

CONWAY PLANNING BOARD

MINUTES

MAY 7, 1998

A meeting of the Conway Planning Board was held on Thursday, May 7, 1998, beginning at 7:06 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chairman, Catherine Woodall; Selectmen's Representative, Jac Cuddy; David Fitch; Robert deFeyter; Robert Barriault; John Waterman; Arthur Bergmann; Town Planner, Dawn Emerson; and Recording Secretary, Holly Meserve.

RICHARD POTOCHNIAK/THE OLD RED INN - MINOR SITE PLAN REVIEW (MAP 66, PARCEL 15) FILE #MR98-02

Richard Potochniak appeared before the Board. Mr. Potochniak stated that he is constructing approximately 1,000 square feet of swimming pool and deck. Ms. Woodall asked if the application was complete. Ms. Emerson answered in the affirmative. Mr. Cuddy made a motion, seconded by Mr. deFeyter, to accept the application of Richard Potochniak/The Old Red Inn for Minor Site Plan Review. Motion unanimously carried. Mr. Bergmann joined the Board at this time. Messrs. Barriault, Waterman and Bergmann were appointed as voting members for this evening.

Mr. Fitch asked how this project effects the green space requirements. Ms. Emerson stated that the applicant still meets the green space requirements. Ms. Emerson stated that there are also several street trees that exist on the site, but are not shown on the plans. Ms. Woodall asked the type of fencing. Mr. Potochniak stated that there will be a six (6) foot cedar fence for privacy and a four (4) foot chain linked fence. Ms. Woodall asked for public comment; there was none. Mr. deFeyter made a motion, seconded by Mr. Barriault, to approve the minor site plan for Richard Potochniak/The Old Red Inn. Motion unanimously carried. An 8-1/2 x 11 plan was signed, but will not be recorded.

WEST MAIN STREET LAND CO./WEST MAIN RECREATION CORP. - FULL SITE PLAN REVIEW (MAP 32, PARCEL 1) FILE #FR98-04

Bayard Kennett and Jim Doucette of West Main Recreation Corp. appeared before the Board. Mr. Doucette stated that the applicant came before the Board on two separate occasions for conceptual reviews. Mr. Doucette stated that this project is located on the corner of West Main Street and Hobbs Street. Ms. Woodall asked if the application was complete. Ms. Emerson answered in the affirmative. Mr. Waterman made a motion, seconded by Mr. Barriault, to accept the application of the West Main Street Land Co./West Main Recreation Corp. for a Full Site Plan Review. Motion unanimously carried.

Mr. Barriault asked about the entrance. Mr. Doucette stated that they wanted to create a drop-off area because equipment tends to be heavy. Mr. Kennett stated that they also wanted to take the entrance away from the intersection of Hobbs Street. Mr. Fitch asked the applicant to review any changes since the conceptual review. Mr. Doucette stated that there were changes to the plans due to the drainage. Ms. Emerson reviewed the changes to the plan with the Board. Ms. Emerson stated that the applicant has submitted a cost estimate and a bond for half of the estimate, however, the Town Engineer has not yet approved those.

Mr. Fitch asked if there were any problems. Mr. deFeyter stated that the applicant is lacking drainage calculations. Ms. Emerson stated that the applicant did submit drainage calculations, but they needed to be revised. Ms. Emerson stated that the site plan did not change as a result of the changes to the drainage plans. Paul DegliAngeli, Town Engineer, stated that the New Hampshire Department of Environmental Services (NHDES) required a change in the drainage plans that was not anticipated. Mr. DegliAngeli stated that he needed to review the drainage calculations to make sure they were accurate, but the application is not incomplete. Mr. DegliAngeli stated that he would recommend a conditional approval based on the drainage calculations, as the drawings are fine.

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Mr. deFeyter asked the applicant's mission. Mr. Doucette answered youth services and youth activities. Mr. Doucette stated that ice skating will be offered through the summer. Mr. Doucette stated that the area can accommodate such a facility because of all the restaurants and hotels. Mr. deFeyter stated that this is a non-profit organization, but you are charging fees. Mr. Doucette answered in the affirmative. Mr. deFeyter stated that this is not a charitable organization so you will still be paying Town taxes. Mr. Doucette answered in the affirmative. Mr. deFeyter asked if this was three (3) lots of record. Mr. Doucette answered in the negative.

Mr. Fitch asked if the Board should address the letter from Janice Frunzi. Ms. Woodall answered in the affirmative and read Ms. Frunzi's letter. Mr. Kennett stated that he spoke to Ms. Frunzi about her concerns. Mr. Kennett stated that her property is for sale and we (Remax) are the listing agent. Mr. Kennett stated that he addressed all the issues she raised in her letter with Ms. Frunzi and assured her that the Planning Board looks at all these issues. Mr. deFeyter asked if Ms. Frunzi's property was in the Commercial District. Mr. Kennett stated that her property is in the Industrial District. Mr. deFeyter asked if it is being used as a residence. Mr. Kennett answered in the affirmative.

Mr. Barriault asked if there was a boundary for the lights. Ms. Emerson answered in the affirmative and stated that the lights will not project onto other properties. Mr. Barriault asked if the light will be contained within the property. Ms. Emerson answered in the affirmative. Mr. Kennett stated that there are lights at the intersection. Mr. Bergmann asked if anyone has considered the traffic this site is going to generate. Mr. Bergmann stated that there is going to be a substantial amount of traffic on that corner. Mr. Kennett stated that when this area was at its height there was approximately 1,100 employees per day on these streets. Mr. Kennett stated that when the volume of traffic was high these streets handled it well. Mr. Kennett stated that the amount of traffic will still be lower than what it use to be. Mr. Kennett stated that some of the traffic will exit to the South, some to the North and in the winter North Road will be open.

Ms. Woodall asked at what time of day will most activities take place. Mr. Doucette stated that early morning hours are saved for free skating and then for the rest of the day there will be approximately 30 people in the building at any given time. Mr. Doucette stated that they don't anticipate many events to fill the building to its capacity. Mr. Kennett stated that the busiest time would probably be from the end of school to closing except for weekends. Mr. Bergmann stated that he is concerned with the letter from the Fire Chief, Larry Wade. Ms. Emerson stated that the evacuation plan will need to be completed prior to a certificate of occupancy being issued. Mr. Bergmann stated that it is an important plan. Ms. Woodall stated that the plan is more for out of the building then out of the area.

Mr. Bergeron stated that the plan needs to be in place prior to a certificate of occupancy. Mr. Bergeron stated that this is more to protect the neighborhood if there is an ammonia leak. Ms. Emerson stated that the letter referred to purchasing new equipment because of the special suits that are needed. Ms. Emerson stated that it is not an issue with this project, however, over the next two (2) year's they will budget for this equipment. Ms. Woodall stated that if this facility is built the suits will be needed and asked if the applicant will be helping to pay for these suits. Mr. Kennett stated that nothing has been requested of the applicant. Mr. deFeyter asked if the suits are something that will need to be purchased prior to the building opening. Mr. Doucette answered in the negative.

Ms. Emerson read the letter from Mr. Wade and stated he is not putting the burden onto the applicant. Mr. Kennett stated that Conway Village Fire District is responsible for fire protection. Ms. Emerson stated that she did speak to Mr. Wade and they are budgeting for the suits over the next two (2) years, however, in the meantime they could handle an emergency. Mr. deFeyter stated that this will not hold it up in any way. Ms. Emerson agreed. Mr. Barriault stated that the applicant does have the Fire Chief's approval. Ms. Emerson agreed. Ms. Woodall asked if the Town could handle an ammonia leak tomorrow. Ms. Emerson answered in the affirmative.

Ms. Woodall asked for public comment; Vernon Campbell asked if the lighting will be on all evening or will they be on timers. Mr. Kennett stated that other than security lights the lights will be turned off. Mr. Campbell asked if the run off from the parking lot was going into the sewer system. Mr. Kennett answered

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in the negative and stated that there is a drain on West Main Street and sheet flows across the parking lot and percolates into the land. Mr. DegliAngeli stated that four (4) acres out of eighteen (18) acres are being developed.

Lawrence Heath stated that he and his wife own the property on the northeast side of this proposed site and they are not in the industrial zone. Mr. Heath stated that he is concerned with the noise from the parking lot, the drainage, lights and the ammonia based refrigeration unit. Mr. Heath stated that noise is a problem and he does not see a practical way to prevent that. Mr. Heath stated that there are a lot of young people who look for places to assemble and be noisy. Mr. Heath stated that he is tired of the noise. Mr. Heath stated that there is good faith commitment by the applicant to do the best they can to screen his property from the proposed project, however, he thinks it will be impossible. Mr. Heath stated that this is a residence that he and his wife live in and they do not feel they should be subjected to this noise.

Mr. Heath stated that his other concern is drainage. Mr. Heath stated that since the buildings were burned there has been standing water in his back yard for a long period of time. Mr. Heath stated that this is unusual and has not happened before. Mr. Heath stated that there needs to be a real effort made to enhance the drainage capability of the site. Mr. Heath stated that he would also request that the types of lights used are not those that shine up into the air. Mr. Heath stated that he is not at all comfortable that there is a possibility for an ammonia leak. Mr. Heath stated that he already has a notion that their property is not as valuable as it was a few months ago.

Mr. Bergmann asked Mr. Kennett as a Realtor if this project will effect property values. Mr. Kennett asked if Mr. Heath had evidence of a depreciation in value. Mr. Heath reviewed the Town's assessed value and an appraisal from AD Davis. Mr. Kennett stated that West Main Street has been zoned commercially forever. Mr. Kennett stated that the proposed site was the site of a spool mill and then it became Lucy Lumber. Mr. Kennett stated that if you look at the property strictly as residential then the value certainly would not increase, however, as a professional office the value of the property will change.

Mr. Bergmann asked if the refrigerator unit will be screened. Mr. Doucette stated that it is in the interior of the building. Mr. Kennett stated that in regards to the noise question, this is a public facility that will be controlled and policed. Mr. Kennett stated that they will not gate the facility, but we are not, as management, not going to allow to kids congregate in the parking lot. Mr. Kennett stated that they will ask the police to patrol as they do now in that area. Mr. Doucette stated that this parking lot will not be allowed for school parking. Mr. Kennett stated that in regards to screening the applicant is willing to construct any type of vegetation screen that the Heath's desire. Mr. Kennett stated that lighting from the parking area is quite a distance from the abutter and they have no desire to light the sky.

Ms. Woodall asked how much lighting will be on. Mr. Doucette stated that there is no final plan at this time, however, there is usually input from the Police Department. Mr. Doucette stated that there is no need or desire to light an empty parking lot. Mr. Doucette stated that the lights left on will be for security. Mr. deFeyter suggested speed bumps in the parking lot. Mr. Kennett stated that the way it is laid out it will be difficult to pick up speed in the parking lot. Mr. Kennett stated that the applicant can control what happens on this property because it will be owner occupied. Mr. Doucette stated that if there is a problem it will be dealt with immediately. Mr. Barriault stated that lighting can be mitigated as well as the drainage. Mr. Barriault stated that as far as the noise, other than the discussed buffers, it is more of an enforcement issue which is beyond the jurisdiction of the Planning Board. Mr. Barriault stated that the refrigeration unit is contained within the building.

Mr. DegliAngeli stated that this is no a direct ammonia system, but an air conditioner that uses ammonia rather than freon. Mr. DegliAngeli stated that this unit holds approximately ten (10) gallons of ammonia. Ms. Woodall asked how the Town will be covered by insurance if there is an ammonia leak. Mr. Kennett stated that the applicant does have liability insurance on the property. Mr. Kennett stated that if the Conway Village Fire District is negligent their insurance would come into play. Ms. Woodall stated that that is an issue that she would like to discuss with Peter Hastings and Larry Wade. Mr. Doucette stated that this would be the same situation if Aubuchon Hardware caught on fire.

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Mr. Cuddy stated that this is a private enterprise that does not belong to the Town of Conway or the precinct. Mr. Cuddy stated that the proposed project is an area that is zoned for this type of business. Mr. Cuddy stated that the applicant is responsible for their facility. Ms. Woodall asked if the taxpayers would be liable. Ms. Emerson stated that the applicants submit plans to the precincts to review. Ms. Emerson stated that Mr. Wade has given his approval on this project and this is starting to get out of the purview of the Planning Board. Ms. Woodall stated that she does not think protecting the tax payers is out of the purview of the Planning Board.

Mr. Bergmann asked the applicant to address the run off onto the neighbor's property. Mr. Doucette stated that the applicant has not made any changes to the site and the run off will be contained on the site. Mr. Doucette stated that the site will basically remain at the same grade. Mr. Kennett stated that actually more water has been contained on the site and the easterly boundary has not changed. Ms. Woodall asked if a swail could be constructed. Mr. Doucette stated that it is a wetland and cannot be changed without a wetlands permit.

Mr. Cuddy asked if there has been anything presented that is contrary or against the Town's regulations. Ms. Emerson answered in the negative. Ms. Emerson stated that Mr. DegliAngeli has approved the cost estimate and the performance guarantee. Ms. Emerson stated that the only outstanding item is the review of the minor revisions to the drainage calculations. Ms. Woodall asked Mr. Heath what he would be more comfortable with for screening. Mr. Heath stated that he does not think anything will accomplish what needs to be done, but the more desirable would be the step vegetation. Mr. Heath stated that there is a ditch on the back of the property. Mr. Kennett stated that the ditches use to exist from West Main Street to Pequawket Pond, but the applicant is not going to disturb that.

Ms. Emerson asked if something will be worked out with the abutter in regards to a buffer or does something need to be placed on the plans. Mr. Kennett stated that the applicant is willing to buffer, but it has not been committed to paper. Mr. Heath stated that he is satisfied that Mr. Kennett will do the best job that he can, but he is not of the opinion that anything will help. Mr. Heath stated that he was under the impression that there was an application to fill in flood plain land. Mr. Doucette stated that they are filling in flood plain for a portion of the parking lot and a corner of the building. Mr. Heath stated that there will definitely be a change in the grade. Mr. Doucette agreed and stated in the area of the building.

Ms. Woodall stated that she is concerned with the Town's risk. Ms. Emerson stated that Mr. Wade's letter is not stating that there is a problem, but listing items that will be addressed and giving his approval for the project. Mr. Bergmann asked for Mr. Wade's letter to be read again. Ms. Emerson read Mr. Wade's letter. Mr. Campbell asked in time if there is a possibility for a soccer or baseball field. Mr. Kennett stated that outdoor recreation is a possibility, but it is a wetland area and it would be limited. Mr. Cuddy stated that he understands the abutters concerns, but the Town creates zones and people are going to be effected. Mr. Cuddy stated that the applicant has met all the regulations through all agencies and the Board has taken into consideration the lighting.

Mr. Cuddy made a motion, seconded by Mr. Fitch, to conditionally approve the Full Site Plan for the West Main Street Land Co./West Main Recreation Corp. upon the Town Engineer's approval of the revised drainage calculations. Motion unanimously carried. After a brief discussion, Mr. Cuddy made a motion to amend the motion, seconded by Mr. Fitch, to include a 30-day expiration date to the conditional approval. Amended Motion unanimously carried.

CARROLL COUNTY REAL ESTATE DEVELOPMENT/WILLIAM AND PAULA LEHMANN - FULL SITE PLAN REVIEW (MAP 61/11, PARCEL 37-3A/62-21) FILE #FR98-05

Ms. Emerson stated that there are problems with the drainage for this application and the Town Engineer asked the applicant to resubmit the drainage calculations. Ms. Emerson stated that the applicant did

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resubmit the drainage calculations, but there were still some problems. Ms. Emerson stated that there are three (3) outstanding items and the Board needs to determine if the application is complete. Ms. Emerson stated that the application was complete when it was submitted and the Board will only be accepting the application for review.

Mr. Fitch made a motion, seconded by Mr. Cuddy, to accept the application of Carroll County Real Estate Development/William and Paula Lehmann for Full Site Plan Review. Motion carried with Ms. Woodall, Mr. deFeyter, and Mr. Bergmann voting in the negative. Ms. Emerson suggested that the Board continue the review of this application until the revised information has been submitted. Mr. Cuddy made a motion, seconded by Mr. deFeyter, to continue the Full Site Plan Review for Carroll County Real Estate Development/William and Paula Lehmann until June 4, 1998. Motion unanimously carried.

**COUNTRY NEWS CLUB, INC./THE CONWAY DAILY SUN - MINOR SITE PLAN REVIEW
CONTINUED (MAP 70, PARCEL 11B) FILE #MR98-01**

Mr. deFeyter made a motion, seconded by Mr. Bergmann, to take the Country News Club, Inc./The Conway Daily application out of order. Motion unanimously carried. Mark Guerringue appeared before the Board. Mr. Guerringue stated that he has an issue with the parking. Mr. Guerringue stated that this application was continued in order for him to obtain an easement from his neighbor, however, the easement is no longer available. Mr. Guerringue stated that he is looking for direction from the Board to either construct all the parking spaces that is required and ask for a waiver for green space or ask for a waiver on parking spaces in order to meet the green space requirement.

Mr. deFeyter stated that the Board should consider the neighborhood and the parking space availability. Ms. Emerson stated that 20% of the required parking spaces have been credited to the municipal parking lot. Mr. Cuddy stated that he would rather see the green space maintained because of the area and he would be in favor of waiving the required number of parking spaces. Ms. Emerson stated that it will be a total of nine (9) parking spaces that will need to be waived. Mr. Guerringue stated that it would be eight (8) spaces. Ms. Woodall stated that she would be in favor of waiving the parking spaces.

Mr. Fitch stated that there is not a lot of long term parking at this site. Mr. Fitch stated that he would prefer to keep as much green space as possible and he wouldn't be against a waiver for eight (8) parking spaces. Ms. Emerson stated that based on employees there is sufficient parking for employees. Mr. Cuddy stated that he would rather see the green space remain as this type of use is unique. Ms. Woodall polled the Board on whether to meet the green space requirement or the parking spaces requirement. The entire board agreed on green space except for Mr. Waterman who abstained from voting.

The Board agreed that due to the nature of the business, the number of employees and since the size of the building does not dictate the number of parking spaces, that they could waive the parking requirements because if the business changed, the Board will be able to review the parking requirements at the time a change of use application is submitted. Mr. deFeyter made a motion, seconded by Mr. Bergmann, to continue the application of Country News Club, Inc./The Conway Daily Sun until May 21, 1998. Motion unanimously carried.

PUBLIC HEARING - ROAD STANDARDS

Mr. DegliAngeli appeared before the Board. Mr. DegliAngeli reviewed the one modification made by the Board of Selectmen. Mr. deFeyter stated that he would prefer to see "or where required by the Planning Board." remain in the standards under sidewalks. Ms. Woodall polled the Board to see if they preferred adding Mr. deFeyter's suggestion or leave them as they are. Mr. Cuddy, Mr. Fitch, Mr. Barriault and Mr. Waterman voted to leave them as is; and Ms. Woodall, Mr. deFeyter, and Mr. Bergmann voted to make the change.

Mr. Cuddy made a motion, seconded by Mr. Barriault, to approve the road standards as amended by the Board of Selectmen. Motion carried with Ms. Woodall and Mr. Bergmann voting in the negative.

PUBLIC HEARING - FEE SCHEDULE

There being no public, Mr. Cuddy made a motion, seconded by Mr. Barriault, to approve the fee schedule without modifications. Motion unanimously carried.

OTHER BUSINESS

Town Planner Performance Evaluation: Mr. deFeyter suggested that Board write a letter to the Board of Selectmen outlining Ms. Emerson's performance. Ms. Emerson stated that her six-month evaluation will be at the end of June. Mr. Fitch stated that the Board is not Ms. Emerson's boss and, therefore, he will not take part in her evaluation. The consensus of the Board was to discuss the possibility of sending a letter to the Board of Selectmen at the May 14, 1998, work session.

Mr. Cuddy made a motion, seconded by Mr. deFeyter, to adjourn.

Meeting adjourned at 10:16 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary