot down to the dock, am I correct? Thorndike – Yes, they would end up parking at the Town Docks and walking around the boardwalk to where the boat is or parking at Church Landing and then perhaps passing through their property to the Town walkway. Touhey – There again I won't belabor the parking issue, we know its an issue. Vadney – Isn't there a time limit on all that parking by the dock? Thorndike – I'm not sure if it's 2 or 3 hours, I thought it was 2 hours but maybe I'm wrong on that. Kahn – What if you insisted that the people park down on the other side of the intersection, could you do something like they do up at Canoe Restaurant and shuttle them down. Thorndike – That's what I figure I'm going to have to do because the times the cruises go out is basically

sunset and on the weekend that's the busiest time at the docks and there's usually no parking so I'm going to have to instruct people to use the public parking in Town and point out specific lots that are easily accessible and that they can either walk or I can shuttle. Kahn – If you had such a shuttle, you'd have a much better chance of getting them to park out there so maybe we should insist. Vadney – I haven't had time to study this, but how would you know when to run the shuttle, are you going to have a sign-up sheet somewhere? Thorndike – Basically, the way the cruises work there's usually one person that's in charge of organizing the group together, they contact me and I will be in direct contact with that person and they can tell the rest of the group where to park. Vadney – What would be the main method of advertising, radio or television? Thorndike – The website, I've spoken to Rusty a little bit and they are going to put me up on his website, really just the website and some radio advertising stuff. Bayard – I know I recently was at a wedding reception and they actually rented a trolley. I don't know if Laconia rents out its thing or not but it seems like it's mostly event driven. Perhaps you could do something for a specific time. we did have some concerns over the Mount which I guess does carry quite a few more people but there was some concern about how often it comes in so there is some concern and it's primarily parking and people crossing the street at night and stuff like that. The other thing is, are you allowed to leave the boat at the dock overnight? You might have a little problem with it being an attractant nuisance. Vadney – Vandalism? Bayard – You might think about how you'd handle that. Touhey – Mr. Chairman, I believe the Mount comes in on Thursday nights so maybe this Board would have to make some kind of a restriction or something that would prohibit another charter boat going out there on that particular night because it would compound an already existing crunch for parking. I think when the Mount asked permission to come into Meredith Bay, there were some limitations put on it and I believe when Church Landing went in, there were some restrictions relative to the Mount and Church Landing, it just seems that two major functions couldn't be going on at the same time or something relative to that. Flanders – Actually, the parking plan for the Mount took place at the same time as the Chase House site plan and the condition put on that was they couldn't use the conference facility and have the Mount run at the same time because there's about 43 or 46 parking spaces in the Chase House parking lot that were set aside for the Conference Center so if the Conference Center wasn't running, then those spaces would be available for passengers on the Mount but Church Landing wasn't even there then. One thing I observed through the summer and even this fall and I think you can even find it there nights this time of year on weekends is that one side of Oak Street and sometimes one side of Stevens Avenue is packed solid. I'm guessing that those are employees at Church Landing so there already is a parking issue in that area. Vadney – I'm a strong believer in the free market and I suspect if your parking became too obtrusive, you would no longer have a site on the Church Landing website because he's got to protect his main business so that's certainly one of the things that would limit it. As far as the Planning Board goes on all commercial activity, we always have the right to review and amend and we don't invoke it often but it is there. In this case I guess we'd have to emphasize that we'd be willing to take a gamble on the fact that this would work itself out and wouldn't be an issue and it would be to

your advantage to make sure it wasn't an issue because otherwise if it became a problem, if some of the abutters, hotel owners or some of the citizens living on the various streets complained, we would probably choose to but almost have to reopen the issue under the review and amend clause. Flanders – I was talking with John a little bit this afternoon and one of the concepts that came up was if we decided to go ahead with this and we can work out the details, it might be wise to do this for one season and then bring it back in for review in the fall after we've actually got a history so we can see whether it was a problem or not. Bayard – Just a generic comment, I think it would be kind of nice. One of the things is when you have the hotels, we have a nice Town, we have things to do but it's always nice to have an extra thing especially if you're going to have conferences, you could rent this out after the conference, one of the nights and I think it would be a nice activity and obviously for weddings and things like that would be nice too so I think it would be a plus for the Town. Vadney – I agree, I think it would be a nice addition, everybody would appreciate it, like Bill says, a tourist attraction in itself and for your sake, I hope it is. Bayard - What would be your hours of operation? Thorndike – It's set by the customer. If there's a wedding on a Friday evening, we'd do a sunset wedding cruise from 6:00-8:00. The average cruise on the boat right now is 2 ½ hours and it's between the hours of 4:00-8:00 or 9:00 o'clock and like I said it's anywhere from 1 to 4 a week. Worsman – The only concern that pops up is if the access is going to be through or on the public docks, is your liability insurance going to cover, I'm not sure exactly how that works. Vadney – It's a public ROW, you can walk on that. If they drove the boat into the dock that's a different issue but as far as people walking on it on their way there, trip and fall, I don't think that exposes the Town to anything out of the ordinary. Thorndike – The dock itself that's owned by the Christmas Loft will have commercial insurance but that stems off of the existing walkway so I don't know. Vadney – There must have been easements when they put the walkway through making the arrangements on that stairway. You say you won't be having any walkup traffic, this will be scheduled? If need be, you could adjust that, if somebody wants to go out at 3:30 and you say 3:45 works but we can't for some reason, you'd have that flexibility to help yourself and the Town? Signage – If you said no sign out front, no problem. If you change your mind on that, that could become an issue. Several of the members have said they thought running a shuttle would be a good idea, you've offered to do it and I would say that's good. It could be expensive for you, I wouldn't demand it as long as the parking overall doesn't become an issue and we have to call it back in for review and amend. The hours of operation, nothing out of the ordinary there. Bayard – On the hours of operation, I think maybe it's obvious but if you were going to do it twice in one day, we'd want to have a bit of a break so we don't have the people kind of coming and going. Thorndike – They wouldn't be booking a half hour apart and that really wouldn't be an issue because the boat needs to be cleaned between cruises so it's at least an hour for that. Bayard – If it becomes very popular... Thorndike – Once or twice a summer it happens with the existing clientele that the boat has that you get two in one day, but it's usually not a huge issue. Touhey – I don't know if I have other Board members that go along with me regarding Thursday night when the Mount does come in there, it comes in at around 5:15 and departs around 6:00

o'clock. It certainly is a time I think you have to avoid. If anybody has gone by the dock at that time, if it is a busy night for them, the people are virtually out onto Route 3 waiting to get on the ship so there's a congestion problem on that day in the summer, it's only one day a week so you've at least got to take that into consideration with your planning whether the Board makes some requirement regarding that or not, of course it's up to the Board. Vadney – I appreciate your thought on that, I think it's one of those things that's a little mushy for us to try and nail down with specifics, it would be partly limited by the operator. You wouldn't want to be mixing it up with the Mount anyway probably and then your customers wouldn't have a good experience if they came and had to park at The Mug so I think you could control that probably better than we could and it would certainly be to your advantage, but as said, it's something we would look at and that's something if it turned out to be a problem, we could also do under review and amend because this is the type thing we're winging. Thorndike – On Thursdays, I could limit the business to only in traffic, only customers that are already established at the Inn to avoid the parking problem. That's one way around it. Vadney – I'd say press ahead with it. These pre-applications are non-binding on you. It's up to you to press forward, but I think it's a good idea for the Town if we can work out the logistics so that it's not a nuisance for the Town.

PUBLIC HEARINGS

1. **LITTLE BEAR PCS, LLC:** (Rep. Harry Wood) Proposed subdivision of a commercial building into condominium (6 units) ownership, Tax Map S24, Lot 17, located at 61 Reservoir Road in the Business & Industry District. Application accepted February 13, 2007.
2. **LITTLE BEAR PCS, LLC** – Proposed site plan of a 6-unit commercial condominium and related site improvements, Tax Map S24, Lot 17, located at 61 Reservoir Road in the Business & Industry District. Application accepted February 13, 2007.

Wood – Speaking on behalf of Paul Stanley. He's operating at the present time under Little Bear PCS, LLC, and this is a proposal for Drinkwater Business Condominiums. The property involved is the former Annalee production center off Reservoir Road. The building is formerly known as Chuck's Corner for those who have visited the site. A number of the Board members came out last Saturday to view the site. Mr. Stanley purchased the facility and currently has the facility fully rented with tenants. The facility has municipal sewerage and it has two wells on-site and he proposes to feed 3 units off of each. Two applications have been filed, one for a site plan and the other for a condominium and essentially what the condominium would involve is separating 6 units out of this very large structure along lines which already exist within the building. There are a number of fire walls currently in existence, a few of them have doorways in them that if the proposal is approved, those doorways will be closed and each unit will have its own access from the exterior. I will bounce back and forth between site plan and condominium and hopefully if that gets too confusing, the Board can just ask me to stick with one or the

other. The first objective is to have an updated site plan for the property which takes into account the current usages and demonstrates that the activities taking place on-site can be handled by the facility. At the present time, there are a few more tenants than there are proposed units and I will get some floor plans out in a few minutes, but we have a large portion of the structure which is essentially the first portion, labeled Unit A on the plans and has car storage and custom canvas in it. Unit B, the second box on the plan, has furniture storage, some roofing materials that belong to Mr. Stanley and a light manufacturing metal fabricating facility. Units C, D and E are currently leased by Annalee Dolls primarily for storage but they do have up to about 6 employees that occasionally are either inspecting or repacking dolls that have come in from their overseas production facility. The last portion, Unit F, which is the northernmost end of the largest section in the building is currently leased to Vutek and they have storage in there also, some outdated machines and some current machines. The facility is completely occupied at the present time and as far as the site plan goes, there are no intentions of adding to the structures as far as size goes. There are a couple of changes proposed with regard to access and loading dock facilities. In essence, it's the original site occupied by different people and at the present time, the usage on the site is extremely low compared to what it was when Annalee was operating it as a production facility. We have about 135 parking spaces shown on the plan and if you were to go on a strictly square footage basis, it would tell you we need 139 spaces on the site. The site currently occupies with less than 15 vehicles on it per day so you get some idea of the usage. Custom canvas has 2-3 people, the light manufacturing is 2-3 people, Mr. Stanley is frequently there and he has 1 or 2 maintenance type employees that are working on the building upgrade to meet code and whatnot and then when there's a delivery, the furniture storage, car storage, Vutek storage or Annalee Doll storage may be a little bit more active during that delivery and that is pretty much it for the site plan portion of it. I think I mentioned that the wells are on-site and it is municipal sewerage and this facility was designed for drainage with a full drainage design when the last addition went on. It was done by Paul Fluet of Fluet Engineering and at that time there was a detention pond built on the property, there were drains and catch basins placed around the property with treatment swales that run in the direction of the detention pond and that was all done with the expectation that someday this site might be fully paved. It took into account all of the parking spaces, future development uphill from it and I think Mr. Edgar has indicated it's probably the largest detention pond in the Town of Meredith at the present time. In fact at one point, it reached the unexpected claim of being a dam. There was some question about that, but in the end when Annalee had the facility, they simply went ahead and got it approved as a dam. The difference between a dam and a detention pond is that if the retaining wall is more than 4' higher than the original ground, it becomes a dam so generally what happens is you build the retaining portion of the detention pond and then you excavate behind it so from the natural ground, the wall in front might only be 4' tall, but the depth of the pond might be 12-14 feet depending upon how far you excavate. During the construction process, there was some question over that, the State insisted they were going to treat it as a dam so we had it approved as a dam at that time. There are a couple of easements with this

property. John Edgar has asked us to provide him copies of those which we will do. We have indicated to him that we will submit updated copies of the Declaration and the easements that he's asked for along with the most recent floor plans and also the site plan. As you read through his comments, you may notice that there's a few things he says should be added to the plans and we plan to provide those to him next Monday and we have a meeting scheduled with him next Wednesday. At that time, we'll review both the Declaration and the plans to make sure that they are all compatible and that they are synchronized as far as if we call something a particular title in the Declaration is it labeled that way on the plan. There's also a few cautionary plan notes that I'm sure John will require as he usually does, for example, this facility is in the Waukegan Watershed and he'll probably require a statement on the plan that no hazardous chemicals or waste are allowed to be stored outside the building, things which are pretty standard for anyone within that Watershed. I did obtain a copy of John's review and the majority of it deals with possible loopholes, if you want to call it that, within the Declaration which he is concerned about and we have updated copies of the Declaration which I brought one copy to go into the Board's records at this time. I know that you probably would not want to sit here and read it; it's about 17 pages long. I do have extra copies here this evening if any member of the Board wishes to do some reading on their own. Vadney – You say there were some loopholes that John identified? Wood – Mostly inconsistencies. For example, he's very concerned that individual owners, if the condominium is approved and the units are sold, he wants the documentation to specify very particularly what each unit owner is buying, in other words what's there that affects them, what they are responsible for. I'll give you an example, under Unit E, it's the only unit in the combined structure that's currently sprinklered for fire protection and there's a large cistern underneath the floor in that unit that holds the water supply for that particular arrangement. If, for example, another unit were to be added to that at some future date by arrangements which have not yet been considered or proposed and something failed in the system, whoever is repairing it might have to have access to that cistern which means basically drilling a hole in the floor and so he wants the documents to specify first of all that can be done and if it's done, who's responsibility is it to repair it just so it doesn't interfere with the unit owner in that area. I can just drop down through his comments here; he had a concern about the water. We had originally proposed that each of the wells would service 3 units and those 3 unit owners would be responsible for the well from the standpoint of its maintenance as well as EPA concerns and reporting if the number of employees rose that were using the well and approached 25 employees, that well would become active under EPA jurisdiction so at that time, he felt it was a little much to have two different groups of 3 that would be responsible for it, he thought maybe it should be the condominium association responsible for both of them as far as reporting, testing and that sort of thing but obviously if only one well were experiencing trouble, the 3-unit service by it would be responsible for whatever had to be done, maintenance or repairs. He talked about where the connections are for each of the units being serviced by the well. Those of you that made the site inspection know that the fire alarm and the telephone wires run through the unoccupied attic space in the buildings, that's low voltage usually 12 or 18 volts and

is not considered to be a fire hazard itself and rather than run conduit or whatnot through the buildings, it's done in the attic spaces. He wanted notes on the plan with regard to the DPW driveway permit. We had originally indicated that we would be assigning certain parking spaces as limited common area for each of the units and we do still intend to do that but we have a clause in the Declaration which will allow the association to reappportion parking spaces in the future if necessary. We have a large area on the plan that could provide additional improved parking if necessary and if a tenant were to come in who required 20 spaces, we do have the ability to construct those, pave them and if the operation required them, the association could assign them to them so there would be coverage. That would require coming back to the Board for a change of that magnitude. He indicated paved parking needs to be striped. It is striped at the present, it's just difficult to see this time of year. It's a little faint but all of the parking spaces in this front area are striped at the present time. There were a couple of concerns with regard to the fuel supply and for Units B-F, that's now propane. There is a tank farm on the back end of the parking area and he indicated that would have to be approved by Chief Palm. John Edgar, the Chief and Bill Edney have been conferencing with regard to issues on the project to make sure that all 3 of them are satisfied with regard to code and fire protection mostly. John wanted to understand and specify if there were a tenancy change in the future, what would be the procedure and basically what we've talked about so far is that each unit owner, if their condominium were approved, each unit owner would be responsible for his own unit so if he has a sub-tenant within it and he wishes to change it, the owner would be the applicant, however, as typically happens the person who wants the change may get permission from the owner and then make application for it so that would be the course. You'd have to go before the condominium association for approval of a proposed tenant and then it would have to come to the Board for approval unless it turned out to be an equivalent tenant, somebody who had the same number of employees, the same type of operation and was ruled by Code Enforcement to be essentially the same thing. Vadney – In effect, whether it's a change of use or just change of occupant? Wood – John was concerned that a tenant might leave and the owner might hire somebody to replace him so to speak or lease the space out and not necessarily be aware that he had to obtain approval if he did, so again, he wanted that spelled out and included in the documentation so when the question occurred which it probably would somewhere down the road, they can say it's right here and this was provided to you when you started. He does talk about the stipulations on outside storage of hazardous materials, etc. and added as a plan note incorporated in the legal documents as a use limitation within the common area. I'll put some floor plans out front here where you all can see them. Touhey – I'm familiar with condominiums where the condo association owns from the studs out, is that the case here? Wood – No, as proposed in this particular configuration, each unit owner would own from the slab to the sky so they would be responsible for their unit. Do you have anything to add to that, Mr. Stanley? At one time I know you had talked about concerns like if the roof started leaking that might be something you would look at but can you clarify that at all. Stanley – No, basically that's correct going from the slab to the sky and (inaudible-no mike) Touhey – Actually Harry, you got right into the point I was

leading to. My concern is those buildings are attached to each other, the roofs seem to go from one to the other, I can't imagine what kind of haggling might be going on from one condominium owner to the other regarding a roof leak, for example.

Stanley – In actuality every building was built separately and then the next building was built and so on so every building by itself has its own roof which stops and terminates and it drops down to a lower level or to a higher level so it's about as clean as you could possibly ever get with a condo association because of that so this is from the ground to the roof and that's it so there's very, very limited common areas but very limited passing of any sort of facility or utilities from one to the other so actually the only utilities that pass from one to the other is the waterline pipe in the first 3 units, waterline pipe in the last 3 units and telecommunications in the attic. Other than that, it's clean. All utilities are separate, meaning gas and electrical are completely separate from each other and no power lines 120 volt or greater are in the attic passed from one unit to the next unit. Every unit has its own independent facilities.

Touhey – Again, we walked from Building A through Building F, we never went outside, somehow roofing or some materials connected those buildings along the way as doorways did so it's just a matter of language perhaps that is handled in the covenants and in the Declarations and so forth but it really will have to be nailed down.

Stanley – I know that we did pass from building to building but again each building was built completely separate. They didn't build them straight through, they built the complete exterior wall so you have a building, all four walls exterior so when they built for convenience application, they built higher or lower so as not to interfere from roof to roof so it is really separate. The only thing is the wall, then the doors and the doors from unit to unit; every door that we passed through that went from one actual building to the next actual building will be removed and then become firewalls so you have complete breaks from building to building. There really is no interference even if you had a leak on one side of a wall, assuming that could occur due to flashing, that leak could only come in from its roof only to that unit, it could not travel beyond that point so it is really totally separate because it has also the metal stud wall that was existing and then the multiple layers of sheetrock on both sides so it actually is about as clean and clear and probably more so than even most of the residential condos which end up with lots of problems which I get involved with all the time.

Worsman – I believe it was between Units E and F that they are going to need separate facilities even though right now Annalee has both of the units. I like to make sure that each of them can truly be independent before we approve this plan.

Stanley – Units E & F? Vadney – That's a toilet issue where they share.

Stanley – Nobody really shares any facility at all. E & F are totally separate. What happens is there is no sharing of any facility. Unit A has its own facility, Unit B has its own facility.

Wood – At the present time, Annalee has Units C, D & E and this is a two-level. Unit E has multiple restroom areas constructed within it. In D & E there are two areas shown where toilet facilities and wash facilities could be installed and that's one of the things that Bill Edney and John Edgar are working on and what we're showing on the unit plans at the present time is that those are proposed not yet begun but would have to be completed before either C or D could be sold separately from E. If they're all under the same lease or under the same ownership, you wouldn't necessarily have to have 3 bathrooms but in order to allow for the

separation of them before they could be sold separately, bathrooms would have to be installed and there again that's the type of thing John wants to see annotated on the plan or in the Declaration to the point that there's no question. Vadney – And you've identified locations where plumbing and sewage could be provided. Wood – There are at least two other things that would show up and that's loading docks that are not yet constructed. There would be one on the side of Unit D and then they were proposing on Unit A, probably not a loading dock, but a ramp to be installed in this area which would allow drive-in access because Unit A is currently under consideration by an individual who owns a large fleet of antique cars and in order to make that unit more accessible than it is at the moment, we would provide a ramp at that area where they could be brought into the building. There's an overhead door at the far end of the building but the access to it is a little difficult. There is an access way to the adjacent property located there but we do not have a specific deeded right to use it so in order to compensate for that, the ramp or loading dock in that area would allow direct access into Unit A and again it's the type of thing to be annotated on the plan not yet built, that's the requirement of the condominium and also the loading ramp on Unit D is on the back side here. Worsman – My concern is that we need to be cognizant of the fact that coming back to this is going to take staff time and if we're going to approve this condominium as 6 units, then each of them should be approvable as 6 units complete even if 3 of them are being leased to the same person. Why should we require or need John to go back and say OK now you're selling it, now we have to go back, does it have a bathroom. If we get it up front then it's not an issue and it's going to save a little bit of staff time. Wood – You approved the housing project at the bottom of high school hill before the units were built and the condition was that they had to be built before they could be occupied and that's exactly the way it was controlled. Worsman – I recognize that but this is a building that's built and just to be cognizant of the fact that looking at these and relooking at these takes staff time and approving 6 units if that's what you'd like, at least this person on this Board would like to see each unit be self sufficient so when they are conveyed, they can be conveyed in total. Wood – There is an outstanding lease on those 3 units that's going to run at least 3 years at the present so unless the person leasing it decides to leave it, it's going to stay the way it is for that period of time. We're doing this not to make an instantaneous change on the site but to obtain approval for something that will happen over time. Stanley – As far as the outfit that would be necessary for C & D which is the only place that needs the outfit is the two bathrooms for C & D. It only amounts to probably two weeks worth of work to put the two bathrooms in and run the one line. That being said, it would be a gross waste of funds to put something in that may not even be necessary if somebody decided they wanted to purchase the two units together with the larger and right now it's leased together as one for 3 years. At the time that the bathrooms would have to be built, somebody would have to visit the site to inspect probably on at least 2 occasions, one for the rough and one for the finish so it would still take the same amount of time to go make the inspections and view the site at that time. The mechanism would be in place so a deed could not be issued without the completion of the bathroom and the proposed firewall. If Unit A gets sold, then the mechanism comes into place where the block wall goes in, that's it. Unit B gets

sold, then the firewall goes between B & C, Unit C gets sold, that firewall goes between C & D which is already there, it's just a matter of further enhancing the separation and the same thing with E & F, now E & F already has the firewall, bathrooms and power. All the other outfits as far as separation of electrical and heating will already be done, it's almost all done at this time so the only thing that has to take place, if one of those units was to be sold separately, would be to install the bathrooms and the one loading dock on the right. This here has all the loading docks it needs, all the access, all the doors, all it needs is that bathroom. This one just needs one bathroom and a loading dock which is just a small concrete pad with an overhead so the point is the mechanism will be in place so there's no more of an inspection or timeframe or loss of time because somebody still has to go out and do an inspection when the bathrooms get built. Vadney – I guess it wouldn't be a whole lot different than if it were in the reverse if somebody had a warehouse that had been used by two different groups and they each had a bathroom and they decided to use it as one big warehouse, knocked out a wall and take out a bathroom, that would meet all the codes and they could do that until it went back into being two. Worsman – Does it make sense to then approve it as a 5-unit condo until? Vadney – No, because that would take a lot of staff effort to put back it through and the condo docs would be quite cumbersome. Worsman – It was one of the things that seemed to be an issue when we did a walk thru and to convey it as a condo and I understand what you're saying that it would be put in place when it was conveyed separately, my gut is telling me if we're going to make 6 units, they should be 6 total units. Stanley – Each unit that is sold has to have an occupancy permit. We couldn't get an occupancy permit if the toilets weren't in so there would be no sense to call the building inspector to come down for an occupancy permit if there's no bathroom. Wood – I want to point out to the Board that the reason John Edgar has been meeting with Bill Edney and Chief Palm is to make sure that the mechanism's in place to take care of that. John certainly doesn't want to look at this again after it passes through this Board unless there's a change of occupancy or a serious change of use that requires it to come back to you just as any project in Town. What we're trying to do at the present time is to make preparations for them to become separate and for that to happen over a period of time so I don't think you'll see an ad in the paper for 6 units to be sold as condominium manufacturing sites because right now they are basically being approved as storage sites. One of them is light manufacturing, the others are primarily storage so if something were to happen that you had a new tenant that required any significant number of employees, I think it would have to come back here. Flanders – I think the way it's being proposed right now is the way it ought to be and the control point is with the change of occupancy. As Mr. Stanley has suggested it would require a Certificate of Occupancy and Bill Edney would then be going out there to make them put bathrooms in that are not needed now. Obviously, what we're trying to do this evening is to get feedback from the Board. We had expected one or two abutters might show up and have some comments but I don't see them so I guess we'll have to wait on any input from that area. Vadney – One thought I had as I went through there and looked at the building on the outside, you touched on it a bit as did John, the designated parking. That's a very long building; it's got to be one of the longest

buildings if not the longest building in Town. Wood – I'll give you a rough idea, Building F has spaces right at the rear wall and on the side. Probably the worst one from a standpoint of it standing alone at the present time is Building E with Annalee. There are no parking spaces in that immediate vicinity on the plan at the present time. The employees there generally park parallel along that side of the driveway. It would not be difficult to show a couple of spaces there that could be reserved for them. All of the other buildings have parking either immediately in front of them or across the street if you have a heavier demand. C, D & A have parking here and along this side and then on the other side of the parking lot if more were needed. As I say right now, we need maybe 15 spaces for the whole facility and in speaking with John, he felt that it would be better to ask for a more significant waiver and key the parking to the present occupancy than it would be, for example, to do exactly as you're saying, that 4 spaces out here belong to Building A. Vadney – I agree with that thought, it makes more sense to do a somewhat traditional assignment by numbers and then designate them and this could also be covered in the condo docs as part of how you modify them and trade lots or whatever. I would hesitate to see us based on the 15 people that are out there now or even 25 because it's obvious, at one time that building contained 60-100 people and it's easy to see if it became other than storage, those numbers would jump quickly and dramatically so I would like to see some level of parking so we don't get into an argument after it expands and there's a parking problem. We talked briefly on Saturday and you said you're going to move where that common line passes through the propane field. Wood – Yes, at the present time, we're planning on pulling it back to the vicinity of the drainage line that's shown. I don't want to approve that whole parking lot as parking and then have it turn into another building or something; we'd have to have some specification. I think that's what John was talking about and the back portion of this parking lot is not immediately useable. It has been graveled and leveled once but there's been some materials stored back there in that area and there's a few mounds of dirt around and whatnot and John's opinion was that he'd rather see you grant a waiver on the parking for that rear area and label it additional parking to be constructed if needed and that kind of takes that question away. A new building would come with its new parking. Wood – Absolutely, and if there were a new building because that falls under a convertible clause in the condominium documents, Mr. Stanley would have 5 years in which to exercise that which does require coming before the Board because it's a totally new construction and he would have to answer at that time what the parking requirements were because it would be a reasonably good expectation that his building might be fairly close to the line and the additional parking for that building be behind it so again that would be answered once the situation was understood. There is an option to extend that convertible issue for an additional 5 years but after that, everything reverts back to just common land in the condominium if not exercised. There was one other question in the Declaration that talked about expandable land and that involves basically putting the world on notice that you might make the place bigger and what that involves is purchasing additional land adjacent to it and we've talked about that and the Declaration is going to be amended so that there will be no expandable land involved so it's not going to continue to get longer so to speak. Kahn – You've got

this 9.7 acres of convertible land, does that impinge on what is shown there as the parking lot or is that beyond the parking lot? Wood – No, that's from the line shown on the plan which passes through propane tanks from there to the end of the property and that acreage will get a little smaller. In other words, as we pull that line back, we're going to chop a couple of acres off of that as far as what's convertible. Kahn – So the whole convertible thing is going to be contingent on somehow arranging for parking for the existing structures as well. Bayard - I didn't catch what you said about Units E & F, you're saying there's only one bathroom facility between them is that the one you were talking about. Wood – Units C & D. Bayard – Does it make sense to plumb the one that doesn't have it? Wood – That was the question, right now if we were to plumb them all, for the next 3 years the 6 people in there would have about 12 bathrooms available to them. Stanley – Right now Units C, D & E are all leased by Annalee and E has a tremendous amount of bathrooms already in it and they only use those areas there just to put some boxes in and take them out kind of shopping and receiving. Their main operation for the 6 people that are in there is right next to the bathrooms so they don't really need to have additional bathrooms in there. They may end up purchasing all 3 sections when the lease comes up so we may never need to put the bathrooms in there. There are many buildings in Town with no bathrooms at all. A lot of the barns, warehouses and storage units don't have bathrooms. What you have here is a couple of storage units hooked to one that does have a bathroom and I don't have any trouble with that, I think we can control it well enough so in the future if they get sold individually, they won't make it through the process and get an occupancy permit unless there's a bathroom in it. Flanders, I agree, I don't think they should have to put it in now although under the Building Code if it was a separate ownership even it was a warehouse type situation, they would be required to have sanitary facilities. Bayard – Maybe just a plan note would suffice. Vadney – They've said they will do that and you've even marked out the area where it would go, is that correct? Wood – Yes, the floor plans show the area. Vadney - They've done everything but put up the towel rack. Kahn – Did you figure out what you were going to do with that oil tank which as I recall was in one unit and it was servicing another unit? Was the boiler room a problem also or was it just the oil tank? Stanley – He noticed there were two boilers in there and we were going to service Unit B with a boiler but we discontinued that so the boiler room only services Unit A because now we have gas in the other one, actually already running and as far as the oil tanks, Doug has already put in the Declaration that they have to have the right to go through Unit B to do whatever repairs or whatever to the tanks at this time. At this time we're going to leave it as stated but more than likely I think I have a location to move them to Unit A but for right now, we're saying Unit B is going to allow access to repair or inspect or whatever so that's in the Declaration. Sorell – You say you're going to move that line (inaudible – no mike). Wood – We can wiggle that any way we have to in fact we talked about zigging it around there anyway. If anything is built on the convertible land, it's just becoming part of the condominium anyway so it's not that critical. I think at the time we were doing this, we were still trying to decide where to

put it and the guy drawing it said it's got to be on there so he drew it on, but we've already talked about moving it back. We talked once about jiggling it around the detention pond and yes that's very easy to do. Hearing closed at 8:20 p.m.

Vadney – Harry, do you think you have enough guidance from us to go back and do some work? Wood – Yes, I do. The other thing we wanted to talk about was time to revisit you and I went over this with John and talked to him at some length about it. He had indicated originally that he thought it might be difficult coming back in March but we would like to ask for a continuation to March 27th regardless. We're hoping that the next time we come back, we will have everything in place for you, if not final consideration, conditional approval which will just leave a few administrative things. We have mostly plan notes and Declaration changes and as I mentioned we already have the meeting scheduled with John and he's been working trying to get an answer that would satisfy his curiosity out of Water Supply Division of DES and he has already been meeting with Chuck Palm and Bill Edney regarding the other concerns. Vadney – I can't argue with your logic that there's reasonable chance that the other applicant will slide his meeting and we'd have no reason to meet, if you don't mind sitting through what could be a long hearing. Kahn – Mr. Chairman, I think we ought to have a stipulation that we will not take this one up if it starts after 11:00 o'clock at night. John has noted in his staff review, if you did entertain this for the 27th, he would prefer not to have any others scheduled that night and I didn't see anything that would result in another one here this evening. Vadney – That's up to him at this point. If you want to go to the 27th of March and take your chances, historically some of the issues we've seen the first couple of hearings and the pre-app take forever, but by the time they come back, they sometimes zip through, it doesn't mean we'll give them approval that night but what we have to hear that night could be very short.

Kahn moved, Sorell seconded, MR. CHAIRMAN, I MOVE THAT THIS MATTER BE CONTINUED TO MARCH 27TH WITH THE STIPULATION THAT IT WILL NOT BE HEARD ON THAT DATE IF IT STARTS AFTER 11:00 O'CLOCK AT NIGHT. Voted unanimously.

Worsman – Herb, before we adjourn I just have one comment and I meant to say this at the public hearing on the 30th. I came in here the night of the zoning change and I was entirely ready to go with the petitioners thinking it's their community, but after listening to each of you and your experience and the input, I really appreciate your experience and the input that you gave that night so I wanted to say thank you.

Myself, Lou Kahn and Ed Touhey are up for re-appointment and all have agreed to reapply to the Selectmen.

Vadney – I am working a letter probably to be signed by both myself and Roger to the local newspapers explaining why the Board voted unanimously and strongly to oppose the two petitioned articles because the clustering out there may not be perfect but it could save us some nightmares out there. I would hate to see us lose

the vote in this case. Kahn - We got a terrific article two days after the meeting but that was a long time ago, not everybody reads the Laconia Daily Sun and I think we need to come in a week or so before the vote and give our reasons. Vadney - The plan would be to get a letter to the papers by the end of this week so it can be in next week's editions and that would be roughly a week before the election.

Plan Signatures: James & Janet Waldron – 3-Lot Subdivision

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant
Planning & Zoning Department

The minutes were reviewed and approved at a regular meeting of the Planning Board held on _____.

William Bayard, Secretary