

CONWAY PLANNING BOARD

MINUTES

OCTOBER 1, 1998

A meeting of the Conway Planning Board was held on Thursday, October 1, 1998, beginning at 7:02 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chairman, Catherine Woodall; Selectmen's Representative, Jac Cuddy; Vice Chairman, Charlene Browne; Robert deFeyter; David Fitch; Sheila Duane; Arthur Bergmann; Robert Barriault; John Waterman; Town Planner, Dawn Emerson; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Fitch made a motion, seconded by Mr. Barriault, to approve the Minutes of September 3, 1998, as written. Motion unanimously carried.

The Minutes of September 17, 1998, should be amended as follows: page 2, paragraph 3, line 3, should read, "...were a part of the ..."; page 3, paragraph 4, line 5 should read, "...of a driveway. Ms. Woodall asked if this was a road or a right-of-way. Atty. Hastings..."; page 2, paragraph 3, line 6, should read, "...subdivisions. Mr. deFeyter stated that the plan should show the driveway into the property and the right-of-way across the front. Atty. Hastings...". Mr. Bergmann made a motion, seconded by Mr. deFeyter, to approve the Minutes of September 17, 1998, as amended. Motion unanimously carried.

CONWAY POST OFFICE/BOARD OF SELECTMEN - DISCUSSION ON LOCATION OF CONWAY VILLAGE POST OFFICE

Jim Somerville, Town Manager; Michael Valladares, Selectmen; Bayard Kennett, Selectmen; Chris Madden, Post Office; Paul Curtain, Post Office; and Don Wilson, Post Office, appeared before the Board. Ms. Woodall asked if the Post office has determined a site. Mr. Wilson answered in the negative. Mr. Wilson explained the current delivery process. Mr. Valladares asked if there would be delivery in the Village. Mr. Wilson stated that the post office has a 1/4 mile rule from the existing facility. Mr. Wilson stated that you currently have rural delivery. Mr. Wilson stated that anyone along the travel route can obtain delivery. Mr. Wilson stated that we will work on getting the best service depending on the location.

Mr. Valladares stated that they would like to see the number of trips down to the post office cut. Mr. Valladares stated that he would like to see service similar to Fryeburg, Maine where everyone has door-to-door delivery. Mr. Valladares stated that they are trying to cut down on vehicle traffic. Mr. Wilson stated that it will depend on the location. Mr. Barriault stated that we are looking to mitigate traffic and be pedestrian friendly. Mr. Barriault asked if they have considered other alternatives other than just the site, such as alternative delivery. Mr. Wilson stated that he does not think they need to change the type of delivery. Mr. Wilson stated that they need to make it so the trucks can deliver to the facility as well as make it pedestrian friendly. Mr. Wilson stated that delivery is secondary. Mr. Wilson stated that we need a site that is going to work for the Post Office and the Town.

Ms. Browne stated that if you provide door-to-door delivery the specifications for the site might change. Mr. Wilson stated that you are still going to have a lot of rented boxes at the Post Office. Mr. Wilson stated that we can satisfy all are wishes, but we need to choose a site. Mr. deFeyter asked if they are considering satellite locations. Mr. Wilson stated that they are not adverse to doing anything for the Town or the Post Office. Mr. Wilson stated that they can do almost anything. Mr. Curtain stated that the community needs a 65,000 s.f. facility. Mr. Wilson stated that we are user friendly and we will be user friendly.

Ms. Browne asked Mr. Wilson to identify the Post Offices criteria's in locating a site. Mr. Wilson stated that they need a site big enough for the size facility we need. Mr. Cuddy stated that he is concerned with

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any location on Route 16 because of the traffic. Ms. Browne stated that they should really look at Conway Marketplace because there are so many ways to get in and out. Ms. Woodall stated that there may be a contamination problem. Ms. Browne asked if these are the final sites. Mr. Curtain stated that he does not know. Mr. Madden asked why Ms. Browne asked if these are the final sites. Ms. Browne stated that most of the sites are on Route 16 which will cause traffic problems.

Mr. Somerville asked if it is policy of the Post Office to respond to solicitation or do you look for a site and see if the owner is willing to sell. Mr. Somerville suggested that they readvertise because they don't have a good site. Mr. Madden stated that they could accept another site without advertising, but we don't want this to go on much longer. Mark Ohlson, who owns Stone's Corner, stated that he thinks they have all the sites that are available. Mr. Madden stated that they started looking for sites in the Spring. Mr. Bergmann asked who picked the way it was advertised. Mr. Madden explained the process and where they advertised. Ms. Browne asked if someone could contact you with a potential site. Mr. Madden answered in the affirmative.

Donna Ray Kendell, Post Master, stated that they sent out flyers and they received a lot of feedback, but that feedback is starting to dwindle. Mr. Kennett stated that the Town was crawling with developers looking for a site and there are very few stones left unturned. Mr. Kennett stated that Conway Village is where we want the Post Office located. Mr. Cuddy stated that he would rather see it located at Stone's Corner than on Route 16. Mr. Wilson stated that the Murray property was popular according to the Board of Selectmen's Minutes. Mr. Kennett stated that there is a difference between Route 16 outside the Village and Route 16 inside the Village. Mr. Kennett stated that in the Village is more acceptable than on the higher speed road. Ms. Woodall asked the time frame on moving its location. Mr. Madden stated that the lease on the Post Office expires in April, 1999.

Mr. Wilson stated that the post office will do the best they can to meet the Town's needs and our needs. Mr. Wilson stated that we will work together. Ms. Woodall polled the Board to see if they wanted the Post Office located some where between the railroad tracks and the bridge. Mr. Fitch, Mr. Bergmann, Mr. Waterman, Mr. deFeyter, Ms. Duane and Mr. Cuddy agreed. Mr. Barriault stated that he agreed as long as they provided detach lock boxes and satellite sites. Mr. Barriault stated that he would like to see the location in the Village if they provide for those who do not want to negotiate traffic. Ms. Woodall agreed specifically with Stone's Corner. Ms. Browne agreed and stated that it needs to be a central part of the community.

STAN SZETELA/SWIFT RIVER RIDGE (MAP 7, PARCEL 33) FILE #88-21

Stan Szetela appeared before the Board. Ms. Emerson stated that the roads have been brought up to Town Specifications and the plans have been approved and signed by Town Engineer, Paul DegliAngeli. Mr. Cuddy made a motion, seconded by Mr. Fitch, to finally approve the plans for Stan Szetela/JRS Associates/Swift River Ridge. Motion carried with Mr. Bergmann abstaining.

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

David Douglass of Thaddeus Thorne Surveys; and James Progin, Mark Brown, and Ted Pettingell of Habitat for Humanity appeared before the Board. Ms. Emerson stated that the Board needs to determine if the application is complete. Ms. Emerson stated that she believes the application to be complete. **Mr. Cuddy made a motion, seconded by Ms. Duane, to accept the application of Thaddeus Thorne and Kingdon Gould, Jr./Habitat for Humanity for Subdivision Review.** Mr. deFeyter stated that he thought there was another problem with this application. Mr. Cuddy stated that the problem is not a part of determining if this application is complete. **Motion carried with Mr. deFeyter voting in the negative.**

Mr. Barriault stated that when looking at the site plan he brought up an issue in regards to the cul-de-sac which departs significantly from the road standards for a cul-de-sac. Mr. Barriault stated that he brought this to Ms. Emerson's and Paul DegliAngeli's attention. Mr. Barriault stated that he believes they spoke to

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Mr. Douglass and he is curious on Mr. Douglass' comments. Mr. Douglass stated that 1:10 this afternoon was the first time he heard of this concern. Mr. Douglass stated that he started this design in the spring and he first proposed a one-way, circular road, but staff disagreed with it. Mr. Douglass stated that there is a minimum, not a maximum. Mr. Douglass stated that this is a very good design.

Mr. Barriault stated that he does not have an ax to grind with Mr. Douglass. Mr. Barriault stated that whether intentionally or not intentionally it is a way to curb the regulation. Mr. Barriault stated that it is to provide 100 feet of frontage for those five (5) lots. Mr. Barriault stated that frontage is from the paved road. Mr. Barriault stated that if you're extending the existing lot lines to the fifty (50) foot radius then he is assuming that the intent is to pave the entire radius. Mr. Barriault stated that you'd be lucky to get two (2) lots that comply with the 100 foot frontage. Mr. Barriault stated that the regulation was changed to avoid too many driveways where you have to remove snow. Mr. Barriault stated that presently written the design for a cul-de-sac is a minimum, so it sounds like you can make it as large as you want. Mr. Barriault asked if it is the applicant's intention is to pave 200 feet across. Mr. Barriault stated that this does not comply with the regulation. Mr. Barriault stated that this is such a departure from the regulation and the intent. Mr. Barriault stated that to provide any type of waiver is just opening a Pandora's box for anyone to increase the radius size to get as many lots on it that you want. Mr. Barriault stated that it skirts the regulation.

Mr. Fitch stated that he expects the applicant is looking for this to be taken over by the Town. Mr. Douglass answered in the affirmative. Mr. Fitch stated that it would have to be paved. Mr. Fitch asked if the applicant is asking for a waiver for this turn around. Mr. Barriault answered in the negative and stated that the only way around this would be to request a waiver. Mr. Douglass stated that this plan started out with a one-way road, but the planner and the Town Engineer did not agree with it. Mr. Douglass stated that they were fine with this design until today. Mr. Douglass stated that there is not going to be 200 feet of pavement. Mr. Bergmann stated that the cul-de-sac at the end of Butternut Lane is the same way.

Ms. Emerson apologized to Mr. Douglass and stated that she did speak to him in regards to this situation around 1:00 this afternoon. Ms. Emerson stated that staff missed this and did not see it until someone brought it to our attention. Ms. Emerson stated that when something is brought to her attention she cannot ignore it. Ms. Emerson stated that a one-way street was not brought to her attention and she cannot speak for Mr. DegliAngeli. Ms. Woodall read Article 147-17.1 of the Conway Zoning Ordinance and stated that the cul-de-sac design has to comply with this regulation. Mr. Douglass stated that it says a minimum. Mr. Barriault stated that he agrees that it does say a minimum, but it does say frontage on a paved road. Mr. Douglass stated that frontage is based on the right-of-way.

Mr. deFeyter stated that the second issue is the other cul-de-sac. Mr. deFeyter stated that it does not meet Town standards. Mr. deFeyter stated that he spoke to Conway Village Fire District Fire Chief, Larry Wade, today and the basis for a 60 foot cul-de-sac is for the fire trucks. Mr. deFeyter stated that the Butternut Lane cul-de-sac does not accommodate those specifications. Mr. Douglass stated that it is an accommodation to the Town. Ms. Woodall asked who owns Butternut Lane. Arthur King stated that he has a right-of-way over Butternut Lane, but nothing says it is a Town road. Mr. King stated that it has been maintained by the Town for a long time. Mr. Bergmann stated that the applicant is saying that it is a benefit to the Town, but it is so the applicant can build on that lot. Mr. Douglass stated that he doesn't disagree, but it is an accommodation for the Town.

Ms. Emerson stated that it is created so the lot has frontage, but it is also a benefit for the Town. Ms. Emerson stated that the Town is currently maintaining Butternut Lane and has for many years. Ms. Emerson stated that the benefit for the Town is now they will have a place to store snow and turn around. Ms. Emerson stated that the applicant should submit a waiver for the Board to accept a partially created cul-de-sac. Mr. deFeyter asked if a full cul-de-sac could be constructed. Mr. Douglass answered in the affirmative, but the lot would be odd shaped. Mr. deFeyter stated that if you want the benefit of it then it should be a cul-de-sac by Town standards. Mr. deFeyter stated that if the whole purpose was for a turn around then it should be able to handle that especially as a liability. Mr. Douglass stated that we have a unique situation. Mr. King stated that in 1950 his deed did not say that Butternut Lane was a Town road

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and it has never been accepted by the Town since he has been there. Ms. Duane asked if Mr. DegliAngeli approved the cul-de-sac on Butternut Lane. Ms. Emerson stated that he has approved the idea, but she does not know about the design. Mr. deFeyter stated that Mr. DegliAngeli agrees that there is a benefit to the Town, but it doesn't meet Town standards.

Ms. Duane asked if Mr. Wade approved the cul-de-sac. Ms. Woodall stated that his letter only refers to snow storage. Ms. Woodall stated that there are still a lot of issues that need to be addressed. Ms. Duane stated that she thought this was going to be brought forward in two phases and the Board this evening was only going to discuss Phase I. Ms. Emerson stated that originally that was the plan, but not an option for them at this time. Mr. Brown stated that this is a betterment for the community and there is a lot of money at stake and asked if the Board could grant conditional approval. Ms. Woodall stated that conditional approval can only be granted for Administrative items. Mr. Progin stated that this is a legal interpretation and they will have legal representation at the next meeting. Ms. Woodall stated that they can have legal representation at the next meeting.

Ms. Woodall stated that the waiver submitted is incorrectly written as it needs to specifically state a section to be waived. Mr. Barriault stated that he does not have a problem with the cul-de-sac on Butternut Lane. Mr. Barriault stated that there has to be a way around this. Mr. deFeyter stated that he disagrees with Mr. Barriault in regards to the cul-de-sac on Butternut Lane, as it has to be built to Town standards. Mr. Bergmann stated that in the Minutes of September 17, 1998, Mr. Allen states that it will be constructed to Town standards.

Mr. Cuddy stated that all new roads have to be constructed to Town standards, but cannot be accepted by the Town until brought forward to the Town. Ms. Woodall stated that there are several issues that need to be resolved and would accept a motion to continue. Mr. Cuddy asked if the area around the cul-de-sac could be considered common land with accessibility to the cul-de-sac. Mr. Barriault stated that the change was to reduce the number of driveways on a cul-de-sac. Mr. Barriault stated that with this design there is approximately 40 feet between each driveway.

Mr. Fitch asked if the Board has any other problems with this plan. Ms. Woodall stated that her big concern were the cul-de-sacs. Ms. Duane asked if conditional approval could be granted on cul-de-sac design. Ms. Woodall answered in the negative and stated that the conditions can be administrative only. Mr. Pettingell stated that the application was held up last time because of a technicality and now your wasting our time. Mr. Pettingell stated that the Board deserves to give a conditional approval. Ms. Woodall stated that the rules are the rules and they have to be met before approval can be granted.

Ms. Emerson asked if there were any 3:1 issues. Mr. deFeyter stated that he just wasn't sure how to interpret, but he doesn't have a problem with the lots. Mr. deFeyter made a motion, seconded by Mr. Bergmann, to continue the application for Thaddeus Thorne and Kingdon Gould, Jr./Habitat for Humanity until October 15, 1998. Motion carried with Mr. Cuddy and Ms. Duane abstaining. Mr. Progin stated that their legal council will be present at the next meeting. Mr. Douglass stated that there ordinance has a minimum, but it does not state a maximum. Mr. deFeyter made a motion, seconded by Mr. Bergmann, to have Town Council, Peter Hastings, present at the October 15, 1998 meeting. Motion carried with Ms. Duane voting in the negative.

JOINT MEETING BETWEEN PLANNING BOARD AND CONSERVATION COMMISSION

Conrad Briggs; Paul Pinkham; Al Hatch; Paul Whetton; Candy Armstrong; Chuck Broomhall; and Dan Lucy, members of the Conway Conservation Commission met with the Planning Board to review the proposed wetland ordinance created by Glen Harbeck. Both Boards reviewed concerns and changes.

OTHER BUSINESS

Roman Catholic Bishop of Manchester/George Tolley - Full Site Plan Review (Map 62, Parcel 9) File #FR98-09: Ms. Duane made a motion, seconded by Mr. deFeyter, that all the conditions have been met

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and to grant final approval to the Roman Catholic Bishop of Manchester/George Tolley. Motion unanimously carried.

Meeting adjourned at 10:30 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary