Call to Order/Introductions
Chairman Bayard opened the meeting at 7:05PM
Present: Bayard, Chairman; Brothers; Hughes; James; Krietler; Butler; LaBrecque, Town Planner; Maltais, Recording Clerk.

Review/Approval of Minutes
Mr. Chairman, Butler moved, Hughes seconded we approve the minutes of 10/27/2015 as presented. Krietler abstained from the vote.
Voted unanimously.

Application Submissions
BRUCE VAAL & JANELLE FITCH- Proposed Boundary Line Adjustment, Tax Map R07 Lot 43, 44 and 46 located at 9, 7 and 5 Sanctuary Lane in the Shoreline District.
Brothers moved, Krietler seconded, Mr. Chairman I move we accept the application as submitted.
Voted unanimously.

Public Hearings
CARL JOHNSON ON BEHALF OF BRUCE VAAL & JANELLE FITCH- these properties are located on the north end of Lake Winnisquam. This is an area that started out with several very small water front lots (100 X 100 essentially), with older cabin style buildings. Over the course of many years Bruce and Janelle have purchased these properties and through the benefit of other boundary line adjustments have made all of the lots considerably larger (sometimes 3 or 4 times larger by adding back land to the shore front lots. As a consequence many of the lots have been able to expand away from the lake most if not all of the lots have been able to install, or have designs for new state approved septic systems. We did appear before the zoning board in the past because these lots were not conforming lots, and there were boundary line adjustments done. At that time the opinion was that you cannot convey land from yourself to yourself, and since they were abutting property owners it was difficult to proceed to the planning board level because you would have to convey land from you to you, similar to granting yourself an easement, which has no legal standing. In this particular case one of these went before the zoning board and never got consecrated by the planning board so the line never moved. We hope to finalize the moving of these lines, because now we can record plans and then for municipal tax purposes the assessor can change the ownership from one to the other, and then when the lots get conveyed they will be conveyed as per the new plan so it would either be including a parcel or excluding a parcel on the plan or in some cases both including one and excluding another. The northerly lot and middle lot are changing from half way down the common lot line a little bit of shore front. One of the lots was considerably non-conforming and we are essentially allocating more equitably the shore front between the two lots by conveying that small triangle from one to the other. The lake frontage will become the same; the other advantage of this is that it straightens the property lines out, with relationship to the houses. It makes things a b it more orderly. We did go to the zoning board and received a variance for the northerly lot line adjustment, because we were making the northerly lot smaller, it’s already non- confirming but the argument that was made was

that it's a more equitable distribution of the lake front and no one was being harmed by the adjustment. The other boundary line adjustment is a tradeoff parcel, more common. Brothers- Was that one proposed in 2003? Johnson- yes, it never went anywhere, so it's obviously expired. There is no difference of the density in the lot area. Since the middle lot frontage is getting bigger because you are adding more to the north and taking from the south, that doesn't require a variance. The existing area goes over a deck area, we are moving that line so it no longer encroaches on the deck, in the other case it's just cleaning up what was originally part of the lot that never got properly conveyed during the whole process of conveying all these parcels. We believe the adjustments we are asking for meet all of the necessary requirements the board has. Byard opens the hearing up to the board. Labrecque-these lots are in the shoreline district and minimum lot size is 40,000 sq. ft., lot 43 and 44 are getting slightly bigger and lot 46 becomes a little bit smaller and that relates to the variance that was granted back in 2003 as well as the variance recently granted in November (these should be noted on the plan so we can refer back to them in the future). The house on lot 43 will be set back a bit more with the boundary line adjust, so nothing becomes more non-conforming. The existing house on lot 46, that would become more non-conforming but there is an application to demo that house and so that is why you see the note that the dwelling on lot 46 is demolished prior to signing of the plane, if it wasn't that would require another variance, but since the house is going away it's no problem to move the line and adjust the set back. Minimum shore frontage is 150 linear ft. and none of these lots have ever had that, and as Carl stated there is a more equitable distribution of the shore frontage. I have had a couple of conversations with Jane Wood at Patrick Wood Law Office; she sent me a legal document that is a conveyance deed to convey lot 46 when the plan gets signed. With respect to mortgages and releases I need to talk with Jane about what is suitable since one is being sold and the other two are owned by the same owners. Johnson- in regards to the house, Mr. Vaal did not want to demolish a house until he had planning board approval of the plans so the plan for signature will not have the house on it if we are approved this evening. There will be no note issue at that point on the plan. There would then be a conforming home built on that lot (in terms of the setbacks). Brothers- in light of a motion tonight it would need to be a conditional approval, since the structure is existing, we would stipulate that note be a condition and then when the final plan comes in I am presuming the planning department would then look at that and cross reference it with a demolition permit and then the note would go away. With the note you are covered, once the house comes down the note goes away. Byard opens the hearing up for public comment. Byard closes public portion of hearing.

Brothers moved, **Krietler seconded**, Mr. Chairman I will make a motion that in the matter of Bruce Vaal and Janelle Fitch proposed boundary line adjustment on lots R07-43, 44 and 46 at 7, 9 and 5 Sanctuary Lane in the Winnisquam Watershed and Shoreline Districts be approved subject to the following:

- The dwelling on lot 46 is either demolished prior to the signing of the plan or evidence of the demolishing has rendered to the planning department.
- The BLA Plan shall cross reference the variance case #4011 and #2544 dated 11/12/15 and 6/10/3 respectfully.

- The applicant should provide draft of conveyance deeds for staff review. The executed deed for Lot 44 shall be recorded with the Mylar. The applicant shall verify in writing whether there exists a mortgage on Lot 46. If there is a mortgage, there shall be a satisfactory release or equivalent recorded in conjunction with the conveyance deed.
- The surveyor of record shall provide written evidence that all pins have been set prior to recording the Mylar.
- The plan will be signed administratively upon completion to avoid coming back for the December meeting.

Voted unanimously.

ED JANSURY ON BEHALF OF J& B MARINE ENTERPRISES, INC. (Krietler recused himself from hearing). Bayard- there have been changes made to the plan, one of the buildings will no longer require an addition, and the other building has added some architectural components to it. There was one additional letter that was received late this afternoon from Alden & Goldsmith Insurance, there has been a considerable amount of correspondence in regards to the this proposal presented to the board. *Ed Jansury*- To bring you up to date the changes that have come about are the following: Building B3 proposal will now be just a concrete pad to winterize/summarize boats; the concrete pad will be separated from the building with crushed stone for drainage. The other changes are architectural in nature. Dormers have been added to the front side of the building B2, as well as on the road side of the existing building there will be one garage door instead of two, and another garage door on the new addition. We originally had four garage doors but after talking to abutters there were some concerns so we reduced from 4 doors to 2. There will be spruce colored vinyl siding on both buildings, with chocolate brown trim, and charcoal mineral roofing. It is subdued in colors and will blend into the landscape more than what is currently there now. There have not been any layout changes to the plans. *Byard*- the washing will still be done inside the building? On the other side there was a waste oil treatment, Jansury- yes. (Building B2). The concrete pad will also go into its own oil/water separator (like we originally had). The tank will still be in the back. Byard opens up the hearing for comments from the board. *Brothers*- I would like to hear Angela's sequence of events that have come about since these are some significant changes in front of us. *LaBrecque*-the applicant came in and said they would take the storage racks off the table as part of their proposal, and I was told I would be seeing revised architectural drawings for the addition. The addition came in with the new architectural features, and the whole building was going to be done to match it. Subsequently I believe a meeting occurred between the applicant and some of the abutters, along with the architect and attorney (I wasn't there I don't know everyone who was there) where some elevations were changed, resulting in what we have before us today. There were no additional meetings with town council. The zoning administrator made a determination, he met with town council to discuss that, and town council agreed with the determination. Now that the boat storage is not being proposed it makes it even more apparent that a special exception is not needed, there is no boat storage being proposed and you are simply enclosing something that is already happening. The boat

washing is already being done, and will simply be done inside now. *LaBrecque* gave a summary of the staff review (full review on file):

HISTORY

The application was accepted on September 22, 2015 followed by a public hearing that evening and on October 27, 2015. A site walk was conducted by the Planning Board on October 1, 2015 to look at the project area. Revised plans were submitted to the town on November 13, 2015 that eliminated one of the proposed building additions (32'x82' boat maintenance and storage building) as well as revised elevations for the addition to the maintenance building (boat washing addition).

SUMMARY OF PROPOSAL

The proposed project is to construct one building addition at Shep Brown's Boat Basin located in the Shoreline District. The facility is on 8.5 acres that extends from Lake Winnipesaukee to Meredith Neck Road along Lovejoy Sands Road. The project also includes installing water treatment for storm water runoff from two buildings and a paved area. In addition to storm water treatment, water containment from boat washing is provided. The building addition (32'x72') will have 3 wash bays and will internally connect to the existing boat maintenance building. It will be located on the same footprint where there is currently a concrete pad that boats are washed on.

ZONING

Use- The use is marina and it will remain the same. The proposed Wash bay Facility is accessory to the marina and an existing activity already taking place in this location. The marina is a pre-existing non-conforming use and does not require a special exception for this project as determined by the Zoning Administrator, as this is not considered an expansion of its use.

Lot coverage- The proposed lot coverage is 148,068 square feet or 28% and 30% is permitted in the Shoreline District.

Setbacks- The setbacks per the Shoreline District are shown and noted on the plan. The project notes shall be revised to indicate the Shoreline District rather than "Shorefront Lots" where the dimensional requirements are noted.

UTILITIES

The site is served by on-site utilities, septic and well. Septic system installed in 2009. Both water and septic lines will have to be relocated out of the proposed building footprint. Overhead utilities are located on the road and serve the existing boat maintenance building.

LIGHTING

Building lights are shown on the architectural elevations. A note shall be added to the final plan indicating new lights shall be cut-off light fixtures. A lighting detail shall be submitted to the Planning Department to verify the use of cut-off light fixtures.

STORMWATER MANAGEMENT/EROSION CONTROL

The intent of the design is to implement best management practices for boat washing at marinas that allows water to be collected, passively treated using separators and stored in a holding tank. Currently the boats are washed outside the boat maintenance building on a concrete pad. This is the area to be enclosed by a 32'x72' addition. The second area will also be equipped with a water collection system used for washing and/or maintenance for winterization and summarization work. The existing floor drains in the maintenance building will also connect to oil/water

separators. New storm water treatment will be installed in this area of the site. Storm water will be collected from roofs and the pavement and directed to a ground water recharge system located under the newly paved area that is currently graveled. Paving the gravel area will prevent sediment from washing onto the street and down into the lake. Around the edge of the paved area will be approximately 180 linear of a bio retention swale were the overflow of water will be directed. Lou Caron has conducted his technical review. His comments were shared with RFS engineering and corrections made to the plan. Overall, Lou Caron noted "storm water runoff from the site to the lake will be reduced and the runoff that gets to the lake will be cleaner than today." Mitchell Locker from NH DES Groundwater Recharge Program reviewed the file and the proposed plan for the marina. Mr. Locker states that "environmentally, this is an improvement to the current outdoor washing and infiltration of wastewater and NH DES supports this change." In addition, he indicates that the proposed improvements are in agreement with BMPs and that NH DES "supports efforts to reduce nutrients and sediment from entering surface waters."

PUBLIC SAFETY

According to a number of abutters, there is concern that the amount of boat moving and traffic from the marina contribute to a public safety issue. Some abutter testimony complimented the marina operations saying they were skilled, professional and courteous. In an effort to evaluate the condition of Lovejoy Sands Road, input was gathered from the Fire Chief, Police Chief and the Public Works Director. The DPW Director indicated that boats parked near the road has not posed an issue during snow removal as they are not there in the winter, as it is done temporarily. The Police Chief looked into the accidents reported on Lovejoy Sands Road and only one accident per year over the last 4 years was reported. The accidents included one hit deer and 3 cars backing up into stationary cars. The Fire Chief is working with the Building Inspector to evaluate code compliance with respect to fire safety in the buildings. The Fire Chief requires accessibility to the buildings and needs a 20 foot wide space to operate the ladder truck. This also includes having the paved area support the truck load. Final signoff of the site plan by the Fire Chief is required prior to plan signature.

ABUTTER CONCERNS

There have been several concerns expressed by the abutters and property owners on Bear Island and the surrounding neighborhood. There are a number of letters noting the same concerns. In summary, the concerns are as follows:

- Shep Brown's Marina has customers that are not Meredith tax payers
- Noise, traffic and congestion
- Cars using Tall Pines Way to avoid Lovejoy Sands Road
- Declining property values
- Negatively impact view from Lake Winnipesaukee
- Support improvement in wastewater treatment
- Lack of consideration for the Architectural Design Review Ordinance
- Concern of pollution and water quality
- Concern about vehicle and pedestrian safety
- Adequacy of emergency vehicles to access all of Lovejoy Sands Road
- Additional pressure on the public parking lot
- The marina use should have a special exception

- Neglectful dumpster operation
- Concern over new temporary storage racks
- Combination of AMC camp, marina activities, parking of island residents and access to residential areas has makes Lovejoy Sands Road have high usage level
- Safety concern for marina forklifts
- Concern over vehicles with trailers parked along the side of the road
- Concern that marina serves has a foothold to operations in Central and Southern New Hampshire
- Concern over long term incremental growth of marina operations
- Shep Brown's should be held to the same standards as others.
- Too big, too noisy and pollutes land & lake
- Architecture not being given enough attention
- Marina operations encroach onto the public road and boat launch
- Buildings already an eyesore and constructed without following Architectural Design Review Ordinance
- Valet boats take up public docking space and use public boat ramp
- Islanders are not given their fair share of tax payers privileges

Byard opens the hearing up for public comment. *Joe Crawford 43 Lovejoy Lane*- I am trying to figure out how they are coming up with lot coverage. I don't know if the set backs are included in that or is that not counted in the coverage, are the areas where there are trees and boats under the trees is that coverage? On an older plan there is an area that is indicated as a 50 foot wetland buffer, but now there are boats parked 10 feet from the water. What is counted on this plan as coverage? *Jansury*- the coverage as defined by the Town of Meredith regulations is anything impervious (gravel, building, pavement). On the back end of the parcel it's all woods, so we took the 2003 plan and updated it with the current conditions to calculate lot coverage. *Byard*-I do want to note that there is more than once parcel that is own by Shep Brown's. *LaBrecque*- this application is for the one lot that the site plan has been revised for. Byard- set backs are included in lot coverage calculation Crawford-my concern is that the lot is overdeveloped as it is, and I am not against the new building but I am against the congestion that is there. I am against the town allowing the applicant to park boats on the easements because the town ordinance under definition says there should be nothing on setbacks, and that is not being done. If we don't do anything now it's going to get worse. He's expanded into the wetland, and up Lovejoy Sands Road. I had to call the police on Monday to get about 8 boats removed. *Littlefield*- we are staging boats for customers to pick up, we are not storing boats. *Crawford*- (submitted phots, on file) discussed parking issues and how he thinks it's a safety issue. He is storing boats within the setback, and they are there all winter. If they are parking boats in the setbacks it needs to be counted as coverage, the ordinance reads… the area between the property line and the minimum set back line shall remain unoccupied ground fully open to the sky. Whether you are storing boats there for a week or the winter, it's blocking the area coming down from the upper parking lot to the other parking lot and forces people to walk in the road. If he would simply refrain from storing boats in the setback I wouldn't be here, and it would be a lot safer area, the town should enforce this and protect the public. I don't like the portable

storage racks they have been there for 5 years, which they were supposed to be temporary, what's the limit of time he can have them? This needs to be addressed. They have not had a formal site review signed by the town, showing coverage, parking etc. They shouldn't be allowed to do certain things. *Byard*- A lot of these issues are not generally what we as the planning board look at, and some of these issues are not on the lot in question tonight. Some of it is police issue, or code enforcement issue. Discussion continued about lot coverage and parking boats in the setback. *Butler*- How would you say the usage of the marina has grown since you've owned it? Tourism has gone up 10%, has you're your business increased accordingly? *Littlefield*- in 2001 I bought the marina, that year that company did about 7.5 million is sales (boat sales), I did 4 million last year, boat sales are tough today, from a stand point of storage I only have 99 slips. Dry rack storage is at 79 boats, and I'm at my maximum capacity. Winter storage this I just broke 600 boats, which is my biggest year yet. My overall company is down 30% since the day I bought it. Every single building on this lot has been there since before I bought it. *Bob McCarthy 6 Turtle Lane*- It is very difficult to get in and out of turtle lane, especially with the machines and congestion. *Krietler, 26 Lovejoy Lane*- the applicant's withdrawal of addition to monster mustard was applauded by neighborhood. Our constructive meeting with Shep's design team has led to the proposed maintenance area and wash building submitted to the planning board yesterday. We see the redesign as a significant improvement over the initial proposal. It meets the criteria in the Architectural design ordinance. We note that the site plan shows temporary portable boat storage racks in the area by Turtle Lane as well as the boat lift all on 8A. We ask that a note be added that the temporary storage racks and lift are not approved, these were erected following an administrative decision dated November 16, 2005, and are subject to certain continuing conditions stated in the memorandum (on file). There is a lot of confusion overall the marina site in general not just lot 8A which is the subject matter of this application. What will be allowed in regards to the grandfathering for possible improvements, we would ask that three controversial applications that have been proposed in the past 12 years, it would be important for the planning board to require as a condition to the approval of this proposal that a full site plan for the marina as a whole be prepared and presented, this should include all lots on which the marina operations are conducted. It should show all buildings, setbacks, parking spaces, wet slips, gravel, and impervious services, easements and boat storage locations, displayed and included calculation coverages for each of the lots. Hopefully this would eliminate any future confusion concerning the status of the Marina's operations and facilities. *Crawford*- I ask that Peter Brothers step down because he had his mind made up before any information was given during the last public hearing before any testimony was given. *Byard*- as chairman of the board I will make an executive decision and say no. We do make comments about ideas and proposals, sometimes they are lengthy and sometimes they are not. I don't think because someone talked about the benefits of economic development they should be recused from the decision. The decision is made based on the specifics of the project, and I believe Mr. Brothers is capable of making a decision about this site plan without having pre judged everything without hearing anything. *Mr. Brothers*- I appreciate the spirit in which the comment was made, I have been involved with the town of Meredith for approximately 40 years. I am not biased, but I am opinionated. I

also consider myself to be a rational, open minded, well-spoken individual that cares about Meredith, and my comments were not biased. We had many letters and statements of opinion from many individuals that we had read prior to the last meeting so I was aware of what was being discussed and being done. I looked for solutions and my comments were directed towards that end, there were some positive things being done and if you look at what we have evolved from, from the initiaI meeting to what we have here tonight, I think you'll find that is exactly what I was suggesting is that we take a look at what possibly could be done that is for the greater good of the town of Meredith because if I am biased, I am pro Meredith. Byard closes the public portion of the meeting. *Byard-* a lot of what is here is preexisting, there were many concerns brought up tonight that are valid it's just not necessarily issues the board can handle. What is being proposed is going to be a significant improvement. The building will be improved, and visual impact will be improved. The water quality will be significantly improved. I do agree with the point about the boat racks (without having read the memo) not being permanent structures if that is not how they were worded in the memo, I wouldn't want them as exiting structures on the plan, and there should be a reference to the memo on the plan. I am not ready at this point to do a full site evaluation, we do put the right to review and amend on things, but a lot of this is previous so don't re look at site plans. If there are issues some of them might be enforcement issues or what I would say are town issues. There are problems with the town facility and certainly having a town/ commercial facility next to each other raises some potential conflicts, but that is really more for the town to address and is not something the planning board is going to say where parking should go. Many of the issues are outside of what we are looking at tonight, that is my opinion.

Butler moved, James seconded, Mr. Chairman in the matter of J & B MARINE ENTERPRISES, INC for DEEP WATER MARINE MANAGEMENT, INC. Site Plan Amendment and Architectural Design Review to construct wash bay and service improvements at Tax Map U-35 Lot 8A on Lovejoy Sands Road in the Lake Winnipesaukee watershed and Shoreline District, I move we conditionally approve the plan with the following conditions:

- The project notes shall be revised to indicate the Shoreline District rather than "Shorefront Lots" where the dimensional requirements are noted.
- A note shall be added to the final plan indicating new lights shall be cut-off light fixtures. A lighting detail shall be submitted to the Planning Department to verify the use of cut-off light fixtures.
- The required permits from NH DES shall be obtained for the boat washing facility.
- Final signoff of the site plan by the Fire Chief is required prior to plan signature.
- The Planning Board shall evaluate the cumulative impacts of any future expansion or addition to the marina use and may require a full site plan review unless otherwise determined by the Planning Board.
- Planning Board should reserve the right to a review and amend any approval as provided for in Site Plan Review Regulations 6 & 17.
- The proposed design demonstrates substantial conformity with the general and specific criteria set forth in the ordinance.

- The memo (November 16, 2005) should be referenced on the site plan regarding the portable storage racks.

Voted unanimously.

Town Planners report
The next meeting is December 22, 2015.

Meeting adjourned at 8:50PM

Minutes respectfully submitted by Stephanie Maltais

Minutes approved by the Planning Board on _____by

_____ Richard R. Gerken, Secretary.