NOTICE OF PUBLIC MEETING
MEREDITH PLANNING BOARD

7:30 P.M.
TUESDAY, JANUARY 13, 2004
INTER-LAKES HIGH SCHOOL AUDITORIUM
1 LAKER LANE

AGENDA

I. Call to Order/Introductions -

II. Review/Approval of Minutes – December 9 and 23, 2003

III. Application Submissions –

IV. Public Hearings –

1. **J & B MARINA ENTERPRISES, INC. FOR DEEP WATER MARINE MANAGEMENT, INC.-** (d/b/a Shep Brown's Boat Basin)- Continuation of a Public Hearing held on December 9, 2003, on a proposed Site Plan Amendment to construct two boat storage buildings and related site improvements, Tax Map U35, Lot 8A, located at 31 Lovejoy Sands Road in the Shoreline District. Application accepted September 23, 2003; Public Hearings held October 28 & December 9, 2003.

2. **J & B MARINA ENTERPRISES, INC FOR DEEP WATER MARINE MANAGEMENT INC.-** (d/b/a Shep Brown's Boat Basin)- Continuation of a Public Hearing held on December 9, 2003, on Architectural Design Review of two proposed boat storage buildings, Tax Map U35, Lot 8A, located at 31 Lovejoy Sands Road in the Shoreline District. Application accepted September 23, 2003; Public Hearings held October 28 & December 9, 2003.

V. Deliberations –

NOTE: The Board may deliberate and/or act upon any pending application previously accepted as complete and considered at a public hearing.

VI. Pre-Application Review –

VII. Correspondence/Public Comments –

VIII. Town Planner's Report –

IX. Signatures/Adjourn -

The Town of Meredith complies with the provisions of the Americans with Disabilities Act (ADA) with regard to access to meeting sites, programs and/or information. If you require accommodations for access and/or programs or information, please contact us at least five (5) working days prior to the day of the meeting and/or program regarding your specific needs at our telephone number 603-279-4538 or TTD 603-279-4538.

MEREDITH PLANNING BOARD JANUARY 13, 2004

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary; Flanders; Finer; Edgar, Town Planner; Harvey, Clerk; Tim Bates, Legal Counsel

Finer moved, Sorell seconded, THAT WE APPROVE THE MINUTES OF DECEMBER 9, 2003, AS PRESENTED. Voted unanimously.

PUBLIC HEARINGS

1. **J & B MARINA ENTERPRISES, INC. FOR DEEP WATER MARINE MANAGEMENT, INC.-** (d/b/a Shep Brown's Boat Basin)- Continuation of a public hearing held on December 9, 2003, on a proposed Site Plan Amendment to construct two boat storage buildings and related site improvements, Tax Map U35, Lot 8A, located at 31 Lovejoy Sands Road in the Shoreline District. Application accepted September 23, 2003; Public Hearing held October 28, 2003.

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Rep. Attorney Robert Varney, John Scott, Rist-Frost Shumway

We did receive new information yesterday as a result of a report done by the Fire Chief. Chief Palm cited certain regulations which make it inappropriate to store motor vehicles and boats in the two proposed buildings. As a result, the applicant is going to withdraw the 25 parking spaces designated in those two new proposed buildings. To that extent, the data we have submitted to you needs to be modified showing 25 less parking spaces. The other issues Chief Palm raised were zoning enforcement issues and fire code enforcement issues. Some of them require a change of practices at the site. John Scott – Lot coverage – Displayed a colorized version of the proposed site plan for the two new buildings. We sent a memorandum addressing the various points raised to date through the December 9th hearing. A new set of plans were provided with a new plan, a landscape plan, a plan of existing lot coverage, traffic plan and parking plan. We also included calculations and backup material regarding the forklift template. On the issue of lot coverage, EC –1, you may recall our initial submission started with an existing conditions plan prepared by DMC Surveyors for the previous owner of the marina when he was in the negotiations for the ROW, Lovejoy Sands Road. Since that plan had been approved by the Town, we used it as our starting point for this

project. Town officials took exception to that existing conditions plan as to lot coverage. I went on a site tour with Mr. Edney, the Zoning Administrator, a few days before the last hearing. At that hearing, we were in the state of straightening this out with him. Plan EC-1 is basically our summary plan color coded as to alterations to the original lot coverage. The sand color is basically areas that we are now considering as gravel, the pink color is pavement, not considered lot coverage in the original submission and a green area that was shown as gravel in the original submission. In the upper left-hand corner is the table that DMC prepared showing the area in square feet for each of those three color-coded areas and the net impact on lot coverage. The bottom line is that the existing conditions plan is considered to have a lot coverage of 29.61%, which is pretty close to the 30% which is the maximum allowed in this zone. With our project we are adding two new buildings and areas of pavement. In order to stay within the 30%, we are proposing to convert some areas that are now gravel to either loam or grass or structural turf. We included in our materials our product on one of the many varieties of structural turf called "grasspave". There are a number of those types of products on the market, basically the idea is that we create a grass surface that is permeable and is grass, but is structurally sound enough to take occasional vehicular traffic for parking. It is commonly used on fire lanes and on areas where the appearance of vast areas of pavement is objectionable or is not allowed by regulations. The defined areas we plan to convert from gravel to grass. begin on Drawing L-1 – The first area is to the west and south of the westernmost proposed buildings here (behind the proposed building closest to the road). The second area is between Buildings B-1 and B-2. The next area is the west of Building B-3. The next area is south of B-3 and proposed structural turf in as occasionally there will be some boats parked there and the area adjacent to the rock retaining wall west of the Town lot is proposed for structural turf. Finally, a small triangle area of gravel south of Building B-4 will be loamed and seeded. In our memo we included detailed calculations and as part of that there was a plan which was broken down into 24 areas and if you like, I could go through all 24 areas if you want, but basically we break it down into 24 areas, each one is shown on the calculations the area in square feet, what the surface is now, what its going to be in the final project and the impact of lot coverage. That summation is a decrease of 3,424 sq. ft. which brings the proposed lot coverage on the project to 28.95%, actually a decrease in lot coverage. Vadney – The lot we are talking about is the west side of the road all the way from Meredith Neck Road to the waterfront? Scott – The parcel on which the project is taking place. Vadney – 13 acres included both sides of the road, right? Scott – The total acreage? Littlefield – That's both sides. So the west side of the road is what, 8 or 9 acres? Scott – It is 519,000 sq. ft. Vadney – 11 acres or so. It's the 4 or 5 acres from Turtle Lane toward Meredith Neck Road, that's all pervious surface, that's all figured in the calculation and then we are just adding up these little bits and pieces to bring it up to the total percentage? What I'm saying is, almost all the land from Turtle Lane to

the waterfront is impervious, there's not very much. Scott – I wouldn't say almost all of it, a good bit of it is. I wish I had that colorized. Vadney – But to get the 30% or 28. whatever it was, that includes the land back toward Turtle Lane. I just wanted to make sure that was clear. Edgar – Could you just speak to the use of structural turf as a pervious surface and from an engineering perspective if you could speak to the ability of that product when installed to retain or drain water. I noticed in the cross-section that there is a compacted gravel base to it so if you could speak to your experiences with that type of product in terms of how it is course and how it allows one to not consider that an impervious surface. One is for appearance where you don't want to look at vast areas of pavement commonly used at athletic facilities for overflow parking lots or things like that or fire lanes around school buildings or such that are only occasionally used and the appearance of a 20' wide band of asphalt around a building is considered unsightly. It is most often used specifically as we intend to use it, that is to create a surface that is permeable, it's grass, it's grass growing in a medium of confined plastic or even underneath the surface. That gives it structural strength so that when tires go on it, especially when its wet, it won't squash and depress and turn to mud. It does have a compacted structural base underneath the gravel like you would for a normal pavement. It's built as a permeable surface, it's accepted as that almost, I don't know of anywhere that doesn't accept it as a permeable surface. I can't say I have knowledge, quantitative information on how permeable it is, but it certainly is built that way and it's advertised that way to use that way. Flanders – What's the total depth of this grasspave, it's only about 5 or 6 inches isn't it? Generally, it has a 6 inch sub-base and then the material itself is a couple of inches. Basically, the steps in constructing it, you excavate down to the bottom to your 6 inches sub-base, you put the gravel in and compact it, then you roll that out, they come in rolls of squares that are 8 or 10 feet square. They interlock together and basically it looks like a series of plastic rings in a grid. Before you put that down you put in a layer of fertilizer to help grow the grass, then you fill the rings with a sandy mix and then you can put on either a thin layer of sod if you want instant lawn or commonly you put down seed and water it just as you would normal grass. Flanders – The gravel base that you put in and compact, on any plan that would be considered an impermeable surface by itself, is that correct? Scott – By your regulations and by the language in the Town of Meredith's lot coverage, pavement and roof areas are considered lot coverage and those are certainly impervious and gravel is considered lot coverage. Gravel is not impervious, gravel is quite pervious, but in your regulations it's considered lot coverage. In all calculations for drainage and so forth, gravel surfaces are considered permeable. They are not as permeable as say forested areas or lawn areas, but they are permeable. Flanders – I guess I would have a little bit of difficulty with the fact that we are going to put down a gravel base and compact it, cover it with 2 inches of loam with this plastic structural stuff and seed and then all of a sudden it magically becomes permeable. Scott – I don't think the issue is

permeability, I think the issue is lot coverage. Your regulations treat gravel the same as pavement. Probably, I don't want to put the words in your mouth or surmise what thinking went into that regulation, but I presume its you can't just gravel your whole driveway into a big parking lot. Flanders – It seems to me what you're telling us is this is comparable to paving an area and painting it green. Scott - It's indistinguishable from a lawn. Flanders – I understand, it's indistinguishable until you put water on it. Scott – It absorbs water just like a lawn. Flanders – A 2 inch layer of loam, how much water can that absorb? And then you come to an impermeable surface. Gravel is not impermeable, not by a long shot. Flanders – By our regulations, it is considered impermeable. Scott – It's considered lot coverage, there's a difference. Hydrologically speaking, you ask any engineer or any hydrologist, gravel is permeable. It's not the same as pavement. Flanders – With all due respect, this appears to be a very thinly veiled attempt to subvert the ordinance. Scott – We could make this structural surface loam and seed. That is legal, but we thought we would do the turf idea because it would last longer and only two of the five areas are we proposing to do that. Frankly, I think if you made those and considered them permeable, we would still be under 30%. You don't have to do it, but if it comes down to it, we will forget the structural turf idea. If that's objectionable to the Board. Flanders – I understand what structural turf is used for and I agree that it will support vehicle traffic and it looks better. I guess what I would like to know is if you took the total areas where you are going to use structural turf and added that to the lot coverage calculation, would we still be under the 30%? I think that's a fair question, don't you? Finer – Has our engineer reviewed the specs on this? And what's his input if he has? Edgar – As indicated in the staff review, our engineer has reviewed the web site and the technical specs for the grasspave to what's in the submittal. As indicated in the staff review, the town engineer does indicate that there is a verocity to it, otherwise the grass wouldn't grow and there is an absorption element, there is some absorption of rain in the system before it gets to the ground. If you look at this vs. typical pavement as one extreme, this would probably absorb half the water that would shed off if it were paved so there is an absorption factor. The analogy that Lou shared with me in terms of this, because I asked him specifically about the issue Bob's raising and Attorney Callen had raised about the compacted subgrade, the analogy he used if you were building a parking lot in a shopping center, the developer would go in, prepare the subgrade and put in the gravel base for the entire parking lot and roll it out and compact it. Then when you go to put in your landscaped areas, they would, the next step would be to put your binder pavement down, the next step to put in your landscaped areas which are typically included as pervious, those are not factored in lot coverage, you would then cut out a hole where the islands go, where the landscaping goes, put in your curbing and then plant your trees or flowers or sod or whatever the case would be. Typically, you don't go down to excavate out that gravel that was laid down originally so he kind of used that as an analogy here that those areas that are

used for landscaping that are allowed as pervious surfaces in a parking lot scenario would have a gravel base underneath it and still would be considered pervious. So that's not a legal answer, that's not how it is in our zoning. With respect to why we include gravel, part of the answer is that you don't have people coming in in terms of the overall development project and having fairly massive amounts of gravel that aren't factored in the calculation. The other part of it was that there may be scenarios where we're designing a parking lot, we're designing drainage structures and we encourage engineers to think of the gravel being paved someday so we don't have to redo the drainage analysis, redo the structures in the event an applicant would want to pave a graveled surface so that's another partial explanation as why the gravel is, it's an overall buildout type of question. How much development do you have, as well as looking at the potential to pave the surface someday. So that's part of the thinking that went into that zoning provision. Scott – Parking: In our original submission, we submitted a table of parking requirements and the staff review indicated they wanted to see some parking calculations based upon the quantities per square foot and so forth. We did that and the bottom line was fairly similar to the parking needs we had shown originally, however, we agree with the Town Planner that neither of those really told the whole story as some of the uses in Table 1 were clearly higher than would be taking place at a marina and some other uses were completely skipped. Part of our Memorandum includes a table which we have entitled "peak day parking at Shep Brown's Boat Basin" which we feel represents a very extreme situation. We doubt that this ever will actually take place, but we are willing to use that as the parking requirements if the Board agrees. Basically, it assumes that all 92 of the wet slip customers are there, 46 guests (1/2 person per wet slip), all 20 summer lot storage customers, 50% of 72 dry rack customers, 25 employees which is more than they normally employ, 14 customers for boat and equipment sales, 6 for service and all 32 AMC campers for a total of 271. We are willing to call that the parking need of the existing facility. The Board requested the last time a color-coded plan where the existing parking spaces and what they are used for so we prepared and submitted drawing P-1 which is part of the packet. Basically in the light green are the assigned parking spaces for the summer lot storage customers. Remember summer lot storage customers are ones who bring their own boat and their own trailer and launch it and retrieve it themselves, but they leave their trailer and the boat at the marina all summer. Those spaces are double long spaces. In the light pink are the wet slip customers and they are clustered in the northeast corner of the site, 92 spaces all assigned by names of the wet slip customers. In the yellow is the designated parking area for the dry rack customers which is on the south side of Lovejoy Sands Road along the fence for the so-called "A" buildings and some of that spills over into slots inside the open-sided buildings "A-2 and A-3". The light blue is parking for 14 sales customers which is clustered up by the showroom and two spaces inside a building before. In the dark blue, parking area for 25 employees, 22 of them are

shown in building "B-4 and 3" adjacent to the office. In gray are the leased parking spaces for AMC campers and they are against the fence and part of building "A-4", 32 spaces and finally, all the remaining spaces that are available in the red are undesignated and they are scattered around the property. There are 330 total spaces on the existing parcel. Our submission for post development parking in the memo says that we are adding 5 summer lot storage customers from 20 to 25. Those are ground level slots in the two buildings. When we build the two buildings on the project site, these 28 spaces disappear, but 25 new ones appear, so there is a net loss of 3, so we go from 330 to 327. Our conclusion in our memo was there's ample parking because 327 is a much greater number than the 276. As Attorney Varney indicated, yesterday we were informed of the Fire Chief's review of the issue of vehicular parking in boat storage buildings. The bottom line of his review is that in all buildings where the owner intends to park cars needs to have a full service fire alarm connected to the Town system. There can be no mixed use, that is cars and boats cannot occupy the same building at the same time. In other words if there's cars parked in the building, they can't have any boats at that time. If there are boats in the building, it can't have cars there at the same time and he further said that in building B-4, he's only going to allow employee parking and not other parking because it is an enclosed building and in his role as fire prevention officer of the Town, that's his ruling and we have to go with it. We haven't had all that much time to consider this and it was obviously a significant impact, but we have prepared a draft to show the Board that there is a way to do this and still have room to work with. The next drawing is based on drawing P-1 and I'm calling it P-2. The impact of the changes basically because you can't store boats and cars at the same time, it upsets our idea on summer lot storage. In other words, now summer lot storage customers are going to have to separate their vehicle from the boat trailer and leave the boat trailer in one of the new buildings and drive and park in a different place for their lot storage. We basically are going to be putting the designated all 25 employees in building B-4 and remove 21 spaces that were otherwise there and we were relying upon. Therefore, now instead of 327 spaces, we have 306 because we lost 21. The peak day need instead of 276, we have to add 25 to that because they have to park separately the vehicles of the lot storage customers so we have a need of 301. We had a cushion of 50 something, we're down to 5. The wet slip customers are unchanged. Three spaces for employees that were at the office go to B-4 so now all employees will park in building B-4. Two of the sales spaces that were in B-4 are going next to the office which also has a small showroom so it makes sense to have sales customers designated there. One of the wet slip spaces that we've shown on the other side of the showroom is going down to the office. The wet slip space that was moved all of these 12 sales customers all shift one space to the right and the last space is obviously going to become undesignated space. In the two new buildings, the 25 ground level spots will be reserved for the trailers and boats of the summer lot storage customers. The 25 towed vehicles will move to buildings A-4 and A-3.

The 36 dry rack customers which are colored yellow are slightly rearranged from what they were on P-1 but pretty much in the same location. Then 10 spaces in Building B-1 which apparently are for half of the summer lot storage customers become available as undesignated spaces. The remaining spaces in and around the "A" buildings go to undesignated. Our bottom line is that it is possible to deal with the Fire Chief's comments and still have a small cushion of parking availability vs. parking requirements. Again, I want to stress we did this on the fly yesterday and today. I don't want to find ____ to sealing this in stone, but I'm presenting it to you to show you that we can do it. Bayard - You're moving employee parking (25 spaces) to which building? Scott – B-4, it's the older of the arch buildings. Bayard – How many spaces did you have reserved for that before? Scott – There were 46. Tim Bates – Could I ask a question? Thank you, Mr. Chairman. Just as clarification John, I know you said it, I just missed it, what did you say the bottom line number of spaces that you end up with after you go through this re-calculation? Scott – 306. Bates – And you say you need 300 more. Scott – The number of spaces goes from 327 which was the 330 minus 28 plus 25, is 327, that's what would have been if the Fire Chief hadn't submitted his memo, so we lose 21 spaces in B-4 and is deducted from 327 to get 306. Varney – Mr. Chairman, as you know, a number of these spaces are voluntarily leased at the present to the Appalachian Mountain Club. Should the Board decide that its insufficient for any reason, that is another area where we can terminate that relationship and utilize those spaces to accommodate whatever the Board feels is necessary. Flanders – A couple things, is there any area here where you can pick up a few additional spaces to alleviate a problem _____. Scott – If you would let us use structural turf, there's lots of places you can park on, but that is not considered lot coverage. There are other places that you can squeeze a spot in _____. The tighter the squeeze is for operational room around the showroom. It's a large parcel, density and parking on Shep Brown's is certainly no less dense than parking in the Town lots. Maybe we could find a few spaces here and there. How many, I can't quantify that, but there certainly is some room to play. Flanders – One other point, if the parking for the AMC is terminated, that parking would still overrun to the Town lots which are crowded now so as far as this site plan goes, that won't solve the problem. As far as the actual performance of the site as a whole, they wouldn't do a thing for us. Vadney - I think the applicant was making the point that he owns the land. That's the point he was making. I do have a question, yet I don't really expect you to know the answer because you have no reason to know, Do you have any idea how many parking spaces the Town does have down there? Littlefield – 119. Vadney – That's at the main lot and there's also that lot you made the agreement with. Littlefield – It will turn into a trailer cluster this year and there'll be no car parking up there I guarantee you. Vadney – That's at the satellite. 119 is the main lot. I just wanted to get some perspective on it. Littlefield – There's one thing I want to add, there's approximately within plus or minus 10, 350 people paying taxes on Bear Island,

Pine Island and the AMC combined. Vadney – There's no question, there's a long-term problem out there. It's everybody's problem I guess. Littlefield – Multiply that by 1 ½ spaces. Scott – Geometric Layout and On-Site Traffic Pattern (Plan T-1) – As requested by the Board, transparent templates of the turning movement of the largest forklift owned by the marina are provided. There's actually two templates in one, one shows a 33' boat sitting on the forks and the other shows a 20' boat sitting on the same forklift. I educated myself on this so I could educate you about forklifts. Forklifts steer with their rear wheels which allows for a very tight turning radius. At the maximum steering mark, the inside front tire has a turning radius of only 11 ½" so in layman's terms, that big forklift comes within a foot of turning on a dime. As additional aids in maneuvering, the forks tilt 2 degrees forward and 5 degrees backward and can shift from side to side so the forklift is angled for a slot and just misses and doesn't have to move the vehicle to remove the fork. The width between the forks is also adjustable so it can work with different hull shapes. This is a vehicle that is designed for marinas, it's not a general purpose warehouse thing. As was mentioned in the last meeting, the way we had the site plan in the last submission, there was a bit of a conflict on the right most slot in the westernmost building at the corner of the building, we have shifted that so that it is now a straight end run to the last slot in that building Without touching All of the slots in the northernmost building are straight in and out with no obstruction whatsoever. There is a bit of a tight squeeze in the left most part of the westernmost building nearest B-1. In order to accommodate backing out a 20' boat from that bay, we're going to take off a small corner of shed building B-1. The tightest maneuver is backing a boat out of the last slot. The boat sits in the rack so that it's loaded with the stern is right at the front of the building so that as opposed to putting all the bows against the wall, it's all the sterns in the front. So, the forklift will move in and pick up the boat and start backing and you can see at about this point, it would bump into the other building, but just as the forks clear the front of the building, the forklift can turn on a very tight radius and then back out. The way we have it laid out now it is obviously quite possible to have full access to all other slots without too much of a problem. The traffic pattern on-site has been discussed in the past so we prepared this plan to try to give you an idea of what the operation will be using the proposed buildings and we want to show you and state that almost all these maneuvers except those involving launching a boat into and picking up a boat from the water can take place without any interference of the ROW of Lovejoy Sands Road. All of the in and out traffic going in and out of the two new buildings can take place easily from this area. This large area is also now available for off-loading of new boats needing delivery so that does not have to take place anywhere near the ROW of the road. Forklift traffic can move between the proposed new buildings and the maintenance building and the rest of the marina through this rather wide stretch of payment. Boats going into and out of the service bays in B-2 simply go across the concrete pad that's there now. Boats in and out from the dry rack building go through the

big door here, boats to be launched go out either the driveway near B-2 or the ROW across the western end of the Town lot. Both of these access areas to Lovejoy Sands Road have good sight distance. WE agree that the sight distance from the Schavone easement is not good and I do not propose that as a place for forklifts to come in and out. Indeed, the layout the way it will be, there is really no need to do that. That basically describes the traffic pattern for the marina operations. One other point we want to make is that currently, as you know, Building B-1 is used for summer lot storage customers. To get a boat into their slot they have to back it in and the time it takes to do that depending on the skill of the driver, it can tie up for 10 seconds up to a minute or so the traffic on Lovejoy Sands Road. That will not be happening after the proposed project. Edgar – This question is for Bill. Is the kind of pattern that's indicated on this plan, is that a practical rendition of exactly how the site would operate and the reason I ask that is some engineers may have one way of looking at it, the guy in the forklift may have a different view and if the Board were to approve something and incorporate this into the approval, it is something you would be bound by and so (1) Is it something that demonstrates how you would use it with the new buildings as a practical matter and (2) what is the likelihood that the forklift operators would actually go the long way to get out to the road as opposed to the short way to the road? Littlefield – You've got to remember that these building's primary use is going to be winter storage. There will be some service boats in there during the summer time and there will be some new boats that have been delivered to the site and stay in those buildings until we are ready to deliver them. But understanding the winter storage situation, every boat that's in those racks, that one level before it's going to go to the water is going to leave that rack and go into this maintenance building. The only way to really run through there is right around there, it only makes sense. I can post this, I can absolutely assure you, I mean that this will not be used as a pattern of running onto, if there was a reason that we had to come out of there for one reason or another, there's absolutely no reason we could not back that lift out of there. The concern with these people that was brought up before was that forks come out before the truck comes out. If that machine is backed out of there, if we had to come out of there for one reason or another, backing out could give you all the room you would ever need. But 99% of the boats leaving that lot right there will be leaving there to go into that maintenance building to have work done to it, then to the water. Scott – The last thing I would like to cover is the Architectural Review and Landscape Buffer. With our submission is a letter from Architect Bradley Shaw who the owner obtained to advise on the architectural appearance of the building. I'm sure you've read the letter, I don't want to bore you by re-reading it. The conclusion that he reached was the best approach is in the area of color. Basically, he used a dark color such as chocolate brown or forest green. After a brief discussion with the owner, they would prefer chocolate brown with dark green trim on the edges and trim pieces. One thing that he didn't mention in the letter which I think you need to understand

is in the area of using a different siding, siding of the building is part of the structure. Because it has an open front, it's a little more challenging for the structure to be designed with enough wind resistance especially a 38' tall building to resist 100 MPH winds. So the skin of the building is part of the bracing of the structure so you really can't, if you wanted to use a different siding, you would have to put it on top of the sealed skin, which of course then adds weight to the building that shouldn't be there and more complications. We felt that changing the siding material really would be counter productive. Then, frankly, we couldn't come up with anything that would be particularly better looking than the vertical aluminum siding. Regarding the landscape, we retained services of a landscape architect, Susanne Smith Meyer, of Concord. A low berm behind the proposed building, basically taking out all of the existing vegetation and small trees that are there, putting in a low berm and planting trees and shrubs on it. Basically, the idea is to give a bit of a screen to the area to help break up and reduce the visual impact of the building from the McCarthy property. The trees and shrubs will not be 38' tall so it won't hide the building, but it will break up its appearance. We believe it is the best that can be done given the site constraints. Just one other issue was an open issue and that was the possibility of wetlands on the McCarthy property. We retained Gove Environmental Services who did the original wetland mapping on this site. They went onto the McCarthy property with Mr. McCarthy's permission and set three flags. There is a wet area on his property that comes back this way. We are not sure if its 3,000 sq. ft. or not and 3,000 sq. ft. is in your regulations as the size if the wetland is bigger than that, it would have a setback, if it's smaller, it doesn't have a setback. We are assuming that it would be 3,000 sq. ft. and drew a 50' buffer from that and designed our landscape buffer and berm to avoid it, just in case it is. Vadney – You addressed the visual buffer to a degree. Have you thought about the noise buffer because that was one of the complaints, the beep, beep, beep of the forklifts backing up. The general noise of a quasi industrial area. Scott – The vegetation will serve to some extent do that whether its more or less than what's existing, I don't know. As far as the beeping of the forklifts, I'm sure if it was legal, Bill would shut them off tomorrow, but it isn't legal. You have to have them, it's an OSHA requirement. There is, I believe, we've discussed it and maybe Bill could speak to it. One of the noise elements on site is intercoms which is intercoms and communication technology. There is the same possibility they could eliminate some of that noise if not all of it with headphones. Littlefield -These building's primary use is winter storage. In the off season they will be loaded and in the off season they will be unloaded. There will be very little use of these buildings during the summer months when the people are here. Vadney – I see Chuck Palm has arrived. Do you need to say anything about the... Palm – I don't need to say anything so I'm here if you have any questions. Vadney – Does the Board have any comments you want to make or questions of the applicant? I have one question on septic. Would you talk to the latest thinking on the septic system. Has there been any change in thinking on that, you know

we had questioned a couple of things. I know some is under review by the Code Enforcement Officer. Scott – Just to reiterate the septic system consists of a septic tank and pumps at the office that go up to the leachfield that's underneath the roof of Building B-4. It was built in 1968 and approved by the State and the Town at the time. It has never been cited for failure or actually its never been the subject of any communication from the Town or the State and no complaints from a boater. The obvious assumption would be that it is functioning OK. It appears that the toilet and shower facilities that are attached to Building E-5 never went through an approval process. Frankly, which it should do. This current project has no sewage whatsoever associated with this, no plumbing, no electricity or anything in these storage buildings and it does not increase the traffic of people in and out of the marina so we feel that the existing project is neutral with regards to the septic system now. The owner obviously has it on his radar screen to improve that in the near future as things proceed. Littlefield – I have contracted with Ames in regard to a new septic system at the facility. It was told to me when I bought the facility that there was never a failure in this system, but the piping that runs across the parking lot is not far enough underground and during the winter months freezes. So, what I've ended having to do and what was done in the past is that there is a shutoff valve that goes to a 3,000 gallon holding tank and all winter long, I pump that. I knew that in the process of buying this, I've also talked to you guys about a couple of stage plans and that is one of the things that was going to be addressed. I have met with Ames, I've had two separate meetings with him, as a matter of fact I had a meeting with him last week. I've contacted DMC, I've had all the wetlands around the area where I would like to consider the next septic system delineated and I'm waiting for DMC to get them on a sheet for Ames to come up with a septic design and I am going to be in front of you guys in the next probably 45 days with that next project. We are working forward with that and although there's never been a failure in the system, I know I need to address that and bring that up to today's standards. Public Comments: Tom Boriso – Question for Mr. Littlefield, on the other side of that coin, we have 306 proposed parking spaces, the Town has 119 at present that gives us a total of 425. I'd like to know, me being a resident and on occasion we go down there and park and during the summer months there is no parking. My question to Mr. Littlefield is how is he going to have his 306 customers designated not to use the Town parking that is needed for the island residents and the other taxpayers of Meredith. How is he going to do this? How is he going to address the 306 parking spots? Littlefield – Quite frankly, it's been addressed now for many years. The people who have a slip in that facility all have a parking spot with their name on it. They know where to park. The people in dry rack have a parking spot in a designated area and know to park there. I will do everything I can and quite frankly, I've been thinking about this and talked with one of my girls this week about sending out something to my slip residents, my dry rack residents, residents in a memo for this spring explaining this whole situation and how critical the parking is. There has never

been to my understanding a customer looking for a parking spot. A customer of Shep Brown's looking for a parking spot that we could not find them a parking spot on our premises, not on the Town's premises. I cannot help the Town's situation with all of their cars down there. That is something I think we should work together in the future to try and resolve like Shep Brown's has done in the past with giving the land last year to help alleviate some of this, getting the AMC out of the parking lot. Shep Brown's has done everything in their power within reason, I believe with the old owner and I've continued that to address that parking issue down here. I can only take it so far, I can make sure my customers know where to park. Vadney - OK, further comments from the public. Jed Callen - As you know since this is our third meeting, my name is Jed Callen and I'm representing a number of abutters. I provided a list of 10 previously. Mr. Callen indicated he had been asked for a list of his clients. He chose not to provide this unless the Planning Board felt a need to have it. The Board agreed they had no use for such a list. I want to thank the Board and the applicant. The process this time has been much more open. The requirement that the Board of asking the applicant to send its plans to me sufficiently ahead of time so that I could respond to them and not to something that was out of date, I think is going to make this work a lot better. I have had an opportunity to review the plans except for the changes that I've heard as a result of the Fire Chief's comments. I was able to send my comments to you. There are still three issues in my mind. Parking, lot coverage, and pedestrian and traffic safety. I think I can identify the problem, I know I can identify what the problem is between the applicant's interpretation and interpretation of that rule and mine. I can't tell you the right one, but I think I can help determine what the difference is and urge you to adopt my interpretation. Your requirement in the zoning ordinance creates the ambiguity and the problem by its very explicit language. This isn't something that he's made up or I've made up. The issue with that requirement is ambiguous. It says in lot coverage, "the percentage of the total area which may be covered by all impervious surfaces, but then it goes on to say "including but not limited to structures, sidewalks, parking areas, roads and driveways, whether paved or gravel." I will agree 100% with applicant's engineer, Mr. Scott, in indicating that I know and I think the science is clear that gravel is not impervious. In fact, it and sand are the most porous of permeable surfaces, that's why aquifers are particularly good that are based on gravel recharge areas and sand recharge areas. The very fact that the definition says that once used in lot coverage infers the surfaces including parking lots, driveways, walkways, pathways, whether paved or gravel undercuts its own previous use of the word, impervious. It proves, it says based on that definition, if you read that definition and honor all of the words in it, that's what the statutes tell us and the Supreme Court decisions tell us to interpret a statute by giving good meaning and full meaning to each and every word. You can't just pick the ones you like and ignore the others. Then, what it tells you is impervious doesn't mean impervious in the sense porous and able to absorb rain water or surface water. It doesn't mean that

or it wouldn't say impervious including gravel. It can't mean that. What does it mean then, it means you have to look at what is the common denominator of the examples that are given to try to discern, at least that's one of the two ways I intend to argue, how to discern what the drafters of that limitation meant and if you look at the common denominator of what this included, roofs, paving, buildings, roads, sidewalks, parking lots all those others, they are not characterized by being either impervious or pervious because the gravel driveway might be the most pervious part of the site in some cases. They are characterized by the areas that you have destroyed or replaced the natural surface, the natural vegetation with a manmade utilitarian built surface. You've made grass or meadows, shrubs or trees into a driveway or parking lot whatever. That is what one has to draw from reading the definition is the common meaning. Another reason that you have to ignore the word impervious or not give it its technical meaning, but consider it to be a synonym for whatever gravel driveways, gravel parking lots, I suggest that means human made surfaces that have been altered from their natural. There are different maximum coverage limits for each of the districts in the Town and they range from as little as 25% in the Forestry Districts, 30% in Residential here and 65% in the Business & Industrial Zone and if imperviousness of groundwater recharge had the ability to get that rainwater down into the aquifer and into the groundwater was really the key which I suggest it can't be if we're including gravel, that wouldn't make any sense. Groundwater is no more than the recharge in the Forestry District than it is in the Industrial District nor is there any greater need to absorb rainwater from that runoff. In fact, if there's any greater need for that other absorption capacity you think of is a function of natural surfaces, but the surface doesn't wash away or wash off. There's a greater need in the industrial zone than there is in the forest which is , so the fact that there's a different requirement leads to the same conclusion that there's another purpose at play in this maximum lot coverage requirement and I think John Edgar eluded to it a little earlier, it has something to do with development, I don't think you used the word density, I don't want to misquote you, but you used a word like that a development intensity kind of requirement and I suggest to you that is what it really is. It is a requirement where they unfortunately use the word impervious but discounting the definition to say in certain areas we want things to be more open and have more natural surface that's residential in shoreline because we want it to be more open and beautiful and green and natural and we are willing to sacrifice that more in our industrial zones. You can build up to 75% (65%) of your lot there. The reason for my dwelling on this point is I think it explains what our difficulty was and my position is that a lot coverage invitation then applies by reading those very sections of the ordinance together to give them sense. The rest of the definitions that are focusing entirely on the word impervious as applicant does and the different standards in the different sections to say OK it's a density sort of thing and has more impact _____ more on limiting the amount of the surface disturbance. In that argument, then any area I would maintain that you convert

from its natural surface to be a parking space, a designated, we're going to use it all summer, we're going to park trucks on it, parking space whether you've added gravel to it or not, the gravel isn't the issue, it's the change of use from its natural surface to now it's designated parking. If you are going to designate a parking space, I suggest not that it's impervious necessarily, but it is an enumerator of the lot coverage calculation. You can't consider it open space and parking lot. If you want to focus a little bit on the issue of imperviousness per se, _____. I would also suggest from Mr. Scott, he indicated just less than half an hour ago that grass pave is used to give some structural stability so you can do occasional parking on it, fire lanes, he explained it very well and very accurately and very honestly and he said, you don't want to do that on natural grass, this gives it some structural stability because grass will squash and compact and turn to mud. So you would use grass pave that looks like grass, absorbs rain water essentially like grass, but it survives the occasional parking. That's exactly right and my point is he's right and those areas on this lot if there are any and I will point them out to you where they intend to park cars, assign a person to it and say it's a parking space. It's either going to get crushed, squashed, compacted, turned to mud and need gravel or if it doesn't need gravel, it will be unusable or after it's used enough, it will be so hard packed, it will be truly impervious if you're real concern is groundwater recharge. Certainly when a truck's parked in it, it's impervious. Pardon me for saying that. In other words, during the time that it is parked on, how can you call that open, natural surface. It's sealed. For all those reasons and I hope I haven't been confusing, I urge that we take a close look and see where the parking is and overlay that over the area that they consider not impervious because I think that word is useless in this context. It's not a test of imperviousness, it's a test of lot coverage and I think you will see they are over the limit and specifically, they did not provide on all those plans, a single plan that showed you what the surface area is and whether it's included in the enumerator of the lot coverage calculation and compared to the parking. There's not a plan that shows this is our 30% coverage, here's the parking and you see we are at least counting all the parking and indeed they did count all the parking. I did that work myself and this doesn't take sophisticated analysis, but I would hope the Board will do this on its own or ask staff to do it, but I was able to overlay this parking plan, P-1, with EC-1, the plan that shows the areas that are included in coverage and primarily in this pink area up here in the northeast corner the spots that are assigned, the 92 for wet slip customers, a significant number of them are on surfaces that they are excluding from the coverage calculation that they are calling natural grass. For instance, most of this island in the middle, if you look at the previous plan and I won't pull it out, you have the plan, EC-1 shows along the oval of natural grass there, however, that's exactly where they are planning to put the 16 cars. I suggest they are going to put 16 cars there that either it is gravel, will need to be gravel or become compacted or with the trucks in it certainly will look like the kind of lot usage that is limited by the 30% lot coverage limitation.

Over here 3 or 4 spots are even what is listed on the lot coverage chart as trees. If that is natural vegetation now and trees, are they going to cut the trees, cut the underbrush right on the edge of the lake? Terrible idea where the buffer and margin with the lake is so important. Similarly, along here there are several that go right into as shown on the previous page as EC-1 as trees. You can see them on this very plan and spots over here are in the trees and the fronts of everyone of those are in the trees. You might want to walk out there and see where their spots are and I suggest that if you exclude the spots in the lot coverage that are going to be covered by trucks, you will exceed the 30%. The alternative, of course, is for the applicant to drop those as spots and say we can't exceed 30%. Obviously, then we can't use those spots and if that's the case, I think they are short on necessary parking. I did express in my notes some concern about the use of grass pave or industrial turf as a surface that is excluded from the lot coverage and Selectman Flanders picked up that point. Let me point out that I was misunderstood in my written materials. I don't have a problem with grass pave being excluded from the lot coverage on the basis that it is impermeable because it has a compacted gravel base, I don't believe that's a problem at all. It think it's an excellent solution in the sense that it is a permeable surface that is more attractive than pavement or gravel and I understand this tremendous use for football stadiums or an occasional use of a fire lane. I don't think that's the problem, I do think it is a bad precedent for you to set to allow it in this instance as a solution to the over development of the lot to exceed 30% coverage for two reasons, not permeability reasons. One is you are going to grass and sand and that's what it is, it was described to you as compacted base, gravel base, plastic rings with sand in them, fertilizer and it grows grass. It must continuously be fertilized because there are no nutrients in that sand or in the gravel beneath it. The grass will not grow, if you don't continue to maintain it with a fertilizer base, because you are growing it artificially in sand. That is a terrible thing to do to the surface right near the lake to create an artificial surface that needs to have fertilizer added constantly. I wouldn't suggest approving that. Second, and somebody from the Board and I think maybe the Chairman raised this, if you allow grass pave to be counted not in the enumerator in the lot coverage calculation, in other words not included as among the 30% max, you do allow over development of lots. Everybody who wants to build more buildings could give up their gravel driveway and their gravel parking area, make it grass pave and build that much more truly impervious _____ too dense buildings. You can increase the use of the lot, but 30% allowed is now and then you have an additional enormous amount of driveways, parking areas that are now grass pave. I think it's a bad precedent, it does the true intent which is partially groundwater recharge probably surface water absorption to prevent runoff properly and unleashed partially less _____ the density of the manmade surfaces and save some of the natural surfaces for habitat, for the natural world and if its all then grass paved, there is not much that can live there. Inadequate parking. Nowhere on this plan,

you asked for a specific plan on parking, are any of the spots identified as to size. It's required in the regs, there's even a minimum legal size. I admit that it was ambiguous to me so I'm not sure if the legal limit is 9' x 20' or 10' x 20', it is obviously a typo in the regs., but at any rate, we don't know if any of the spots are 9 or 10 x 20 and when I scaled them out with my ruler based on this on the plans, they are not. They seem to be closer to 8' x 18' so they are illegal spots. It is important not just to _____technical point that they be at least a minimum size specified in your ordinance because the Board's staff has pointed out in an earlier document that I've seen in this very file because it had to do with the Keenan property that is attached. If you have a paved lot with painted lines 9 or 10 x 20, this is sufficient size. If you say instead on this gravel or grass area, there are 12 spots and you are counting on them each being exactly 9' x 20' without the lines people aren't going to park that perfectly. They are not going to pull up that close to their neighbor. They are going to fit far fewer cars in an unlined natural surface parking area than on a paved parking lot, so you have to have them be at least big enough and you should not expect to get the numbers that are drawn on that plan are substandard and without lines. It won't work. Applicant had the benefit of seeing my comments yesterday. They didn't mention at all the point I made about handicap parking. They haven't mentioned it from the outset. Unless I'm unaware of some waiver and I think at the beginning they admitted and you admitted that there had been no waiver requests. I see nothing in your regs that exempts them from the requirement when they must have parking for handicap spots. Certainly, some of the guests of their facility need those spots. Some of the customers or family members who are going boating need those. You are not showing any valet according to your regs. They told us now that they have a cushion of 5 extra spots given the recalculation today. I suggest that it's far less than that and they have an inadequate number and I'm going to list for you as I did in my presentation, numbers that you should and may consider subtracting from the number they say they have available for the various reasons that I list and if you subtract them, I think you would have found too few even when they had a cushion they thought of 26 or whatever it was and surely when they have a cushion of only 5. First of all, I think you must not count the spots that are on natural grass or in trees that may not be cut on waterfront. There are 33. They suggest 14 retail spots. I understand you have the authority to approve a number different than in your table, I get that based on the unique circumstances, but I would suggest that where your regs require 53 for that amount of retail sales spots, their request that you approve 14, this is too few. It doesn't allow for busy days, it doesn't allow for growth. They told you they want to become a preferred sales marina, they have plans to be a busy and I think top notch, I don't doubt that, boat sales facility. I think you might want to agree to a number less than 53 given the marinas are different than Walmarts, but 14 is too few. Perhaps the regulatory requirement of 26 might be appropriate. Twenty-five spaces for 25 summer storage lot customers is inadequate. It shows no ability for growth, it is exactly the number they wanted

this year, it won't be any good next year. Five (5) spaces for the dry slip, a half a space for dry slips. Again, this is up to your judgment, I can't decide for you but understand they are suggesting a half a space or 36 for the 72 dry slips. I think that a more reasonable number would be 72. We don't know how often these people will come. There will be days that more than half of them will come. There will be days when they will have two or three cars there because the son or daughter is coming and the neighbors are going out on the boat. Their arbitrary request for half a spot seems to be inadequate. They said 6 spaces for boat service customers. I think that's inadequate. First of all, we've just been told they are putting up two new buildings which will allow more maintenance to be done and they will be able to do more maintenance if they can store maintenance boats. Yet, they are asking for only 6 spots. We know we've lost 24 spaces in Building B-4 from the Fire Chief so we think that's a wise decision. I suggest and this was brought up at an earlier meeting that there are at least 7 spots, but they are right on the southern margin of Lovejoy Sands Road on the south side. One of the Board members pointed that out. They are all being counted and I think if you look carefully and scale them about 7 of those don't really exist or don't exist safely. You have to lose a few more spots to make way for the handicap spots. If you insist on having handicap spots, you can't fit 8 of those in place of the regular spots. You have to eliminate or when you actually scale these up to the right size, there will be fewer than the number they show at 8' x 18'. Again, I don't have the exact number but if you actually create a template of the right size spot and lay them out, it will be fewer. You might consider not counting the 77 that are on the south side of the road, not because its on a separate parcel because I understand Attorney Varney's rebuttal to my letter that this isn't being asked to be placed there, it's grandfathered, it's showing what's available. On the other hand, if these are behind gates, they are truly in a different category than open parking. The ones that are in the building are not available unless you come and ask at the office to get it unlocked. You might want to explore all those spots in the buildings that are gated. In summary, I think there are just simply too few spots that meet all your criteria and requirements. On and off-street loading, I'm gratified that as a result of this process, we've now received a promise or almost a promise that forklifts will not be moving past Building B-1, at least not forward and that the primary plan is to maneuver around behind the building. I suggest that if you approve this proposal as I hope somewhat more amended, that you make that a condition because I think that is a truly dangerous situation and the promise to ask the forklift drivers to try not to go there is probably not adequate to protect the public. Attorney Varney indicated in his letter of January 12th that the two new buildings will store the bulk of the new inventory. Yet, Mr. Littlefield tonight and in the earlier application said that there will be some new boats put in there in addition to the winter storage. I think those are a little inconsistent, I'm not sure what it is but I would suggest that if there are going to be new boats put in that building and if Mr. Littlefield is correct that the trucks will all be brought into that

area between the two new sheds and not unloaded out on the road and the forklifts taken in to load them, then you may have actually solved or partially solved one of the dangers on this site which is the amount of loading and unloading that goes on in the ROW and I ask you to consider making that a condition of the approval that trucks would not be unloaded of new boats or old boats or maintenance boats in the ROW but all brought into that interior spot between the two sheds and unloaded there so that people are not dodging around trucks bringing boats, etc., and I would ask that you consider that as a condition. Finally, there is the issue of the buffer and I would simply suggest that once you put a soil berm with a mix of trees is not an adequate buffer between this industrial use and the McCarthy residence which is right next to it. It might buffer the view a little bit; I do not think it will buffer the noise or the impact of this 34' high building. And finally, architectural design review, relatively a great deal of your time has been spent talking about it. I think we all know that we've been given a stark choice. You either accept these large, open industrial looking, flat-roofed shed-like buildings and somehow determine that they are not inconsistent with the Architectural Design Review Ordinance or you reject them. They've offered you very few alternatives. They are going to paint them chocolate brown with green trim. It's probably a marginal improvement, but I suggest to you that it doesn't make them compatible with the neighborhood, it doesn't make them complimentary to the architectural heritage of Meredith or the neighborhood, it doesn't make them aesthetically pleasing, it doesn't make them small, it doesn't make them invisible. The criteria as your staff report says are right in the ordinance, there are many, they are specific. This proposal simply meets none of them. It is almost exactly the kind of building that is intended to be prohibited or barred by that ordinance which seeks buildings that are attractive, aesthetic and consistent with the neighborhood. These are none of those things and so if nothing else happens, I suggest that the proposal be rejected because it violates the architectural design review ordinance. Varney – First of all, Mr. Callen would have you rewrite your ordinance. The ordinance speaks in terms of impervious surface and it has the examples of parking spaces, roadways, sidewalks, whatever in parantheses. I'm sure Mr. Bates can tell you the purpose of a parenthetical is in drafting an ordinance. It's a descriptive; it's not defined so the definition is what it is, that's what your ordinance says. It says either a gravel surface or a paved surface. Those are the things we cannot have more 30% of the lot converted to. If we are going to start changing that ordinance to make it say what Mr. Callen wants it to say, then some of those areas that Mr. Edney went out and went over with Mr. Scott and we had accepted preliminary determination that those are graveled areas. We've counted them, that's how we got up to the 30%. Do we go back and look at those and decide whether somebody's parking on them and whether they should be used or not. You have an ordinance you wrote, the people of this Town voted on it and that's the ordinance that should be in force not some tortured interpretation of it. The second issue that Mr. Callen made that I

think needs addressing and I know he's under a handicap because I don't believe he's been to the site, but you have been to the site and I've been to the site and we all know that a lot of those parking spaces shown there in pink or purple on the two plans, they really are in the trees. You were there, you saw the signs put out, there's one set of parking spaces you know exist, those are there because they have signs on them and people pay good money for them every year. Do they comply with the standards today that you would impose if we came to you and said we'd like to create these new parking spaces and utilize them. No, they are pre-existing. You asked us to show you that in fact we had the facilities in place to support this use and the Chair rules that is something that we had to do even though it has nothing to do, parking has nothing to do with what we are proposing to you tonight. That is what we have done. I'm sorry if they don't meet with Mr. Callen's definition of what an appropriate parking space should be, but they are parking spaces that do exist. There was some talk about the 7 spots along Lovejoy Sands Road and I would remind the Board that the Town of Meredith actually entered into an agreement with Shep Brown's that those spots could be used for parking and a cross easement was granted by the Town to the prior landlord for that very purpose. So, I think a lot of these distractions are not appropriate. Those are the old issues that I would like you to consider, but I really do think that I appreciate Mr. Flanders interpretation. As I understand it, Mr. Flanders believes that if its gravel, its gravel and he doesn't care if there's 6 inches of gravel on top of it or not and if that's true, I understand that if that's the way he feels about it. I had Mr. Scott review the calculations. You were asking what would happen if we counted that as, if we counted the grass pave as impervious that would bring our level up to 30.2% at the end of the day which translates into how many square feet? Scott - We would have to find 1,000 sq. ft. to create some grass. Varney – We would happily agree to that condition if it were imposed to reduce the amount of grass pave by that amount as part of any conditional approval. Vadney – Are there basically any new comments to come from the public, but we do have to get onto the deliberations here. Henry I have a couple questions. In the last meeting, you stated you have license plates on all of your forklifts. Littlefield – The only one that has not been done is the Kabota because it is a questionable serial number. They all have plates that are required to run that equipment. Are they inspected by the State? (cannot understand, did not use microphone). Vadney – I think we can work that out administratively. It's not one that really belongs to a site plan. Warren Clark, Lovejoy Lane – I'm sorry but there are a few issues I think really need to be summarized a little bit here and I'll try to be brief. I do want to talk about parking, coverage and the architectural review. The first item is parking, Attorney Varney says that parking has nothing at all to do with this proposal and yet he says they are removing the existing parking places, so clearly it does have something to do with this proposal. I would also like to point out that this parking issue is somewhat different from what I think this Board is probably used to dealing with. Usually you are thinking about someone's

going to put in a store and is there enough parking. This is a case where it's not hypothetical. This is a case where everybody knows there's a parking problem and maybe _____ people who are using the ramp, whether it's a Bear Island customer, Bear Island people are customers that are using Shep Brown's Boat Basin. But we know there's a problem here and the question we have to ask ourselves is whether we want to allow Shep Brown's Boat Basin to make it worse by removing some of the existing parking places. One of the things we've talked about is the question of the number of parking places for in and out boat storage and it's been proposed that it would be ½ space. My understanding is and correct me if I'm wrong, that some of these customers at least are using _____ rack slip storage because it is part of the _____ that can be made available. And so perhaps 1.5 would be a right number for this. The next question about rack storage customers is what about _____? Attorney Varney said that Shep Brown's is precluding ever using the new storage buildings for in and out rack storage. My calculations there are about 3 or 4 hundred other slips that could be used for rack storage. I think we should know whether it's going to be, limited rack storage would be limited to 72 places or to some other _____ may not be limited. Can it just expand without limits. I think that's an issue that needs to be resolved. Also, last summer there were a huge number of boats and trailers parked in many places around that facility. I have heard nothing that says where those boats and trailers will be parked in the future. I heard a hint that maybe they are going to end up in the new Town parking lot, maybe they will and perhaps some of the boats will be on racks but I do think that's an issue and I also want to point out that some of the proposed spaces are not really parking because they are offering parking behind locked gates and what's going to happen, we all know, is that guests of those customers are really going to park in the Town parking lot. They are not going to go to the office and say oh we're guests of Joe over here and can we get behind the locked gate? The guests are going to park in the Town lot and then maybe another guest comes along and they can go into the reserved place, but the reality is that the people who are not their customers are not going to have a place to park and I don't think the question about parking has been adequately answered largely because I think that 77 of those places are behind locked gates. The Planning Board does have the discretion to allow waivers from the Site Plan Review Regulations, but that's if you believe they are not applicable in a particular case. If you believe that the proposed parking will be adequate, but we have knowledge, we have experience and know that the parking is not adequate. When I first started looking into this issue, I talked with Bill Edney and I asked him could they just add to this area as long as they want. Bill said, they have to provide parking for any activity that they have and they are limited by coverage restrictions. I hope that the Zoning Ordinance will protect us from having the coverage exceeded. It's really kind of hard for me to understand exactly where they are with the coverage because they start with a and they add an area that should have been

counted and they subtract other areas that should not have been counted and the site plan doesn't count the buildings. I would think that ultimately we would have a site plan approval and yet I don't see a site plan. What's it going to be? I would like to see the site plan that's going to be approved. Again, relative to coverage, Parcel A and I'm not sure about this but I think the site plan shows that it's 45% covered. Parcel A to the south of Lovejoy Sands Road is 45% covered. Parcel B to the north is 31% covered. Parcel C which is down to the southeast down where the main office is right now is 84% coverage. The weighted average is something on the order of 35% so Shep Brown's wants to treat Parcel B separately from Parcel A and C and I guess legally they are allowed to do that and if they want to take the parking, overflow parking on Parcel B and they want to put that into Parcel A and I guess they can do that too. It doesn't seem right to me, but I leave that to the lawyers. I think we should take a step back here because we've been seeing 100 sq. ft. or 1000 sq. ft. here, a parking place here and a parking place there. I'm looking to the Zoning Ordinance as an abutter to protect me from a marina getting over developed and the reality is that this marina has been growing since 1971 and forever and it has a right to do that up to the point where it is not the 30% coverage taking the marina as a whole. I don't think we should be bending over backwards to find ways to somehow say you're not really over because I think they are over. My last point is relative to the architecture. Meredith as we know has an architectural design review ordinance that mandates roof lines, massing, building scale and proportion, materials, texture and color and architectural features must be an incentive in every building design according to the architectural design ordinance. What I understand and I'm paraphrasing a little negatively that the justification seems to be oh well the zoning ordinance says we can have a building there and this is the kind of boat storage building marinas build so we can build this kind of a building, that's it and they also say we have other buildings on this property that are worse than the ones we are putting up so it makes the ones we are putting up OK. We'll paint them brown so you won't see them. Why is this wrong? First of all, the zoning ordinance allows a Special Exception only if certain rigorous constraints are met, but I'm not going to get into this because I know this not the area we are going to talk about, but it is not an excuse to ignore the Architectural Design Review Ordinance. There are existing buildings there that are out of scale with the surrounding area. There are two new large buildings. These were built before the Architectural Design Review Ordinance was in place. Today they would be in my mind non-compliant. They are grandfathered, they should not be torn down but they should not be used as an excuse for putting up more like them. I would like to point out they have existing boat storage buildings that are not out of scale with the surrounding area. These existing boat storage buildings are about 25' not 38' high, two boats high not 4 boats high, gabled roofs not shed type roofs. These buildings are not out of scale, they are somewhat close to the character although they still _____ under provision of the Design Review Ordinance. The submission they gave had two

colored pictures, one before painting it brown, one after painting it brown. I would point that the sample buildings were not open on the water side. The sample buildings were one story tall not 38' tall. The sample buildings were behind trees and the buildings in the pictures and this is my favorite in the yellow picture, they were bare of leaves and in the brown picture the leaves had come out and that may have something to do with why they were less visible. The proposal violates virtually every provision of the Architectural Design Review Ordinance. They are big box style buildings prohibited by the ADR Ordinance, they are shed-type rather than traditional gable roofs, there are no buildings on the property with shed-type roofs today. There are no architectural details and features and details as to why _____ I would like you all to think about what we are doing here. What is the point of the Zoning Ordinance? Why do seven members of the Zoning Board give up two nights a month and I mean this is a real _____ for you guys and I want you to know I really appreciate it, but why do you do it, why are you doing this? I think it's because you want to make Meredith a better place to live and you want to make sure that the laws that we have are enforced. Shep Brown's has expanded beyond the point where it shouldn't have been allowed to expand. There isn't enough property, we know that. They are over their coverage maximum, not just overall, also on Parcel B and they are completely ignoring the requirements to meet the reasonable architectural standards. I am not suggesting that Shep Brown's be sent back to provide additional information and justification and analysis. But I think we know enough about their plans to rule on both applications. On behalf of literally hundreds of neighbors who oppose this expansion, I ask you to first of all deny the application for a site plan amendment as non-compliant with the zoning ordinance and to deny the application for architectural design review as non-compliant with the Architectural Design Review Ordinance. Vadney – Can anybody add something different? We've heard a lot of information but I think we need, if there's anything new I don't want to miss it but we've got to move on. Mary Merselis - 58 Bear Island – I have four points and one is at a previous meeting one of the people on the Planning Board mentioned that if a business like this tried to come in today, it would be rejected because it is in a non-conforming area, it's in a residential area and my point is this, it seems unreasonable to further expand an already non-conforming use in a residential area if it is inconsistent with the Town's own guidelines for planning and growth. My second point is this grass gravel thing, it just seems that the whole plan is to subvert the Town's intention regarding the coverage formulas and also cars will still be parked on them so I don't see how that makes much difference.

My third point, as mentioned in one of the earlier meetings, even if the two buildings are constructed, Brown's can still put more boats outside so the land and the water traffic and the parking needs is just going to increase. If the business increases with the new buildings, they will still be able to put more boats out there. Nobody has mentioned this, but this is just permission for two buildings right here and my logic and my business sense tells me that this is going to be expensive to

put these buildings up and if we put these buildings up and we put in these new improvements, you've got to pay for it somehow so they are going to have to have more business and more sales and more boats and more traffic and if we think we've got problems now with parking and coverage and everything, it's going to be more problems later on and I think by allowing this business to continue to expand, we are just going to be creating more problems in traffic and boat traffic. Steve Veasey Shore Road – I haven't followed this in great deal It is a relatively small expansion for an existing business and I compare it to two other much larger projects that this Board has approved, Church Point and The Wilds, and I understand and appreciate your concern by all the citizens here and the abutters who have a vested interest, but I just hope the Board will make sure that they apply the same standards used for those other much larger developments that they did for this application. Vadney closed the public portion of the hearing at 10:30 p.m.

Tim Bates – The law doesn't tell us much specifically about how you go about your decision. There's a number of different ways that different boards approach this phase of the process and that approach will change depending on the complexity of the application that's before it. So, you have a lot of latitude on how you want to proceed. One thing I would suggest at the outset that although this has been a long process and everybody's got a lot of time and effort and money involved in this thing, I think the Board ought to feel absolutely no pressure to make a final decision with a final motion and final findings of fact and so forth tonight. There's been too much invested in this process to try and bat something out quickly in my view. Anyway, I think you should take your time, I think you should enter into a dialogue with each other about the pluses and minuses of this thing and perhaps as you do that this evening, perhaps a consensus will start to emerge about whether you're in an approval mode or a denial mode and we can go from there and see how things unfold. I would suggest that and I think this falls onto what Bob Flanders was saying that if you do seem to reach a tentative consensus tonight about where you want to go and why you want to do that, then I think one option would be to task Mr. Edgar and myself with taking that concept and drafting up findings and rulings that would support that conclusion and having you come back at some future date at a public meeting, not a public hearing, but at a public meeting to consider the matter further. Vadney – I don't want to try and as we do in typical Planning Board meetings, we make a motion on the fly so to speak and the wordings are somewhat misleading at times or at least not complete so I would like to take time if we can get a sense of the Board and take time to write a very well worded motion. Bob Flanders – We have two separate proposals or two separate applications in front of us and I would suggest that for purposes of deliberations split these and I would further suggest that maybe we take what seems to more clear of the two in my mind is the architectural design review and deliberate on that first. I was just suggesting a reasonable path. Bayard – I have

a problem with the height in a residential neighborhood. It's kind of a square box (garbled) This is in a residential zone so we have to consider not just what would look appropriate say next to Wickes Lumber but what is appropriate... green does make some sense so I would give credit on that and certainly the two foot berm with very dense planting (garbled). We've had the Architectural Design Review Ordinance now for a number of years and as applications come to us, they usually have a pre-application design review which we had here and the Board indicates some of the things they are comfortable with and some of the things they might not be and in all the cases that come before us for ADR and we've had some concerns in the preliminary stages, the applicant has come back with some mitigating changes that would help to address some of the concerns either of the Board or the abutters or whatever. Some of the applications that come in are very sensitive to the ordinance in the first place. I think several have come in and the first brush didn't seem to meet muster and we made some comments and they immediately made some changes. In this case the facts are that they came in with the initial design of the buildings and so forth and received some input and that original proposal has not changed one bit other than except for the paint color. I have a little bit of a problem with the scale of these buildings. If you look at the character of the neighborhood down there. I realize a boat storage building is not going to look like a single-story ranch and I don't think we expect that. There's nothing on the property that has a shed roof like that that I'm aware of. I don't believe that any effort has been made to come up with some type of compromise that would make these buildings scale more appropriate or the design or appearance of them that fit in at all. I mean we've been offered this one thing and that's what it has been from day one. I think back to last summer when Lovering-Volvo came in and their initial proposal was a block building often seen in an auto dealership and we expressed some concern when they came in for their actual application. The buildings still had a flat roof but they put mansards around it and the gable on both ends similar to what the Harley Shop is . The Harley Shop is a building with a flat roof, but when you drive by it you can't tell that from any side unless you drive around back and they made a real effort to make it fit into the character of the neighborhood and break up the mass of the building and so forth. There's been no attempt here at all and that concerns me. Finer – I'm in agreement with those two, I think there's been very little effort to meet with any of the suggestions we've made and it is too big for the neighborhood. Sorell – I don't know. Both storage buildings are typically shed roof type buildings. Most of the marinas I've been to that's what you end up with. If there's some way to change it, yeah OK, but if they're going to run a forklift in there, I just don't see it. It's pretty hard to run a forklift up against the eave of a building. Vadney – I think it is obvious that you can't put four rows of storage, you can't put a pitched roof there and not lose at least one level of storage and I think that's where all of you are going, if you really are opposed to a flat roof. As Roger said, I think he said he's willing to accept the flat roof because it is a shed, a very expensive shed but it's a

shed. The architecture, it's a bit disturbing. I'm looking at architecture among the buffering and talk about sound proofing, I think technically that would be pretty much impossible. I'll come back to this when we do site plan review but to me the visual impact, to me the audio oral impact is even greater, the noise generated by this is going to be a problem. I bring that up here because we are talking visual impact and this is noise impact. Architecturally, it is disturbing to have those large buildings out there. At the same time, I admit boats require big buildings to store them and in general as you drive around the area there's a number of boat storage buildings, there are very few you could call pretty, but I think that brings me more to a philosophical point, how much can you put in the _____, we used to say. There's a point of growth that if you need the fourth story on the building to support the level of growth you are going to, you are starting to really cramp the site as to what is acceptable to the public. From that standpoint, I'm disturbed by the architecture and that's a rambling answer, but I am disturbed by the size and magnitude of the buildings, but I also recognize you can't build it a lot smaller and put a hundred boats in. Bayard – I don't think it's necessarily the roof pitch that I'm as concerned with, now we want them to add another 10' to the thing so it doesn't have a flat roof. My concern is that the whole building is just too big for that particular site. It really doesn't do much and boat sheds are not going to look like something Rusty might put up around town, but on the other hand (garbled) I think that's what we are really saying, it's something that fits in and I think this is a little too big to fit in. Maybe a 3-story one might not be too bad. Flanders – The number of 100 boats to be stored is the number. I just don't think that the buildings meet our architectural design. (cannot make out). Vadney – Let's look at the site plan itself and all of the lot coverage, parking, summer versus winter, buffer and all the other surrounding issues, wetlands, ROW safety, municipal facilities to a degree. Bayard – It sounds to me that the structure they are proposing, getting back to this artificial turf, while I think it might fit in some areas as green space, it is sort of a somewhat nicer appearance to the property, it appears that it is not regular parking. I am a little concerned, it requires a lot of (garbled). These aren't fire lanes or something that would be used in an occasional emergency. Finer – I don't think they should be used down there. They said they could turn it back into regular grass and that's fine if you want to look at that, but I don't think that stuff (fertilizer) belongs next to the waterfront. Flanders – I'm not sure what the exact regulation is, but the Shoreline Protection Act has (cannot make out). I am the first one to agree that green on the plan would not be a bad thing, but let me say, the Town crew was building a parking lot down there and at least every two days for a period of almost a month I was down there to check on the progress of the parking lot and a number of times I drove beyond that parking lot down to the town parking lot in the Shep Brown's area and turned around and came back out trying to get a feel for where the parking is headed down there, not because of this because it hadn't come up yet, but because of the concerns being raised by the people who use the docks and

parking lot at Cattle Landing and I was trying to get some kind of an idea in my mind if the additional parking we were building there was going to provide some relief that might be available to a few of the people that use Cattle Landing. Anytime I was there anywhere near the weekend, I did not observe any reasonable amount of parking spaces that were available anywhere and that was on all of my visits down there. Now were these cars that were parked there being used by the operations of Shep Brown's or by people who use that facility to go out to Bear Island, I couldn't tell you, I have no idea, but I can tell you that there were no parking spaces available on any of the trips that I made down there and probably on 14 or 15 at least. So the parking in that area is problematic now. Sorell – The whole Town needs more parking, not just this one area, but I really don't get how we are going to count that many spaces on a piece of land, I just can't see that. Vadney – I think what we've slid into here is discussing parking and lot coverage. It's really the same issue because to a large degree the whole lot's covered by cars and other things. It's really one issue. I don't want to get down to the level we almost are now. Part of this is just a sense of perception and it comes back to my blivet analogy, there's only so much stuff you can put on a lot and I think almost every argument you've heard about parking and the number of spaces and the lot coverage and movements and whether or not this building can sit there without the forklift backing up and backing into another building, it just shows that we've reached a limit and you just can't stretch the land. What's there is what's there and it probably has already been allowed to grow beyond what any good planning would have allowed if it had come in as a project. So parking numbers, one that's bothered me for several weeks is the, I talked to some other people in the region with valet type facilities and know the national average might be something like half the people using their boats at a time, but in this region you've got a summer that's sometimes about 3 weeks long and with any luck about 8 or 10 weeks long and during those peak periods anybody that has a boat probably has it in the water. So to say you have 72 of this type and only going to count half of them, to me that is quite a stretch. I think you could make the extension of that argument if you are counting your slips as 1.5 to 1, valet parking would probably be a similar ratio and that jacks the parking up so parking is definitely an issue and I'm not blaming it all on Shep Brown's property, I'm blaming a lot of it on Mr. Flanders at the end of the table. But seriously, it is an issue I think the Town needs to take up in general down there. It is definitely a problem and I think with a couple of exceptions almost everybody that's spoken, they came here to speak about a subject and they also mentioned parking. It's on everybody's mind down there, it is just a real problem and to put 3 more cars down there is troublesome and to put 20 or 30 or whatever is probably impossible so I think the parking issue and the lot coverage issue is certainly a showstopper in my book. It's a tough one to see any way around. Flanders – There are several separate parcels here that comprise this property, is that correct? Edgar – Yes, 3. The way its structured now, would it be possible for one of these parcels to be conveyed

separately from the others and if so, it would certainly in any approval that we made, we should require that the parcels be combined? Edgar – Currently, they are three lots of record and I guess theoretically they could be conveyed out separately. I'm not aware of anything legally that would preclude that. I would have to confer with Tim a little bit, given the fact that some of the properties are somewhat interdependent upon each other, for example, in the parking as to whether or not a site plan approval may somehow preclude those from being conveyed separately. I'm not sure if that's the case or not but they are three lots of record and theoretically as such, they could be conveyed. What that would mean to their _____as a practical matter would be a whole other issue. So the lot coverage is for example, Bill's deal on that is that because of the fact they can be conveyed separately, they should be looked at separately in terms of lot coverage. I think as a practical matter though, if the parking for the facilities are all interdependent in the aggregate sense, the parking is a package if you will that runs with the marina, then I think if you sold off a lot to somebody for boat storage, say the "A" rack buildings on the right-hand side, then obviously you are selling off, notwithstanding easements or something to that effect, you would be selling off all the parking that may go with some of the other uses. I don't have a real concrete answer for you Bill, maybe Tim can help me out here a little, but they are lots of record and theoretically they could be sold and if it was the Board's pleasure for us to look at the issue of requiring merger, I think we could look at that and respond back to you as to whether or not that would be appropriate. Flanders – Could we just ask Tim to respond to that. Certainly, it doesn't make sense to me to do any type of approval on three separate lots and they could be split apart in the future after these buildings were up and historically, we have required lots to be combined if they were encompassed on one site plan and interdependent. Tim – Bob, I think that the Board in approving the site plan could legally attach a condition of approval that the three lots not be conveyed separately and if you did that, I would recommend that a notice to that effect be recorded at the Registry of Deeds to put everybody on notice of that restriction, however, there's another aspect to this, it seems to me and this of course is all off the top of my head here tonight, but the other aspect of it is if you approve the site plan, I'm quite sure that there are going to be detailed conditions relating to the number of parking spaces and all these other issues that have been so thoroughly dealt with and if one of the parcels were subsequently conveyed, it's hard to imagine but it is theoretically possible if one of the parcels were subsequently conveyed to a different owner or entity that was going to do something unrelated to the Shep Brown's operation that would certainly, the conveyance of that lot certainly would take with it I'm sure some of the spaces or something that was needed to comply with the conditions you had attached to the site plan approval. If such a conveyance occurred, you would be in a very strong position enforcement wise to revoke the site plan approval and shut down the operation so I think that's an issue that can be very convincingly dealt with in either one of those ways. Flanders – If we, no offense

Tim but I try to avoid situations where we can help attorneys send their kids through college and if one of these got conveyed separately, I think an attorney with a large family would be very happy before the thing was all over. Vadney – You can speak for yourself, but I've got a point to be made. Edgar – I had just raised the question to Tim that if the Board did require the properties to be merged because of some level of interdependence and concern about separate conveyance, then at that point and I raised this question to Tim, I suspect I know the answer but at what point would you look at the lot coverage issue in the aggregate and not as a stand alone lot. Vadney – We talked about that in one of the early meetings to a degree. I don't know the numbers, I did hear some quoted here tonight that are probably accurate, something like 82 and 45, the other two lots. It would be problematic to try and do that. OK, further comments on the parking, lot coverage, safety issues. Finer – One question, it's been brought up a couple of times and not been answered yet, "Are they required to have handicap parking?" Vadney – I know of nothing that says they don't, but I'm not the Code Enforcement Officer. Flanders – Mr. Chairman, I can't remember a case where a site plan came before us where we didn't require handicap spaces as required by the ADA requirements. Even on simple home occupations, people would come in and we would require that they show handicap space for a home occupation. This certainly rises well beyond that level. I think legally we're required by ADA to take that into consideration. Maybe Tim could give us his read on that. Edgar – Can I take a stab at part of that first? One of the fundamental pushing and pulling type exercises that we've had before us is that Mr. Callen is looking at all the issues that he sees as relevant in trying to create the most expanded view of what you're here to look at, the more expanded view, the more issues pop up to the extent they're relevant, problematic, etc. There are more reasons to potentially heavily condition an approval or perhaps deny it. On the other side, the applicant takes a narrow view and by narrowing the view of oh we're not going to have a septic impact or we're not going to have a traffic impact and those types of views of the project, both of which can be purposely valid perspectives, but the narrowing of the view, if you prescribe to that type of perspective would lessen impacts and the more expanded view would create greater impacts so I think you have to keep in mind that that's going on. A lot of what's out there has been provided for background purposes and how far you want to go back in time to seemingly try to correct what's not a 10 x 20 parking stall for something that may have been there for 70 years so how far do you go with that logic in terms of looking at everything that's on that site that's not perfect or should I say that's not consistent with current regs. It is a site plan amendment so on the one hand, you are looking at the two structures. Now where I see the parking as being very relevant is that (1) there is some level of parking demand associated with these structures. We are going to be adding maintenance customers to the mix, we are going to be adding a little bit of truck traffic perhaps to the mix, we are going to be adding the summer lot storage folks potentially, so there's at least some level of demand that's

associated with this construction. It may not be huge but there is some level of activity that's going to increase on this project as a result of these two structures. Otherwise, you wouldn't be doing it. It's not simply a matter of just putting things under a roof and given that and then the fact that out of necessity you have to take 20 some odd spaces out of the mix, then it is fair to look at the available capacity to make sure the increase in activity associated with these structures can be accommodated with what's left. How far do you go with that in terms of someone's parking under a tree or near brush or near the lake, that to a large degree, that parking layout particularly near those wet slip areas, it certainly is not perfect, it certainly is not something we would do today, but that's been that way for a very, very long time so to perhaps suggest that shouldn't be there or they are not the right size, I think you have to put this into context that an awful lot of that is background information that's being provided to put this in context to determine whether or not there's available parking to satisfy the impacts associated with what's in front of you. Where you all as individuals weigh in on that, how far back do you go, septic is the same kind of thing. There's no plumbing in the buildings, there's no bathrooms being added, but there will be activity of some variety, not probably a whole lot of new people or new employees, but there's going to be increased activity on the site. Is that activity low enough to say it hasn't failed or do you have an alternative view of that so I think you have to kind of keep in mind that a lot of testimony has purposely been trying to look at the biggest possible picture, a lot of the testimony has been trying to narrow the focus to more directly the two structures and I think you have to kind of weigh that out and stay focused on the site plan regs as being your guide as you go through that. Bayard – Tim's had time to think about it. What do you think about the handicap thing? Are they required to, I would assume they would try to address it to some extent. Vadney – It's a public facility. I can't think of any reason why it would not apply. Bates – I haven't had the need to look at the ADA requirements so I'm at a bit of a disadvantage, but it's my recollection which is getting increasingly unreliable as I age, it is my recollection that when you do some kind of substantial redevelopment of a piece of property that may trigger the requirement to come into compliance with the ADA parking and accessibility guidelines, but maybe more importantly or more usefully, your site plan regs do speak to handicap parking and I think they are relatively clear. I think the question comes down to exactly the way John Edgar has phrased it which is to me as legal counsel, one of the very difficult things about this application, is and continues to be as you deliberate exactly what John described. How far back do you go in an attempt to evaluate, if the desire is to evaluate this site plan review application as if there were a blank piece of land out there that was being developed for the first time. I think Jed Callen could make a very strong argument that that's exactly what you ought to be doing and I think Bob Varney could make a very strong argument that you really shouldn't do that, but I think the issue is there, I mean Pandora's box has been opened. The issue has been put in play as to whether that site is (A) adequate for what is out

there now and (B) what is proposed to be out there so I think you'd probably not really be doing your job very well if you didn't consider those larger questions and one of those and that path, once you go down that path, it does lead you into questions like the handicap parking. That's a long rambling vague answer which is what I'm good at. Vadney – When the Planning Board looks at an issue, 99% of the things that come to the Planning Board are good ideas. The question that we have to answer is, Are they good ideas for the Town in that location? If we had bare ground out in that area right now, I would support putting in a marina because I think that the people on the island and a lot more on the shoreline with a lot of boats there's a need for a neighborhood marina. So what's there now doesn't bother me much and I would vote to authorize it again, maybe something prettier but... What bothers me is that at what point does it quit being a neighborhood marina and become a regional marina? Boat sales attracting people like the auto industry just riding by to see what the new colors are. It starts to attract a different level of activity. We're dealing with details here, as I said a couple of tulips and a dandelion, would give us nothing in a pervious surface to qualify it. I don't think we should deal in that noise range. 99% of the stuff that comes to us is a good idea. We tend to look then at the details that are in the ordinance to say they met this, this and this is a goer and there are no detrimental aspects to it. Earlier this week I went back to the Zoning Ordinance looking for that higher authority and at the beginning of our zoning ordinance, the preamble, Article I, just says we did this in accordance with NH Law, Article II says it will be known as the Zoning Ordinance and Article III, the first one that has any real statement in it, the first item is called "obnoxious use" and it says no land in any district shall be used in a manner that is disorderly, unsightly, noxious, offensive or detrimental to the public or the owners or occupants of adjacent property, to the public or the owners of adjacent property. Then if you go to the Shoreline District portion of the ordinance, it says this District provides housing and recreation for a substantial number of seasonal... The purpose of this district is to preserve the water quality and adjacent shorelines and maintain privacy and tranquility of residents. Now absent any complaints from the public, all growth of sort is a good thing. Absent any arguments from the public, this may have sailed on through, but we have seen substantial opposition from the public and not just one or two people. I'm not even interested in how many people are paying Jed Callen, I was interested in the various people who came and spoke to us and I think there was a very good cross section and very good comments. All that being said, what we are looking at here is roughly a 25% expansion of the activity going from, I'm talking about this piece of property from about 500 boats being stored to 600 boats being stored. They claim they had 600 last year, but that included the Keenan property and a bunch of other details you are all familiar with. I like to play with numbers and I also talked with a couple of people and everybody knows the size of the boats on the lake have increased yearly, they get a foot longer and if you take this back, it was supporting 500 boats 20 years ago and they were roughly 21 or 22 feet long and they've all grown, they are all 25 or 26 feet long and you are going to 600, you've added about a mile or so of boats so we are not storing the same two miles we used to be storing, we are storing three miles worth of boats and I think if you think of it that way, it shows that the growth

is even bigger, over the years even bigger than the 25%. It's a substantial increase. All that being said, I'm troubled by the fact this is no longer going to be a neighborhood marina, it's outgrown the piece of property it's on and I'm sorry to say that, but I am at that point. Flanders – Let me muddy the waters a little bit here. Because of all the things that have been raised, I think maybe we haven't looked at some of the things we would normally look at on a site plan like this. I was sitting here while Tim and John were talking and for whatever reason, it didn't strike me before but there's been a lot of other issues, we've got a couple of catch basins in the area of the two new buildings and the parking lot. Then we've got some drainage structures over here in the loam and seed area between the buildings. The storage building that's parallel to McCarthy's land and then you come down next to P-3 and you've got a grass area there, there's some treatment for that one, but the water out here in the parking lot is going right into a catch basin and then going down and into the lake with no treatment. Edgar – No, excuse me. I think I know where you are on the site plan and I don't suspect you're reading it correctly. In that kind of a compound would be the area within the fourth buildings, that area will eventually drain into some catch basins and it goes into one of those treatment units that was mentioned at one of the first hearings and there's a gas/oil separator that's going to catch the runoff coming out of the compound. OK so coming out of this area of the storage and behind the current maintenance building all of that will be going into a treatment unit sort of like what we put up on Pleasant Street and some of the downtown projects. The hotel projects have them and so forth where we separate out the gas and the oils and the sediment in one of these treatment units. So the runoff associated with that area has been reviewed and designed by Mr. Scott and approved by Lou and it does include that feature. Bayard – I kind of want to support you in part. It's a residential area and to me if it were a much smaller expansion that might work. I know there's all sorts of problems with the site and problems with the parking which to me (garbled) those questions why we should approve it or not, it's a fairly large (cannot make out) (garbled) and there are some other issues, you've got a lot of boats and trailers and not just parking somebody's pickup, it's a pretty intensive use. Flanders – Mr. Chairman, I would like to ask John a question. We've sat through the lot calculations and density testimony tonight, now this may sound like a really foolish question after sitting here listening to that, but we've got essentially 3 different lots here. The calculations that were presented to us tonight that show 29.4 lot coverage, did that include all 3 lots or just 1. Edgar – I believe that was Lot 8A, I believe the 500,000 sq. ft. background number was Lot 8A which is the left side of the road going down. Flanders - That's what I thought. If we're doing a site plan that encompasses all three of these lots, then it seems to me that we should be considering the density of all the lots in the aggregate. Am I correct, Tim? Well, that's, I don't know if you are correct, but that's one of the dilemmas that we touched on earlier and John touched on it, I touched on it, exactly how far do you go once the game is begun, you know, once the box is

open. I think it's a little late in the process to decide that you should have been considering lot coverage for all three parcels and I don't think you need to go there to make an informed decision on the application. Bayard, certainly if there's going to be a vegetative buffer, I want to make sure that it's quite substantial. It looks on paper that its substantial, but it's hard to tell. Edgar – I would have to object to making it an administrative condition that I tweak the landscaping plan in a case like this. This is a fundamental issue about whether or not the proposed buffer is adequate for the purposes intended by our regulations and that in my view is a subjective decision that is the prerogative of the Board to make, not something that should be delegated to staff. You can read the landscape plan, you can look at the shrubs, you can look at the evergreen trees, you can pick up the fact that it's a 1' or 2' high berm, you visited the site, you walked through the woods by design to come out through this area right up to the back of the building, you have the ability as an experienced Board to make that judgment call as to whether or not the buffer is adequate, but I would discourage you from just making that a staff option at this point in time. Bayard – What do you think of this buffer, not that it necessarily is adequate, what's your opinion on it? As I mentioned in the staff review, I can't do your job for you but what is the purpose of a buffer, what is it you are trying to buffer? Clearly, is it to try to completely screen, no. Is it 100% screened, that's probably not realistic, but does it effectively buffer the visual impacts as it would be viewed from the McCarthy property primarily, although not exclusively from McCarthy, but that's where the residential use is affected most directly. Your regs require a landscaped buffer in a circumstance like this. You have to determine whether or not it's adequate enough to meet the intended purpose. Other purposes may include noise, dust, odor, those types of things, things from which you would want some separation, some buffering between the use and the residential use. That's presumably why Chairman Vadney brought up the issue of noise because we heard an awful lot of public testimony about the noise, not only on the McCarthy property, but noise on other properties on Lovejoy Lane, for example, I think we had some testimony, but more directly with respect to the McCarthy's area, initially it was going to be a natural vegetative buffer. There wasn't a whole lot of vegetation to work with, they've come back with a grading plan and added a couple feet of earth at its highest point and some tree plantings to try and lessen the impact. It won't make the impact go away. Every time we've dealt with buffer issues whether it's Cumberland Farms or Harley Davidson, there's always concerns when you have the residential use and commercial use abut and so you have experience with buffer issues. It's not Mr. McCarthy's responsibility to provide land on his property for the buffer, the responsibility is the applicant's. The applicant has resubmitted, the attempt is a fair one, the Board has to determine whether or not it's an adequate one given the intent of the regulations. That's a judgment call you have to make, it's not something I can make for you. Flanders – On the landscape plan here, they had quite a few trees specified and so forth (garbled), but one of the measurements

Edgar

that we need on this plan to make an accurate decision, there's no reference to caliper on any of these trees. We've seen this in the past and it looks good on paper and they put in small caliper trees, it's almost nothing and we have to wait 10 years to grow into what's recommended on the plan. At the very least whether it's you or the Board to make a decision on this landscape parcel, we need the caliper of these trees so we can get an idea of what the height is. Vadney – Again, whether they've planted enough _____out there is a fairly minor point. I guess I keep coming back to the point, we've got to make a decision. If everything else is hunky dory we just want bigger trees, you can say that. Your question is or is it something that's outgrown the site or not outgrown the site. That's the big decision that has to be made. The buffering again comes back to the question of how much stuff can you put on that side of the lot. The only true buffering is distance. You can plant a lot of trees, but noise and a 40' building is hard to hide. Flanders – In regard to my earlier comment, John pointed out a key down in the bottom right-hand corner of that page that does indicate caliper. Vadney – What I need to know so we can send John and Tim to do some research into the legalities of such is whether you want to give this project the go ahead in which case it will still come to a vote at the next meeting and no matter how a motion should be worded and we will make a motion at that time. If you make a motion one way, you vote yes and you make it the other way and vote no with the same result, that's your choice, but I think we need to give Tim and John some guidance as to what the leanings of the Board are. They can write it either in a positive way or negative way, it doesn't matter, we can just vote the opposite way so that's a moot point, but they need to know the sense of the Board. If you have enough questions here, now let's stop and regroup or we can make these administrative kind of conditions and press ahead, it's your call. Flanders – I think I'll go back to a comment I made earlier, we have in the past scheduled meetings with counsel and the Board where we could ask specific legal questions, not necessarily deliberate, but I really feel this one (garbled). Bates – Could I make a suggestion, obviously I'm here as a resource to the Board and you can consult with me privately on legal matters whenever you feel the need to do that and we would, of course, if that happens, we would reassure everyone involved that there would be no deliberations of the Planning Board while the Planning Board was seeking advice from its legal counsel. I think sort of to restate what we said before, I think the most useful role that John Edgar and I can play here is to get a sense from you tonight where you're going with this and I think we got a clear, I think there was a clear consensus when you talked about the architectural design review ordinance that the application failed to comply with that ordinance and what I would propose is that you give us some equally clear direction if it's possible, if it's possible for you to reach a consensus here tonight and it may not be, but if it is, give us that sense of where you are going with this and then let us go and bring back for your consideration and further deliberation, this is just the first step in the decision making process, let us bring back to you some draft findings and rulings

that you would then go through very carefully and debate, discuss and deliberate on those and make changes as you see fit and ultimately adopt a final resolution of this application. In saying all of this, Bob, my intent is that perhaps the need you might feel now for private consultation might not be necessary if we handle it that way. If it is necessary, that's fine, as I say, I'm here as a resource. Vadney – I think, but I'm not necessarily opposed to meeting with counsel, but I think all the facts are on the table and it's now just a question of being counted and I'm willing, there seems to be a pretty good consensus here that the architectural plans were designed _____. From a site plan itself, I mention several specifics, the number of parking you assigned whether you use .51 or 1.5 is certainly a judgment call, but I if I was going to err on that, I would err on the side of using 1.5 instead the .5 they were using. There are a couple of other things in parking that I think are questionable, handicap parking being one. These don't sound like a big deal but every 3 or 4 start to really chisel away at the capacity vs. the demand. The ROW and safety. Bates – I think that it is clear that we have two separate applications that have been filed with this Board and it is my view that the Board has an application to dispose of each of those applications with a thoughtful decision and I understand Bob's point that perhaps from a practical standpoint if it's thumbs down on the architectural design, then even if you approve the site plan, the applicant still wouldn't be able to go forward. So from a practical standpoint I understand what Bob is saying, but you do have an obligation to make a decision on each of these applications. Sorell – Do we have time left on this application? Edgar – Do you mean as far as tonight goes? That is basically long gone and I think there was a dialogue about that and effectively the decision period was waived and I think as long as we're operating in good faith and we're working towards a timely decision, I think we're probably in a pretty good place. I really don't mean to rush any of your comments because it does need to be thoughtful and mindful, but with respect to this facility, we've got to be out of here in a couple minutes. Sorell – Can't we make a motion to date specific this. Edgar – The hearing's closed. What will happen is we'll schedule this for a deliberative session on a subsequent agenda. Vadney – I'm afraid if we just do that the next meeting will be basically beating a dead horse. We need to come at least so that they, Finer, they need direction, Vadney – some kind of prepared strong man's motion or summary. Sorell – My opinion of that boat shed or building or whatever you want to call it is exactly what it is and you're not going to make it pretty no matter what you do. You can lower it and cover it up a little bit, maybe go to 3 stalls instead or 4 or do something like that, but this is just beating a dead horse. Bates – What about the site plan, Roger? Sorell – The site plan I feel that the parking is a shambles, everything down there is a shambles, but you've got it and that's what we're stuck with now. We have to try to improve it a little bit, but you can't deny the people because they haven't got enough parking. I'm sorry, it's getting that way. Finer – We can deny it if they don't have enough parking. I don't think we can hold the lack of town parking against them. They have no control

over our 119 spaces as long as they can show they have enough on-site parking for their purposes, then they are all set, but I'm not going to hold the Town spaces against them. Vadney – The real issue here Roger is I think whether or not they have enough spaces now, whether they do or not isn't the point, whether we can allow them to expand. Edgar – Given all the issues that have been raised that are within your jurisdiction in the final analysis the sentiment at this point given the issues that have been put on the table, the responses by the applicant to address those to varying degrees, given that as a package, is it something that you feel meets with the regulations and therefore is approvable or has elements to it that haven't been addressed satisfactorily and therefore is something you can't _____. Bayard – (garbled). Vadney – First I'll make a comment to the public that it may not seem it here tonight, ordinarily this is a very business friendly Board. It took a lot of thought I think for all of us to reach the point of admitting that this basically has outgrown the piece of land it's on and I think I speak for most of the comments I've heard here tonight, does anybody see room for growth down there. Flanders – Can I ask for a clarification. Are you saying after something is done here or as it stands right now today? Vadney – As it stands right now, do you see room for expansion? Flanders – Personally, I think that maybe some very limited expansion might be possible if the site plan were properly structured, but something of this magnitude I think is... Bates – Mr. Chairman, if I can break in there, I really don't think that's the right question. The question really isn't is there some theoretical way that some kind of increase in activity could be done down there and it would receive your approval. I try not to inject into this too much, but there comes a time, I think the question is exactly what you have said earlier tonight, Herb, are your concerns about the parking, the lot coverage, the safety, the buffering and the other things that have been discussed. Because of those issues, do you feel this is an approval or a denial and Herb has stated in his opinion he feels it's a denial based on those problems that have been illuminated in the course of these hearings so I think to try to wrap up here by 10:30, we've heard from I think definitively from a couple of folks you and... Finer – I'm in agreement with you, I'm afraid it has to be a denial. Bates – Bob - How do you come down on this? Flanders – As the site plan exists right now, I think it would be difficult for me to support it. Sorell – I agree with Bob. If I understand it, I think there seems to be unanimous consensus that those issues do prevent, do not result in an application that doesn't comply with your site plan regulations and taking that, I think John and I are tasked to do what you said, which is to draft some more specific, detailed findings for your further deliberation and of course you're free to reject them, you're free to change them, you're free to think more about it from now until then individually and change your mind, but for now I think we've got the direction that we needed to do our work for you. Vadney – That summarizes it better than I could. Does anyone want to add anything to that? I apologize for the process we have to go through and thank you for you patience and being with us.

Meeting adjourned at 11:05 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant

The above minutes were read and approved by the Meredith Planning Board at a regular meeting on 2/10/04.

A. William Bayard, Secretary
Meredith Planning Board