

CONWAY PLANNING BOARD

MINUTES

JULY 2, 1998

A meeting of the Conway Planning Board was held on Thursday, July 2, 1998, beginning at 7:03 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chairman, Catherine Woodall; Selectmen's Representative, Michael Valladares; Vice Chairman, Charlene Browne; Secretary, Robert deFeyter; David Fitch; Sheila Duane; Arthur Bergmann; Town Planner, Dawn Emerson; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of June 7, 1998, should be amended as follows: page 4, paragraph 3, line 4, should read, "...the guidelines. Ms. Browne stated that it is a public road and it does not address the street. Ms. Browne stated that there are no windows facing the front and the front was not equally treated in character. Mr. Bartolomeo stated...". Mr. Valladares made a motion, seconded by Mr. Fitch, to approve the Minutes of June 7, 1998, as amended. Motion unanimously carried.

Mr. Bergmann made a motion, seconded by Ms. Browne, to table the Minutes of June 25, 1998. Motion unanimously carried.

ALTERNATES APPOINTED TO VOTING MEMBERS

Ms. Woodall appointed Mr. Bergmann and Ms. Duane as voting members for this evening.

JAMES AND TERRY ABRAHAM/ALLEN AND HELEN KRUGER - FULL SITE PLAN REVIEW CONTINUED (MAP 66, PARCEL 13) FILE #FR98-08

James Abraham; David Douglass of Thaddeus Thorne Surveys; and Luigi Bartolomeo, Architect, appeared before the Board. Mr. Fitch stated that he was not present for the first hearing on this application and, therefore, he will not be voting on this application. Mr. Bartolomeo stated that we left the last meeting with three (3) areas of concern which were: no windows in the front; hiding the mechanicals; and shielding cars with landscaping.

Mr. Bartolomeo reviewed the revised building elevations. Mr. Bartolomeo stated that he reviewed the shielding of the mechanicals with the building inspector for fire resistance. Mr. Bartolomeo showed a color rendering of the proposed building. Ms. Browne asked how high the shrubs will be in the front. Mr. Abraham answered approximately three (3) to five (5) feet. Mr. Bartolomeo stated that the parking area is sloped. Mr. Bartolomeo stated that there is an alternative drainage plan that exists, but the applicant has not seen it yet. Mr. Abraham stated that he is showing the intent to landscape. Mr. Abraham stated that he does not know what the vegetation will be, but there will be vegetation. Ms. Browne stated that this is to hide the vehicles. Mr. Abraham stated that it will be a mix of species that will be approximately three (3) to five (5) feet in height.

Mr. Bartolomeo stated that the tower will be lit from within and the door has changed. Mr. Bartolomeo stated that the applicant has made an effort to address the Board's concerns without changing the entire building. Mr. Bergmann stated that there is a garage door at the back of the building, but there is no way to get to it. Mr. Abraham stated that it is not to be used, but wanted it in case there was a piece of equipment that was too big to get through a door. Mr. Abraham stated that it is not his intention to use it or is there a need to use it.

Mr. Bergmann stated that there is no way to get to the outside kitchen door either. Mr. Abraham stated that it is not to be used, but he is more comfortable having it there in case of an emergency. Mr. Bergmann

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asked about deliveries. Mr. Abraham stated that they will be brought in through the front door or the deck. Ms. Woodall asked if the kitchen was on the first floor or in the basement. Mr. Abraham stated that it is on the first floor. Mr. Bartolomeo stated that the applicant is sprinkling the building even though it is not required. Mr. deFeyter asked if the moose on the building will fall under the sign ordinance. Mr. Emerson answered in the negative and stated that it is not a sign. Ms. Duane stated that it would be considered artwork. Ms. Woodall asked if it would be considered a sign if there was wording. Ms. Emerson answered in the affirmative.

Ms. Woodall asked about the drainage. Mr. Bartolomeo stated that the Town Engineer has approved the drainage as submitted, but he did prepare his own drainage plan. Mr. Douglass stated that the applicant is going with the plan that was submitted and approved. Ms. Woodall stated that if the drainage is different then the Board cannot approve the application. Mr. Abraham stated that they are going with the plan that was submitted. Ms. Woodall asked if there was a letter from the Town Engineer, Paul DegliAngeli. Ms. Emerson answered in the negative and stated that Mr. DegliAngeli signed the drainage plan. Ms. Emerson stated that Mr. DegliAngeli only writes a letter if there is a problem.

Mr. deFeyter asked if there was any lighting on the building. Mr. Abraham stated that there will be recessed lighting. Ms. Woodall asked if anyone asked about lighting. Ms. Emerson stated that she asked several times at the last hearing if there were any other issues beyond the building elevations. Mr. Bartolomeo stated that the recessed lighting is going to be under the entrance. Ms. Woodall stated that lighting is a part of the application. Ms. Browne asked if the Board had brought that up. Ms. Woodall answered in the negative and stated that it can be made as a condition. Mr. deFeyter asked if the lighting in the parking was down directed. Mr. Abraham answered in the affirmative. Ms. Duane stated that any additional lighting can be a condition of the Certificate of Occupancy. Ms. Woodall stated that we cannot do that. Mr. Bartolomeo stated that it can be a condition of approval.

Ms. Woodall asked for public comment; there was none. Mr. deFeyter made a motion, seconded by Ms. Duane, to conditionally approve the application for James and Terry Abraham and Allen and Helen Kruger conditionally upon the submittal of a lighting plan; a performance guarantee for 50% of all site improvements; and the 1995 Planning Board approval to be rescinded upon final approval of this project. Motion carried with Mr. Fitch abstaining.

**FIRST BAPTIST CHURCH/PETER EDWARDS - SUBDIVISION/BOUNDARY LINE
ADJUSTMENT (MAP 69/70, PARCEL 67/1) FILE #S98-11**

David Douglass of Thaddeus Thorne Surveys appeared before the Board. Ms. Browne made a motion, seconded by Mr. Valladares, to accept the application for the First Baptist Church and Peter Edwards for Subdivision/Boundary Line Adjustment review. Motion unanimously carried. Ms. Woodall asked for comments from the Board; there was none. Ms. Woodall asked for public comment; there was none. Mr. deFeyter made a motion, seconded by Mr. Valladares, to approve the Subdivision/Boundary Line Adjustment for the First Baptist Church and Peter Edwards. Motion unanimously carried. The plans were signed.

**HOWARD DICKINSON/LUCY B. BOYNTON AND HENRY W. LIE -
SUBDIVISION/BOUNDARY LINE ADJUSTMENT (MAP 2/6, PARCEL 15/6) FILE #S98-13**

David Douglass of Thaddeus Thorne Surveys appeared before the Board. Mr. Bergmann made a motion, seconded by Ms. Duane, to accept the application for the Howard Dickinson/Lucy B. Boynton and Henry W. Lie for Subdivision/ Boundary Line Adjustment review. Motion unanimously carried. Ms. Woodall asked for comments from the Board; there was none. Ms. Woodall asked for public comment; there was none. Mr. deFeyter made a motion, seconded by Mr. Bergmann, to approve the Subdivision/Boundary Line Adjustment for Howard Dickinson/Lucy B. Boynton and Henry W. Lie. Motion unanimously carried. The plans were signed.

MORRILL ESTATES - SUBDIVISION/BOUNDARY LINE ADJUSTMENT (MAP 8, PARCEL 22-3) FILE #S98-12

Jon Howe of Ammonoosuc Survey Company and Stephen Morrill, applicant, appeared before the Board. Mr. Valladares made a motion, seconded by Ms. Browne, to accept the application of Morrill Estates for a Subdivision/Boundary Line Adjustment review. Motion unanimously carried. Mr. Howe stated that this is a lot of record of 0.31 of an acre that the applicant would like to add to a larger lot. Ms. Woodall asked if there was a deed restriction. Mr. Morrill answered in the affirmative and stated that it would be the same as the others. Mr. Morrill stated that a neighbor is showing interest and he may want to add it to his house lot, however, he does not want to restrict it to no further subdivision.

Ms. Woodall stated that this lot will be able to be subdivided. Mr. Morrill stated that it will only be able to be subdivided once if it goes with the house lot. Mr. Morrill stated that if someone else purchases the lot it cannot be subdivided. Mr. deFeyter asked if there was a restriction on subdivision. Mr. Morrill stated that there is not a requirement. Ms. Woodall asked for public comment; there was none. Mr. deFeyter made a motion, seconded by Mr. Bergmann, to approve the Subdivision/Boundary Line Adjustment for the Morrill Estates. Motion unanimously carried. The plans were signed.

ROMAN CATHOLIC BISHOP OF MANCHESTER/GEORGE TOLLEY - FULL SITE PLAN REVIEW (MAP 62, PARCEL 9) FILE #FR98-09

Marty Risley of H.E. Bergeron Civil Engineers; and George and Mike Tolley, applicant, appeared before the Board. Mr. Risley explained that the proposed 78-room hotel is located behind the Catholic cemetery and across the street from L.L. Bean. Mr. Risley reviewed the site plan. Mr. Risley stated that the proposed hotel does not have restaurant or conference facilities. Mr. Risley stated that there is an indoor swimming pool. Mr. Risley stated that the greenspace requirement is met with the existing trees, but the applicant has added more landscaping. Mr. Risley stated that there is a twenty-five (25) foot setback from the cemetery which is a State requirement.

Mr. Risley stated that the first floor is approximately ten (10) feet below the cemetery. Mr. Risley stated that the first parking lot is below road grade. Mr. Risley stated that the traffic generated is much less than retail. Mr. Tolley stated that the hotel is going to be tucked back in the trees and not on the street. Mr. Tolley stated that it is more of a private setting and they will be depending on the signage. Ms. Woodall asked if the application was complete. Ms. Emerson answered in the affirmative. Mr. deFeyter made a motion, seconded by Mr. Valladares, to accept the application of the Roman Catholic Bishop of Manchester/George Tolley for a Full Site Plan Review. Motion unanimously carried.

Ms. Browne asked if there were elevations of the structure. Mr. Risley stated that they were submitted with the application. Mr. Risley showed the Board the building elevations and stated the applicant is agreeable to discussing the materials. Mr. Tolley stated that the building can be clapboard and shutters. Ms. Woodall asked what is the height from the foundation to the roof line. Mr. Risley answered forty-three (43) feet, ten (10) inches. Ms. Emerson stated that there are no waiver requests, the application meets site plan regulations and the landscaping is above and beyond what is required. Ms. Emerson stated that the outstanding items are the performance guarantee for 50% of all site improvements and the State driveway permit.

Mr. deFeyter stated that he is concerned with stucco. Mr. deFeyter stated that he appreciates the applicant's willingness to be flexible. Mr. Fitch stated that it is a lot of brick. Mr. Tolley stated that clapboard seems to be character for this area. Mr. deFeyter stated that it would be more appropriate. Ms. Browne and Mr. Valladares agreed. Mr. Fitch stated that either material is fine. Mr. deFeyter, Ms. Woodall, Mr. Bergmann, and Ms. Duane agreed with the clapboard. Ms. Emerson stated that we will need revised elevations reflecting the material. Ms. Woodall stated that the applicant can change the note on the plans that the material will be clapboard. Ms. Browne stated that she was involved with the architectural guidelines and it was agreed that stucco did not keep with the community character.

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Ms. Browne asked if the tree line in the front will cover most of the building. Mr. Tolley answered in the affirmative. Mr. Tolley stated that they are depending highly on the sign and business name. Ms. Browne asked if you would only be able to see the roof line. Mr. Risley stated that the brush will be cleared and you will be able to see the building through the tree trunks. Mr. Tolley asked if the Board wanted the roofing materials to be metal or asphalt shingles. Mr. deFeyter stated that he would prefer to see shingles. Mr. Tolley stated that he would prefer shingles.

Mr. Bergmann asked if there was a right-of-way for drainage. Mr. Risley answered in the affirmative. Mr. Bergmann asked if it was completely through the property. Mr. Risley stated that in 1966 the State acquired a right-of-way for a storm drainage pipe. Mr. Risley stated that the applicant is taking care of that water with the drainage plan. Ms. Woodall stated that she thought there was another parcel that drained onto this property other than the State and McDonalds. Mr. Risley stated that there was not. Ms. Woodall asked if the drainage swails were going to be vegetated. Mr. Risley answered in the affirmative and stated with grass.

Mr. deFeyter asked if the lighting will be contained on site. Mr. Risley answered in the affirmative. Mr. Tolley stated that the front of the hotel will be washed with light. Mr. deFeyter stated that there is a walkway in front of the cemetery and asked if people will still be able to walk through the front of the proposed parcel. Mr. Risley stated that there will be enough room for people to walk. Ms. Browne asked if the overhead utilities will interfere with the street trees. Mr. Risley stated that the applicant will be glad to move the street trees back. Ms. Browne stated that she would like to see the street trees moved back a bit. Mr. Risley stated that he does not want to move the trees back so far that it will block the sign. Ms. Emerson stated that signage is not approved under site plan, but under a separate application.

Ms. Woodall asked if the site plan reflects the widening of Route 16. Mr. Risley answered in the negative, but the buffer is widened. Ms. Woodall asked when the widening of Route 16 is proposed to be done. Mr. Risley answered the year 2000. Ms. Emerson stated that there hasn't been a taking at this time. Ms. Browne stated that if Route 16 is widened than the street trees will be lost. Mr. Risley stated that he doesn't believe Route 16 is being widened that much. Mr. Risley stated that the State wants to leave the traffic light. Mr. Tolley asked if the Board was opposed to having the light operational within the next year. Ms. Woodall stated that it will be up to the State. Mr. Tolley stated that he would like to see it operational and stated that there is approximately fifty (50) cars per day. Mr. Valladares asked if the traffic is low why the applicant would want the light functioning. Mr. Emerson stated that it is up to the State.

Ms. Woodall stated that she has drainage questions. Ms. Woodall asked if there was going to be an erosion control fence at the back of the property. Ms. Emerson stated that there is an erosion control plan. Ms. Woodall asked what is the rate of flow. Ms. Emerson stated that the drainage plans have been signed and approved by the Town Engineer, Paul DegliAngeli. Ms. Emerson asked Ms. Woodall what her concern was. Ms. Woodall stated that she is concerned that the parking lot will drain into the wetlands which will eventually go into the Saco River. Mr. Risley stated that the water will not leave the property. Ms. Emerson stated that two (2) engineers have reviewed the plans and they have indicated that the water will not leave the site. Mr. Risley stated that this is very sandy soil. Ms. Emerson stated that Mr. Risley reviewed the drainage plans with Mr. DegliAngeli and herself and Mr. DegliAngeli commented that they were over building. Mr. Risley stated that the rate of flow for a 2-year storm would be 7.36 CFS; for a 10-year storm it would be 31.8 CFS; and for a 100-year storm it would be 52.3 CFS.

Ms. Woodall read a letter from Russ Seybold of the Conway Scenic Railroad (attached). Mr. Risley stated that the applicant is willing to construct a six (6) foot chain-linked fence. Mr. deFeyter asked if the fence could be something more aesthetically pleasing. Ms. Browne asked about having a tree line. Mr. Risley stated that they do have to excavate to the property line, but the trees in the right-of-way will not be disturbed. Mr. Tolley stated that they will not remove any tree that is not necessary. Mr. Fitch stated that there is a chain-linked fence on the other side of the railroad tracks. Mr. Tolley stated that he is willing to put up whatever is necessary.

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Ms. Woodall asked for public comment; Russ Seybold of the Conway Scenic Railroad stated that a chain linked fence is agreeable with him. Mr. Seybold stated that he would like to see trees planted to soften the fence. Mr. Seybold stated that he would like to see a six (6) foot fence. Mr. Seybold stated that there is a snow mobile trail. Ms. Woodall asked if it was a State snow mobile trail. Mr. Seybold answered in the affirmative. Ms. Woodall asked if there is an easement. Mr. Risley answered in the negative and stated that it will be discontinued. Mr. Valladares stated that the State goes around yearly to obtain the land owners permission. Mr. Valladares stated that this is done on a yearly basis and no easements are given.

Mr. Bergmann asked about the State's easement for the drain. Mr. Risley stated that it will remain. Mr. Bergmann asked if it is used now for a snow mobile trail. Mr. Risley stated that the storm drainage easement is general and the pipe is along the property line. Mr. Risley stated that the State only has an easement for the storm water. Rick Luciano, owner of Merlino's Steak House, stated that he is in favor of the project, but he is concerned with the widening of Route 16. Mr. Luciano asked if under the driveway permit process if possibly the State could shift the road westerly rather than easterly. Mr. Luciano stated that he would like to look into this situation to avoid any taking of his building.

Mr. Valladares stated that there is a Design Review Committee that needs to deal with that issue. Mr. Valladares stated that Mr. Luciano should attend that meeting to give his thoughts and concerns and have the State address them as the plans are developed. Mr. Valladares stated that the Planning Board cannot address that issue. Mr. Luciano stated that you are in the planning stage and the Board is addressing the trees. Mr. Bergmann asked about the seventeen (17) feet reserved in the front. Mr. Risley stated that it was a State requirement as they are taking seventeen (17) feet on either side. Mr. Luciano stated that the applicant is taking into consideration that the road will be widened. Ms. Woodall stated that until there is a taking the Planning Board cannot do anything about the road. Mr. deFeyter stated that the State is requesting the additional setback for the driveway permit. Mr. Risley reviewed the lighting plans.

Mr. deFeyter made a motion to conditionally approve the Full Site Plan for the Roman Bishop Catholic of Manchester/George Tolley conditionally upon changing the materials on the building elevation; a chain-linked fence added to the rear of the property; the street trees to be moved further back so that they won't be disturbed with the road widening and to not block the sign; a New Hampshire Department of Transportation Driveway Permit; a performance guarantee for 50% of all site improvements; and this conditional approval will be good for thirty (30) days. Mr. Risley asked if the conditional approval could be good for sixty (60) days because the State won't have a response on the driveway permit application for another thirty (30) days. After a brief discussion, the Board and the applicant agreed to continue the hearing.

Mr. Bergmann made a motion, seconded by Mr. deFeyter, to continue the Full Site Plan Review for the Roman Catholic Bishop of Manchester/George Tolley until July 16, 1998. Motion unanimously carried.

OTHER BUSINESS

Letter to the Planning Board from the Board of Selectmen: Ms. Woodall read a letter to the Planning Board from the Board of Selectmen (BOS). Ms. Woodall asked Mr. Valladares when the BOS discussed and voted on writing this letter. Ms. Woodall asked under what authority does the BOS have to write this letter. Mr. Valladares apologized to Ms. Woodall for the letter being so disruptive to her. Ms. Woodall asked what authority does the BOS have. Ms. Woodall stated that the Planning Board answers to the Town and not the BOS. Mr. Valladares stated that the Planning Board does not have to meet with the BOS. Mr. Valladares stated that the BOS does not have authority over the Planning Board, but the BOS thought it would be good public relations and to have an open communication.

Ms. Browne stated that the letter was to intimidate and not to communicate. Ms. Browne stated that she would like to see an agenda on what the BOS would like to discuss. Mr. deFeyter stated that he has requested a copy of the Minutes, but has not yet received a copy. Ms. Meserve stated that a copy of the Minutes were given to her which were to be given to Mr. deFeyter at a work session. Ms. Meserve stated that she left the Minutes with his name on it as she was not at the work session. Mr. deFeyter stated that he

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did not receive them. Ms. Meserve stated that she would obtain another copy and give them to the Board. (Later in the meeting, Ms. Meserve located the copy of the Minutes (attached) that was to be given to Mr. deFeyter and copies were given to the Board).

Luigi Bartolomeo stated that this is possible for the Planning Board to meet with the BOS and it should not be a threat. Ms. Woodall stated that the items in the letter are not under the BOS's jurisdiction. Mr. deFeyter made a motion, seconded by Mr. Bergmann, to accept the invitation with the understanding that there will be an agenda submitted for the Planning Board's review. Motion unanimously carried. Ms. Woodall asked the Board members to send any items they would like to discuss with the BOS to her.

Joe Jones/Conceptual Review (Map 69, Parcel 55): There was non-binding conceptual review for Joe Jones (see attached).

Appoint member: Mr. Fitch nominated Ms. Duane for a one-year position. Ms. Browne nominated Mr. Bergmann for a one year position. Ms. Woodall called for a vote on Ms. Duane's nomination. Motion defeated with Ms. Woodall; Ms. Browne; and Mr. deFeyter voting in the negative. Ms. Woodall called for a vote on Mr. Bergmann's nomination. Motion carried with Mr. Fitch and Mr. Valladares voting in the negative.

Doris Smith and Joanna S. Hunt/Dr. Rob Rose (Map 34, Parcel 37) File #FR98-07 - Plan Signing: The Board agreed that all the conditions had been met and the plans were signed.

C & A/OVP Realty Trust/ Sloane NH, Inc. (Map 11, Parcel 62-3) File #FR97-10 - Plan Signing: The Board agreed that all the conditions had been met and the plans were signed.

Clare and Kurt Grabher (Map 70, Parcel 133 & 136A): Ms. Woodall signed a Notice of Lot Merger for Clare and Kurt Grabher.

Gold Land Limited/Peking Restaurant (Map 61, Parcel 34) File #MR98-03 - Plan Signing: The Board agreed that all the conditions had been met and signed the plans.

Meeting adjourned at 10:04 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary