

**CONWAY PLANNING BOARD**

**MINUTES**

**AUGUST 20, 1998**

A meeting of the Conway Planning Board was held on Thursday, August 20, 1998, beginning at 7:05 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chairman, Catherine Woodall; Vice Chairman, Charlene Browne; David Fitch; Sheila Duane; Arthur Bergmann; John Waterman; Town Planner, Dawn Emerson; and Recording Secretary, Holly Meserve.

**APPOINTMENT OF ALTERNATE AS VOTING MEMBER**

Ms. Woodall appointed John Waterman as a voting member.

**REVIEW AND ACCEPTANCE OF MINUTES**

Mr. Fitch made a motion, seconded by Ms. Duane, to table the Minutes of August 6, 1998. Motion unanimously carried.

**TOM & C REALTY, INC. - CONCURRENT SUBDIVISION AND SITE PLAN (MAP 12, PARCEL 33C) File #FR98-10 & S98-16**

David Douglass of Thaddeus Thorne Surveys; and Tom and Curt Burke, applicants, appeared before the Board. Mr. Douglass stated that the applicant is proposing a two-lot subdivision and developing a business on one of the lots. Mr. Douglass stated that the easterly driveway is to be eliminated. Mr. Fitch made a motion, seconded by Ms. Duane, to accept the application of Tom & C Realty, Inc. as a Concurrent Site Plan and Subdivision Review. Motion unanimously carried. Ms. Woodall asked if the application is complete. Ms. Emerson answered in the affirmative. Ms. Browne made a motion, seconded by Mr. Fitch, to accept the application of Tom & C Realty, Inc. for a full Site Plan and Subdivision Review. Motion unanimously carried.

Ms. Woodall read a letter from the Redstone Fire Chief, Roland Smith. Mr. Fitch stated that he understands the concerns of the Fire Chief, but since the State has approved the driveway permit does he have any legitimate concerns. Ms. Emerson stated that the applicant has amended an existing driveway permit. Mr. Fitch asked if the letter carries any legal weight. Ms. Emerson stated that the Board can take the letter into consideration. Ms. Woodall asked the site distance to the left and to the right. Mr. Douglass stated that the site distance to the left is  $\approx$ 800 feet and to the right is to Henry Shaw's driveway. Ms. Woodall asked what is the speed limit. Mr. Bergmann answered 40 m.p.h. Ms. Woodall stated that a site visit may be necessary.

Roland Smith stated that he was more concerned with speeding cars. Ms. Woodall asked what is the posted speed limit. Mr. Smith answered 35 m.p.h. Mr. Smith stated that it is more of a safety concern because the driveway sits at the top of a hollow. Ms. Emerson asked if Mr. Smith had any solutions or suggestions. Mr. Smith stated that he would like to see the driveway closer to the Diesel Works site, but he knows it is not possible. Mr. Smith stated that the applicant just needs to be aware of a potential problem. Mr. Waterman asked how much traffic will this business generate. Mr. Curt Burke answered very little and stated that safety is also their concern.

Ms. Duane asked if the driveway could be pushed further west. Mr. Curt Burke stated that the driveway is as far as it can go. Ms. Woodall stated that the driveway is in the setback area. Mr. Curt Burke stated that the driveway was approved with the original subdivision. Mr. Bergmann asked if there was an easement for both lots. Mr. Douglass answered in the affirmative. Mr. Bergmann asked about Roger Drew's easement. Mr. Douglass stated that Mr. Drew still has an easement. Mr. Bergmann asked if the abandoned

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roadway is safe for a driveway. Mr. Smith answered not for a tractor trailer. Ms. Browne asked if the two lots will share a driveway. Mr. Curt Burke answered in the affirmative. Mr. Bergmann made a motion to continue the application. Ms. Meserve read a letter from Kenneth Kyle in regards to the driveway. Ms. Browne seconded the motion. The motion was defeated with Mr. Fitch, Ms. Duane and Mr. Waterman voting in the negative.

Mr. Fitch asked if the Board could act on the subdivision. Ms. Woodall answered in the affirmative. Ms. Browne asked if the shared driveway is approved. Ms. Emerson stated that the State has approved the shared driveway. Mr. Tom Burke stated that the road [Drew easement] was already built. Mr. Douglass stated that the Excavation Permit Plan was signed by the previous Town Planner, John Krebs. Ms. Browne stated that she is concerned with the shared driveway cut. Ms. Emerson stated that the State is trying to reduce the number of curb cuts. Ms. Woodall stated that when the land is sold the new owner's have to resubmit a driveway permit application.

Ms. Woodall stated that the road has to be out of the fifty (50) foot setback. Mr. Curt Burke stated that there is a sloped area. Ms. Emerson asked if the Board would entertain a waiver. Ms. Browne stated that she would like to conduct a site visit. Ms. Woodall asked if it meets the WD-50 template. Ms. Douglass stated that the main entrance meets the template, but not after the entrance. Ms. Duane stated that the Board is essentially asking the applicant to move their buildings back to accommodate a neighbor's right-of-way. Ms. Duane asked if there could be a vegetated buffer. Mr. Tom Burke stated that the easement only goes to a hayfield and bushes will block site distance.

Ms. Duane asked how much the farm road is used. Mr. Curt Burke answered not often. Ms. Browne stated that the Board is trying to be consistent. Ms. Browne stated that if it is not set back it creates a safety issue. Ms. Woodall stated that she doesn't know if it is a safety issue, but it is an aesthetics issue. Ms. Browne stated that she is concerned with the turning radius. Mr. Douglass stated that it is for farm use. Ms. Woodall asked for public comment; there was none. Ms. Woodall wanted to continue the hearing so the Board could review the site distance; the speed limit and where it is posted; safety issues with sunlight; if the road meets the WD-50 template; and if the dumpster is visible from the street.

Ms. Browne asked the reason for the fifty (50) foot setback. Ms. Woodall stated so that it is not developed up to the roadway. Mr. Fitch made a motion, seconded by Ms. Duane, to continue the application for Tom & C Realty, Inc. until September 3, 1998. Motion unanimously carried. The Board agreed to conduct a site visit on Tuesday, August 25, 1998 or Wednesday, August 26, 1998.

**THADDEUS THORNE & KINGDON GOULD, JR./HABITAT FOR HUMANITY - 12-LOT SUBDIVISION (MAP 7, PARCEL 37) FILE #S98-17**

David Douglass of Thaddeus Thorne Surveys appeared before the Board. Ms. Woodall asked if the application was complete. Ms. Emerson stated that the application is missing information and is not complete. Mr. Fitch asked if the applicant was aware that this is an incomplete application. Ms. Emerson answered in the affirmative. Mr. Bergmann made a motion, seconded by Ms. Browne, to deny the application for Thaddeus Throne and Kingdon Gould, Jr./Habitat for Humanity for a 12-lot Subdivision. After a brief discussion, Ms. Browne withdrew her second.

Ms. Browne made a motion, seconded by Ms. Duane, to continue the application for Thaddeus Throne and Kingdon Gould, Jr./Habitat for Humanity for a 12-lot Subdivision until September 17, 1998. Motion carried with Ms. Woodall, Mr. Bergmann and Mr. Waterman abstaining from voting. Abutters, Ray and Monica Duffy, reviewed the plans.

**GAIL MOSMAN/MINOR SITE PLAN REVIEW (MAP 48, PARCEL 4) FILE #MR98-06**

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Gail Mosman appeared before the Board. Ms. Woodall asked if Ms. Mosman she has applied for a State driveway permit. Ms. Mosman answered in the affirmative. Mr. Fitch made a motion, seconded by Ms. Duane, to accept the application of Gail Mosman for a Minor Site Plan Review. Motion unanimously carried. Ms. Emerson stated that the applicant still needs an N.H.D.O.T. driveway permit approval; and Conway Village Fire District Fire Chief Approval. The Board and the applicant discussed safety issues and disposal of hazardous waste. Ms. Emerson stated that the Board can state in the approval that RSA 314-A must be met before a Certificate of Occupancy is issued.

The Board reviewed the plan and discussed the parking. The Board wanted a scaled drawing showing the parking lot more accurately. Mr. Bergmann made a motion, seconded by Ms. Duane, to continue the Minor Site Plan Review for Gail Mosman until September 3, 1998. Motion unanimously carried.

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

Ms. Duane made a motion, seconded by Ms. Browne, to take the Roman Catholic Bishop of Manchester/George Tolley Full Site Plan Review out of order. Motion unanimously carried. Marty Risley of H.E.Bergeron Civil Engineers; and Michael Tolley, applicant, appeared before the Board. Ms. Woodall read a letter from Roger Dionne in regards to the driveway cut. Mr. Fitch stated that the Board voted down the waiver request for the proposed size of the driveway curb cut size. Mr. Fitch asked what is the applicant allowed. Ms. Emerson answered twenty-six (26) feet, but the waiver was denied because the Board wanted justification for the proposed thirty (30) feet.

Mr. Risley stated that the proposed driveway cut was a judgement call on his part. Mr. Risley stated that the driveway will be striped down the middle with fifteen (15) feet on one side and fifteen (15) feet on the other. Mr. Waterman stated that the Board did not think fifteen (15) feet would be enough. Ms. Browne stated that she is concerned with the line in between. Ms. Woodall stated that it is wider than necessary for one lane. Ms. Woodall stated that it really doesn't warrant two (2) lanes. Mr. Risley stated that the applicant is not asking for the driveway to be any wider as the traffic generation is small.

Mr. Bergmann made a motion, seconded by Ms. Duane, to reopen the waiver request for Article 123-21.F in regards to the width of the driveway cut. Motion unanimously carried. Ms. Woodall read the requirements to grant a waiver under Article 123-41. Mr. Bergmann made a motion, seconded by Ms. Browne, to approve the waiver request for Article 123-21.F. Motion unanimously carried. Mr. Bergmann made a motion, seconded by Ms. Browne, to conditionally approve the Full Site Plan Review for the Roman Catholic Bishop of Manchester/George Tolley conditionally upon a Performance Guarantee for 50% of all site improvements; a New Hampshire Department of Transportation Driveway permit approval; and this approval will have an expiration date of November 5, 1998. Motion unanimously carried.

**ROBERT BOLLINGER - 8-LOT SUBDIVISION - REVOCATION DISCUSSION (MAP 15, PARCEL 20A) FILE #S96-07**

Ms. Duane made a motion, seconded by Mr. Fitch, to take the revocation discussion of Robert Bollinger's 8-Lot Subdivision out of order. Motion unanimously carried. Paul DegliAngeli, Public Works Director, appeared before the Board. Mr. DegliAngeli stated that the developer has two options; to either provide the additional surety or construct the road. Mr. DegliAngeli stated that the purpose of the surety is so the developer will actually do what he says he is going to do. Mr. DegliAngeli stated that current bonds have a time limit. Mr. DegliAngeli stated that an RSA provides a right to revoke an approval if the surety becomes insufficient.

Mr. DegliAngeli stated that he is suggesting either the developer increase the surety and add a finish date or revoke the subdivision approval. Mr. DegliAngeli stated that by revoking the approval it prevents the developer from selling lots. Ms. Browne asked what about the contractor. Mr. DegliAngeli stated that the contractor walked off the job in September of 1997. Mr. Fitch asked if the Town hires an inspector. Mr. DegliAngeli stated that in the past there were no inspectors. Mr. Fitch asked who did the Town hire. Mr.

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DegliAngeli answered CMT Construction. Mr. Fitch asked if before the contractor walked off the job was the road being constructed to Town specifications. Mr. DegliAngeli answered almost and there are letters in the file in regards to the road.

Mr. DegliAngeli stated that there is a balance of \$12,644 left from the \$80,000 the Town received. Mr. DegliAngeli stated that the Town made payments as the work was done and accepted. Mr. DegliAngeli stated that the work has sat unprotected for a year and work that was paid for needs to be redone. Mr. DegliAngeli stated that cost estimates are up. Mr. Fitch asked if the original surety was enough to finish the project. Mr. DegliAngeli answered in the affirmative. Mr. DegliAngeli stated that it is unfair to sell lots to the public. Ms. Woodall asked if Mr. DegliAngeli has spoken to the developer. Mr. DegliAngeli answered in the affirmative. Ms. Woodall asked the developers response. Mr. DegliAngeli stated that the developer asked him to send what he needs to do.

Mr. Bergmann made a motion, seconded by Ms. Duane, to hold a public hearing on September 3, 1998 in regards to the revocation of the Robert Bollinger 8-Lot Subdivision (Map 15, Parcel 20A) File #S96-07. Motion carried with Mr. Fitch voting in the negative.

**PUBLIC HEARING - SIGN ORDINANCE - ARTICLE 147-19.C(5)**

Ms. Woodall asked for public comment; there was none. Ms. Duane made a motion, seconded by Mr. Bergmann, to approve the amendment to the sign ordinance, Article 147-19.C(5) as written. Motion carried with Mr. Fitch voting in the negative.

**LETTER TO MARK RICHARDSON, BUREAU OF RIGHT-OF-WAY**

The Board agreed to have the Chairman sign the attached letter and send to the Board of Selectmen for their signature.

Meeting adjourned at 9:50 p.m.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary