

CONWAY PLANNING BOARD

MINUTES

JUNE 22, 2000

A meeting of the Conway Planning Board was held on Thursday, June 22, 2000, beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Stacy Sand, Vice Chair (Acting Chair); Selectmen's Representatives, Mark Hounsell and Gary Webster; Robert deFeyter; Arthur Bergmann; John Waterman; Conrad Briggs; Alternate, Martin Frank; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Briggs made a motion, seconded by Mr. Waterman, to approve the Minutes of June 1, 2000 as written. Motion carried with Mr. Hounsell and Mr. Bergmann abstaining from voting.

The Minutes of June 8, 2000 should be amended as follows: page 3, paragraph 5, line 4, should read, "...for the minimum width for two-way traffic aisles in parking lots and a minimum of twenty-feet is for commercial driveways. Motion unanimously..."; and page 5, paragraph 1, line 6, should be added, "...permits. Mr. deFeyter stated that it was his understanding that an "F" permit would allow the serving of coffee and canned fruit drinks."

Mr. Briggs made a motion, seconded by Mr. deFeyter, to approve the Minutes of June 8, 2000 as amended. Motion carried with Mr. Hounsell, Mr. Bergmann and Mr. Waterman abstaining from voting.

APPOINTMENT OF ALTERNATE MEMBER

Mr. Frank was appointed a voting member for the evening.

JOAN BRASSILL/NORTH CONWAY RETIREMENT VILLAGE, LLC. – CONCURRENT SITE PLAN AND SUBDIVISION REVIEW CONTINUED (1999 TAX MAP 246, PARCEL 23/OLD TAX MAP 60, PARCEL 2) FILE #FR00-06 AND S00-05

Stephen Hallett, Seafarer Development; Charlotte Maloney, Gawron Architects; and Eric Wilhelmson, Tectonic Engineering, appeared before the Board. Mr. Hallett stated at the last meeting there was an issue regarding the retaining wall. Mr. Hallett stated that the plans have been revised to show the retaining wall. Mr. Hallett stated that he received a phone call from the State in regard to their site-specific permit and the State has requested a new set of plans.

Mr. deFeyter stated that the Board received this information today and the requirement states that it is in two days ahead of time. Mr. Irving stated that we received a facsimile of the detail change, but the plans were not to the Board within 48 hours. Mr. Irving stated that the engineering staff has not reviewed the new information. Ms. Sand asked about the status of the other outstanding items. Mr. Irving stated that the Town Attorney is satisfied with the condominium documents, but we have not received anything in writing. Mr. Irving stated that there were three engineer items that needed to be addressed.

Mr. Hallett stated they have addressed those concerns they are just waiting for a review by the engineer. Mr. Bergmann asked if these items are still outstanding what are we expected to do tonight. Ms. Sand stated there are some items that the Board can deal with tonight as the information is there. Mr. Hounsell asked about the underground gas. Mr. deFeyter stated that these materials are required under our standards two days ahead of time. Mr. deFeyter stated that the Board should not give conditional approval. Mr. deFeyter stated also the sidewalks need to be concrete. Mr. Irving stated for the Town to accept the road.

Mr. deFeyter referred to Article 131-67.C(3). Mr. Irving stated if this was a public road they would need to satisfy the requirement. Mr. Irving stated for a road to be accepted by the Town the sidewalks would need

to meet that ordinance. Mr. deFeyter stated that the requirement is also in site plan. Mr. Hounsell stated we should settle one item before moving to another. Ms. Sand stated that the Board should address the gas situation first. Mr. Hounsell asked if the note on the plan regarding the gas should say something else. Mr. Irving stated that he has not received specific wording regarding NFPA 58. Mr. Hounsell stated that anyone installing it would use that requirement. Mr. Hounsell stated that it is legally binding to put it in right.

Mr. Briggs stated that he would concur. Mr. Waterman stated that he would be in favor. Mr. deFeyter stated that the code should be referenced. Mr. Hounsell stated that he thinks it is referenced. Mr. Hounsell stated that you would not see any installer not do the work to code because of the statement on the plan. Mr. Hounsell stated that they are not going to put it in any other way then by NFPA 58. Mr. deFeyter asked if we have an understanding with the Building Inspector and the Town Engineer. Mr. Irving stated that we haven't received a report. Mr. Irving stated before any final approval is granted the engineer should sign it off. Mr. Frank stated that he doesn't have any problem. Ms. Sand stated that the Board concurs that it is not necessary, but the engineer may request it.

Ms. Sand stated that the Board should now address the sidewalk issue. Ms. Sand stated that it was her understanding that it was not a requirement for a private road, but now there is information that differs that. Mr. deFeyter stated that Article 131-45 refers to Article 131-67.C(3). Mr. deFeyter stated that roads and sidewalks have to be built to that standard. Mr. Irving stated that it is up to the Board to determine if they will apply that standard to a private road. Mr. deFeyter asked if we require roads to be constructed to town standards. Mr. Irving stated that the engineer has approved the road layout.

Mr. Briggs made a motion, seconded by Mr. Hounsell, to accept Mr. Irving's and the Town Engineer's approval of this portion of the plans. Mr. Frank referred to Article 131-67.C(3) and referenced "...four or more lots...". Ms. Sand asked the applicant if they had any problems with putting concrete sidewalks through out the entire site. Mr. Hallett stated that there have been lengthy discussions regarding this topic and they thought they were all set. Ms. Maloney stated for sidewalks with not much use the proposed material is sufficient. Ms. Maloney stated that they did call for a clarification and they did receive a verbal okay for bituminous concrete.

Mr. Briggs stated that we have already discussed this and we accepted it as a private road and if it became a town road it would have to be concrete. Mr. Briggs stated that he thought the Board had already resolved this. Mr. Irving stated the Board can ask the engineer to review this to determine if a road and a sidewalk are the same. Ms. Sand polled the Board to determine if this is this inclusive of sidewalks. Mr. Waterman stated that they should be concrete. Mr. Bergmann stated that the Minutes of June 8, 2000 state that they will be asphalt from Route 16 then turn to concrete. Ms. Maloney stated it then turns back to asphalt. Mr. Frank stated that he doesn't have a difference in materials, but where does it say asphalt is okay. Mr. Hounsell stated the street standards include sidewalks.

Ms. Sand referred to Article 131-43. Mr. Irving stated that he would refer it back to the engineer. Ms. Sand asked is it inclusive of driveways or the sidewalk it self. Mr. deFeyter referred to Article 123-30.A. Mr. deFeyter stated that he spoke to the State in regard to their sidewalk regulations and they are the same for the Town. Ms. Sand asked if Article 131-43, "Private roads servicing four (4) or more lots or units shall conform...", includes the sidewalks. The Board unanimously agreed that it is inclusive of sidewalks.

Ms. Sand referred to Article 131-45. Mr. Hounsell asked if it is private or public. Ms. Sand stated that it does not specify. Ms. Sand stated that she thinks the standards have been reviewed and the Board needs to make a determination. Ms. Sand stated that the Board can determine the applicant needs concrete sidewalks, wait for the engineer or accept the plans as presented. Ms. Sand stated that the engineer has approved the plans as presented. Mr. Frank asked if a waiver would be necessary if it doesn't meet the regulations. Ms. Sand answered possibly. **Motion was defeated with Ms. Sand, Mr. deFeyter, Mr. Bergmann and Mr. Frank voting in the negative.**

Mr. Irving asked the Board for a clarification of the policy for sidewalks for public and private. Mr. Bergmann referred to page 39 of the Subdivision Regulations. Ms. Sand stated that standards apply to

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sidewalks private or public. Mr. deFeyter asked if the Board wants to consider a waiver. Mr. Hallett stated that don't mind concrete, but they would have to reevaluate it to see if it is feasible. Mr. Hounsell stated that he voted for the motion because indication for this to the applicant was that this was acceptable. Mr. Hounsell stated that he can see the validity of Mr. deFeyter, Mr. Bergmann and Mr. Frank. Mr. Hounsell stated that Mr. Irving has asked for a clarification for a site standard. Mr. Hounsell stated that we have clear language that it is a site standard. Mr. Hounsell stated that he would like to see this section changed.

Mr. deFeyter stated that he would like to point out that there are other people that we have required it . Mr. deFeyter stated that the Board required Rock Development to put in concrete sidewalks. Mr. deFeyter stated that the Board should consider if a waiver is appropriate. Mr. deFeyter stated that the Board should have the applicant review this and have the Board review the possibility of granting a waiver. Mr. Irving asked that the Board clarify whether or not the sidewalk requirement applies to private and public roads. Mr. Irving stated since the Board did agree to the material at the last meeting a waiver should be considered.

Mr. Hounsell stated that it refers to all roads, public and private. Mr. Briggs stated that both Mr. Irving and the Town engineer have approved this design and the Board should stick by that decision. Mr. Irving stated that he would like absolute clarification on the sidewalk issue for private roads. Mr. deFeyter stated that he spoke to Paul DegliAngeli and he agreed that the standard was concrete. Mr. deFeyter stated that it is clear that it is concrete and he doesn't see any other option available. Ms. Sand asked if the Board is going to apply this standard to all roads, public and private. Mr. Briggs stated that it should in the future. Mr. Frank stated that it seems clear that it applies to all. Mr. Bergmann stated that the RSA says that it has to. Mr. deFeyter, Mr. Waterman, and Ms. Sand agreed.

Mr. Irving stated that the applicant should request a waiver. Mr. Bergmann stated that he has a problem with writing a waiver at the meeting. Mr. Bergmann stated that no waiver was noticed that it would be discussed. Ms. Sand stated that this is the third meeting and a last minute item brought to the Board. Ms. Sand stated that this was discussed at the last meeting and she thinks an exception is totally appropriate. Mr. Hounsell stated that he thinks there has been plenty of opportunity for people to come and discuss this issue. Ms. Sand stated that there is a public comment period before voting on the waiver. Mr. Bergmann stated if they are here. Ms. Sand stated that this is a noticed meeting. Mr. Frank stated that some times things come up when you don't see them the first time.

Ms. Sand asked if anyone was opposed to this issue being addressed. Mr. Waterman stated that he is in favor of the waiver, but he thinks the Board is setting a dangerous precedent. Mr. Waterman stated that this case is justified, but it is a Board precedent. Mr. deFeyter stated that he is uncomfortable with pulling waivers out of a hat. Mr. deFeyter stated that he would suggest the Board ask the applicant to review the situation and then come back to the Board with a waiver request. Mr. Hallett stated with all due respect they submitted their plans and now there seems to be new issues. Mr. Hallett stated that he is more willing to submit a waiver. Mr. Hallett stated if the cost is in range they will gladly comply, but we did review this before. Ms. Sand stated that she is willing to accept the waiver for consideration this evening. The Board agreed to consider the waiver this evening with Mr. deFeyter and Mr. Bergmann opposed to discussing the waiver this evening.

Mr. Bergmann stated that the law states that everything should be in within 48 hours. Mr. Bergmann stated that it is a Board policy of writing waivers at this table 45 minutes into the meeting. Ms. Sand read the waiver request for Article 131-67.C. Ms. Sand read the requirements to grant a waiver. **Mr. Hounsell made a motion, seconded by Mr. Briggs, to grant the waiver for Article 131-67.C.** Ms. Sand asked for public comment; there was none. Mr. Frank asked the applicant if they are requesting the waiver tonight. Mr. Hallett answered in the affirmative. Ms. Sand read the justification of the waiver request. Mr. Frank stated that he is concerned with lesser quality materials, but the town engineer has said it is suitable. Mr. Irving stated that the Town Engineer has said they are okay.

Mr. Frank asked if this would be nullifying the intent. Mr. deFeyter stated that the intent is to have sidewalks. Mr. deFeyter stated that he is concerned with the quality. Mr. deFeyter stated that the major intent is to have sidewalks and if they are not concrete then asphalt is a good second. Mr. deFeyter stated

that he is not in disagreement with the waiver, but concerned with acting on it without sufficient notice.

Motion carried with Mr. deFeyter and Mr. Bergmann voting in the negative.

Ms. Sand asked the applicant if they met with the abutter regarding the easement and the retaining wall. Mr. Hallett stated that they have gone with the retaining wall (Sheet C-101). Mr. Wilhelmson stated that the wall is approximately 300 feet in length, three feet from the property line. Mr. Wilhelmson stated that it will be six to ten feet in height, which will be determined in the field. Mr. Hounsell stated that they can be beautiful, but they do need a good footing. Mr. Wilhelmson stated that Sheet G-113 shows the details of the retaining wall. Mr. deFeyter asked about the detail for the guardrail. Mr. Wilhelmson stated that it is the same as before (Sheet C-109). Mr. deFeyter asked if the retaining wall is similar to what they used in front of Shaw's. Mr. Hounsell stated that it is shorter.

Mr. Briggs asked if this meets our requirements. Mr. Irving stated that he does not know as he does not have the Engineer's report yet. Mr. Briggs asked if the only issue is whether this meets structural standards. Mr. Irving stated that the primary concern is integrity of the wall. Mr. deFeyter asked what will the retaining wall do to the landscaping. Ms. Maloney referred to an 8-1/2 x 11 sheet showing the retaining wall. Mr. deFeyter asked what will happen with the abutters. Mr. Hallett stated that the negotiations did not go any further and he opted for the retaining wall and fee for the landscaping.

Mr. Bergmann asked if the slope will determine the height of the wall. Mr. Hallett stated the edge of the road pitch to the grade will be gentler. Mr. Bergmann asked how the Board could approve a wall that could be ten feet or one foot in height. Mr. Hallett stated that it is an in the field item. Mr. Bergmann asked if the retaining wall will be ten feet all the way across. Mr. Wilhelmson answered not necessarily. Mr. Wilhelmson stated at the steepest point it could be ten feet. Mr. Wilhelmson stated that the height can vary. Mr. Irving stated that the height of the wall will not exceed ten feet at any point. Mr. Bergmann asked how long will it be at ten feet. Mr. Irving stated that you would have to refer to the cut sheets for the contours. Mr. Wilhelmson referred to Sheet C-108.

Ms. Maloney stated that the worst scenario would be 50 feet at ten feet high, but that is unlikely. Mr. Hounsell asked the potential damage to the root system. Ms. Maloney stated that they are not going off their property. Ms. Maloney stated up to 50% of root system can be damaged and the tree will live. Ms. Maloney stated that there are definitely ways to make sure they don't die. Mr. Hounsell asked the depth of the wall. Mr. Wilhelmson answered 1-1/2 feet. Mr. Irving stated that there may be a frost concern.

Ms. Sand asked for public comment; Faye Melendy stated that she is representing Mr. and Mrs. McClure. Ms. Melendy stated that her clients have sought to address the issues regarding the trees and has reports from an Arborist and a Forester. Ms. Melendy stated that the Board should define that the wall as proposed is a structure and should not be allowed in the setback. Ms. Melendy read the definition of a structure and stated that the Board should review the exclusions and read the sentence together. Ms. Melendy stated that the wall should be out of the setback as it will minimize potential harm to the trees.

Ms. Melendy stated that the trees are in excess of 100-years old and very important to the abutters given the nature of their business. Ms. Melendy stated that she does not think the Board can make a determination without taking that into account. Ms. Melendy stated that this will have an impact on the abutter's property and it should be moved so it will make less of an impact. Ms. Sand asked what are the specialists saying that the impact is. Ms. Melendy read the conclusions from each letter. Mr. Hounsell stated that the section quoted is from the zoning ordinance. Ms. Sand stated at the last meeting we voted to agree that it was not a structure. Ms. Melendy stated that she does not recall that. Ms. Melendy stated that we provided impact on possible grading around these trees.

Mr. Irving asked if the forester and the arborist were making the assumption that the retaining wall was on the property line. Ms. Melendy stated at or near the property line. Ms. Maloney reviewed some techniques to be used around the trees to ensure minimal impact to the trees roots. Ms. Maloney stated that five or ten feet does not make a difference and we do not want them to die either. Ms. Melendy stated that her clients appreciate the efforts to shield this from their property, but the issue is we simply want that wall as far away as possible to avoid the impact on the adult trees. Mr. Hounsell asked specifically how far is that

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setback. Ms. Melendy stated that they are only legally entitled to request that given the length and height of this wall it should be considered a structure and cannot be built in the setback.

Mr. deFeyter asked whether it is close to the line or ten feet back will it really make a difference. Mr. Hallett answered in the negative and stated that they are willing to take precautions. Ms. Melendy submitted copies of each of the reports to be a part of the record. Mrs. McClure read a letter addressed to them from Mr. Hallett. Mrs. McClure stated if they moved everything back a little it would be safer for the retirees. Ms. Sand asked if there was any further public comment; there was none. Ms. Sand closed the public hearing at this time.

Mr. deFeyter stated that the Board has received new information and they should have time to digest it. Mr. deFeyter suggested continuing the application to the next meeting. Mr. Hounsell stated that the abutter has received information and we have heard some rebuttal. Mr. Hounsell stated that we have letters signed by experts. Mr. Hounsell stated that he has a problem with a wall not being a structure, but he is not sure under the law if we can treat it as a structure. Mr. Hounsell stated that it comes down to the health of these trees and he thinks this can be worked out. **Mr. Bergmann made a motion to continue the full site plan review for Joan Brassill/North Conway Retirement Village, LLC until July 13, 2000.**

Mr. Irving asked specifically what is it that the Board wants staff to do for the next meeting. Ms. Sand stated that the engineer needs to review the new information. Mr. deFeyter stated that we had an issue before with the definition and we could not use the zoning definition for other ordinances. Mr. deFeyter stated that the only definition we have for structure is in zoning and asked if we can use the definition in zoning for site plan and subdivision applications. Mr. Frank asked if it would make any difference if that wall was moved back two feet. Mr. Hounsell stated if you move it back you will be effecting the cul-de-sac. Ms. Sand stated that you cannot put it back a foot or two without effecting something else. Mr. Wilhelmson stated the closer to the road we would have to take traffic into account and make a sturdier wall.

Mrs. McClure stated that it should meet the setbacks. Mr. Hounsell stated that ten feet is not going to make a difference from three feet. Mrs. McClure stated that that is not the opinion that we received. Mr. deFeyter asked if the first choice was to fill. Mr. Hallett answered in the affirmative as well as tree wells. Mr. deFeyter stated that it would be the most attractive, safe and desirable being the least expensive. Mr. Hallett stated that it is not the least expensive. Mr. deFeyter suggested continuing the application to determine if the wall is a structure and to review reports. Mr. Irving stated that it is a structure, but in the definition of structure it excludes retaining walls. Mr. deFeyter stated Ms. Melendy pointed out that it talks about garden walls and a ten-foot high wall is not that. Mr. deFeyter stated that we should review it, but not change mid-stream.

Mr. Hallett asked if there is a legal requirement that they have not adhered to. Mr. Bergmann stated that we need the engineer's approval. Mr. Hounsell stated that you are adversely effecting the abutter. Mr. Hallett stated that every time he comes back it seems there are issues to just stop it. Mr. Hounsell stated that the issue we need to address is the impact on the abutter. **Mr. deFeyter seconded Mr. Bergmann's motion. Motion carried with Ms. Sand voting in the negative and Mr. Frank abstaining from voting.** Mr. Irving stated that the issues remaining are the Engineer's report which needs to address the design of the retaining wall, change to cost estimate, change to gas detail and the impact on the abutter. Mr. Hounsell left at this time and Mr. Webster joined the Board at this time.

ROCK DEVELOPMENT – MINOR SITE PLAN REVIEW (1999 TAX MAP 235, PARCEL 78/OLD TAX MAP 15, PARCEL 21) FILE #MR00-11

Roger Williams, Project Manager; and Mark Lucy of White Mountain Survey Company, Inc., appeared before the Board. Mr. Lucy stated that this application has been approved, but the applicant is requesting a reduction to the building by 1,000 square feet and modifications to the parking layout. Mr. Lucy stated that it mostly remains the same. Mr. Irving reviewed his staff report. Mr. Irving stated that there were two pending issues. Mr. Irving stated that the drainage has been approved. Mr. Irving stated that the North Conway Fire Chief went to the site with the largest equipment, marked the layout of the parking and the

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truck was able to get through. Mr. Irving stated that we are waiting for a letter of confirmation, but we do have a verbal okay. Mr. Briggs made a motion, seconded by Mr. Waterman, to accept the application of Rock Development as complete for a minor site plan review. Motion unanimously carried.

Mr. Bergmann asked what are the changes to the entrance. Mr. Lucy stated that it is four feet wider; there is a patron island directly opposite entrance; and the island is angled. Ms. Sand asked where is the reduction to the building. Mr. Lucy stated that it is ten feet further away from Barnes Road. Ms. Sand asked if the waiver for the two driveways needs to be voted on again. The Board unanimously agreed that the waiver did not need to be acted on again.

Ms. Sand went through the checklist. Mr. deFeyter asked if this change was to accommodate the abutter's lights. Mr. Irving stated that the existing lights meet the height requirement. Mr. deFeyter stated that the requirement requires the light to remain on the property, but he recognizes that these are pre-existing. Mr. Irving stated that they are on the motel property via an easement. Mr. deFeyter asked if they can be expanded or made larger or are they grandfathered. Mr. Lucy stated that there is a proposed 3,200 square foot easement with the abutter. Mr. Lucy stated that the abutter put in a row of lampposts improvements to the lawn area and irrigation. Mr. Lucy stated that the applicant is trying to accommodate the abutter. Mr. Lucy stated that the best for both parties is an easement area. Mr. Lucy stated that none of the 3,200 square feet is included in the green space calculations.

Ms. Sand stated that the easement has not been granted or agreed upon. Mr. Lucy stated that that is correct and stated that it does not need to be because they didn't take any credit for that easement area. Ms. Sand asked if the light is spilling onto the abutter's property. Mr. Williams stated that the abutter put the lights in and wants the light to spill onto his property. Mr. deFeyter asked if the Board wants to recognize that they are pre-existing and leave them there. Ms. Sand asked if the Board has any problem with recognizing that the lights exist; there was none.

Mr. Irving recommended a conditional approval based on North Conway Fire Chief approval and to be signed out-of-session. Ms. Sand asked for public comment; there was none. Mr. Briggs made a motion, seconded by Mr. deFeyter, to conditionally approve the minor site plan for Rock Development conditionally upon the North Conway Fire Chief approval; and when the condition has been met the plans can be signed out-of-session. Motion unanimously carried.

EDWARD GARLAND – FULL SITE PLAN REVIEW (1999 TAX MAP 253, PARCEL 27/OLD TAX MAP 12, PARCEL 36-1) FILE #FR00-07

Ed Garland and Gene O'Brien of E.R. O'Brien Land Surveyors appeared before the Board. Mr. deFeyter stated that Mr. O'Brien has done work for him and asked if the Board thought there was a conflict. After a brief discussion, it was determined that there was no conflict. Mr. O'Brien stated that Mr. Garland is proposing a 5,000 square foot building; 2,500 for office/industrial use and 2,500 square feet for truck storage. Mr. O'Brien stated that this is in the Industrial-2 district.

Mr. Irving stated that the applicant has satisfied almost everything. Mr. Irving stated there are a few pending issues. Mr. Irving stated that the use on an abutter's parcel has been indicated, but the loading area still needs to be identified. Mr. O'Brien stated that there is no loading area. Mr. O'Brien stated that the note meets the regulation because there is no unloading of vehicles on this site.

Mr. Irving stated that the drainage calculations are okay, but catchments need to be added to the plans. Mr. O'Brien submitted information for the Town Engineer at this time. Mr. Irving stated that we need a letter from the Redstone Fire Chief. Mr. Bergmann made a motion, seconded by Mr. Webster, to accept the application for Edward Garland as complete for a full site plan review. Motion unanimously carried.

Ms. Sand read a waiver request for Article 123-21.I. Ms. Sand read the requirements to grant a waiver. Mr. Bergmann made a motion, seconded by Mr. Frank, to grant the waiver request for Article 123-21.I. Motion unanimously carried. Ms. Sand read a waiver request for Article 123-21.G. Mr. Bergmann made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-21.G. Motion unanimously

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carried. Ms. Sand read a waiver request for Article 123-7.B(2). Mr. Bergmann made a motion, seconded by Mr. deFeyter, to grant the waiver request for Article 123-7.B(2). Motion unanimously carried.

Ms. Sand reviewed the checklist. Ms. Sand asked about the loading area. Mr. Bergmann stated that the note on the plan should be sufficient. Mr. deFeyter stated indicating a loading area would identify where it would take place if necessary. Mr. Bergmann stated we are talking truck storage. Mr. deFeyter stated if they do need to unload something it should be in an identified area. Mr. deFeyter stated that the note says there will be no truck there unloading.

Ms. Sand asked for the Board's comments. Mr. Frank asked if this type of note would generally be satisfactory. Mr. Irving stated that the Board has required a designated area. Mr. O'Brien stated our intent is to pave 17,500 square feet of area in an area where there isn't any pavement. Mr. O'Brien stated in that area there should be sufficient room to load and unload trucks. Mr. O'Brien stated that our application proposes 2,500 square feet of truck storage. Mr. Frank asked if there is a hardship to the applicant if the Board requested them to designate a loading area. Mr. O'Brien stated that the legal way is to make statement on the plan that there will be no loading or unloading.

Ms. Sand polled the Board to see if the note regarding the loading area was satisfactory. Mr. Waterman, Mr. Bergmann, and Mr. Briggs answered in the affirmative. Mr. deFeyter, Mr. Frank, Mr. Webster and Ms. Sand voted in the negative. The consensus of the Board agreed that a loading area needed to be added to the plans. Ms. Sand asked about drainage. Mr. Irving stated that the applicant has submitted the information requested by the Town Engineer this evening. Mr. O'Brien read the engineer's report. Ms. Sand asked for public comment; there was none.

Mr. Bergmann made a motion, seconded by Mr. Webster, to conditionally approve the Full Site Plan for Edward Garland conditionally upon Town Engineer review and approval; add a loading area to the plans; a performance guarantee for 50% of all site improvements; and the plans can be signed out-of-session when the conditions have been met. Motion unanimously carried.

ROMAN CATHOLIC BISHOP OF MANCHESTER – FULL SITE PLAN REVIEW (1999 TAX MAP 215, PARCEL 72/OLD TAX MAP 73, PARCEL 12-15) FILE #FR00-08

Marty Risley of H.E.B. Civil Engineers appeared before the Board. Mr. Risley stated that the building committee has asked that this application be continued until July 27, 2000. Mr. Bergmann made a motion, seconded by Mr. Frank, to continue the full site plan review for the Roman Catholic Bishop of Manchester until July 27, 2000 at the request of the applicant. Motion unanimously carried.

SECOND READING OF THE AMENDED PLANNING BOARD BYLAWS

Mr. Briggs made a motion, seconded by Mr. Bergmann, to accept the amended Planning Board Bylaws. Motion unanimously carried. There will be a public hearing to formally adopt the bylaws on July 13, 2000.

OTHER BUSINESS

Memorial Hospital/Amendment to Conditional Approval (1999 Tax Map 215, Parcel 61/Old Tax Map 19, Parcel 71) File #FR00-03: Marty Risley appeared before the Board. Mr. Irving stated that this application has not yet been finally approved, but it is conditionally approved. Mr. Bergmann stated that this should be a publicly noticed meeting. Mr. Irving stated that they have asked that you listen to what they are proposing. Mr. Bergmann stated that he objects to that without a public hearing.

Mr. deFeyter stated that they want to amend something that has already been conditionally approved and asked if it should be limited to those who originally voted on it. Ms. Sand stated that we don't operate under Robert's Rules. Mr. deFeyter stated that he did not participate in the original approval so he doesn't know if he should take part in this discussion. Mr. deFeyter stepped down at this time. Mr. Irving stated that this is currently not a finally approved site plan because the conditions have not been satisfied under the conditional approval. Mr. Briggs stated that the Board should listen to their request.

Mr. Risley stated that we have a conditional approval for an emergency room addition. Mr. Risley stated that there are conditions to be met, but in the meantime the hospital received bids and they exceeded the budget. Mr. Risley stated they need to make the addition smaller and it could be simply done by adding a second phase to the parking lot. Mr. Risley stated that it would be same as the original approval, but building would be smaller and they would request to construct ½ of the larger parking lot by adding a phase II.

Mr. Risley stated that they would like to construct ½ of the parking lot now and construct the rest as needed. Mr. Risley stated that they would also like to change the language regarding landscaping to transplant some of the existing trees on the site. Mr. Risley reviewed the changes to the building and the parking and stated that it is in excess of the Town regulations. Mr. Irving stated nothing they are proposing is outside of the approved area as they are reducing the building and some trees will be saved. Ms. Sand asked if the bonding would be put up for the entire project or for each phase. Mr. Irving stated that it would be up to the Board. Mr. Risley stated that usually the bond is for the phase you are doing.

Ms. Sand stated that she believes that it can be handled as an amendment to a conditional approval. Ms. Sand polled the Board to see if this could be handled as an amendment. Mr. Webster answered in the affirmative and stated that he would agree with it this evening, but he is not happy with it. Mr. Briggs answered in the affirmative. Mr. Frank answered in the negative. Mr. Bergmann answered in the negative and stated that it is not any different. Mr. Waterman answered in the affirmative. Mr. Irving stated that we have no policy regarding amending conditional approvals. Mr. Waterman asked if we should obtain Town Counsel's opinion. Mr. Irving stated that usually the conditions have been satisfied and then come back for a minor site plan review.

Mr. Risley stated that time is important. Mr. Irving recommended either withdrawing the application and reapplying or satisfying the conditions and amending the finally approved site plan. After a brief discussion, Mr. Briggs made a motion, seconded by Mr. Webster, to amend the conditional approval for Memorial Hospital, File #FR00-03, to sign the plans out-of-session when the conditions have been met. Motion carried with Mr. Bergmann voting in the negative.

ARLISS HILL – LOT MERGER

The Board signed a lot merger for Arliss Hill to combine lots identified as 1999 Tax Map 246, Parcels 48.2, 49 & 50.

MOUNTAIN VALLEY MALL ASSOCIATES – LOT MERGER

The Board signed a lot merger for Mountain Valley Mall Associates to combine lots identified as 1999 Tax Map 246, Parcels 38, 47, and 48.1.

MOUNTAINVALE VILLAGE MOBILE HOME PARK – CONCEPTUAL REVIEW

Diane Smith appeared before the Board. Ms. Smith stated that the original subdivision was in 1972. Ms. Smith stated that they developed a portion of the lots and before the final phases were complete there was an issue with the water system. Ms. Smith stated before they could finish the State regulations changed and required them to make the lots larger. Ms. Smith stated that this was discussed with the Planning Board and there was a site visit, but there are no signed plans showing these changes. After a lengthy discussion, the Board agreed that they should be dealt with all at once.

MUDDY MOOSE – CHANGES TO THE GUARD RAIL UNDER FILE #FR00-05

Marty Risley appeared before the Board. Mr. Risley stated that the proposed guardrail does not meet the Engineer specifications of BOCA. Mr. Risley explained the new proposed guardrail. Ms. Sand asked if the new guardrail meets the BOCA code. Mr. Risley answered in the affirmative.

C.N. BROWN – SITE DEFICIENCIES TO FILE #FR99-03

Mr. Irving stated that he has sent a letter to the owner of the property and the manger in regard to the deficiencies to this site plan approval. Mr. deFeyter stated that he has reviewed the letter and there are three items that were not addressed. Mr. Irving asked Mr. deFeyter to put them in writing.

Meeting adjourned at 11:20 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary