

CONWAY PLANNING BOARD

MINUTES

MAY 8, 2008

A meeting of the Conway Planning Board was held on Thursday, May 8, 2008 beginning at 7:03 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Robert Drinkhall; Secretary, Sean McFeeley; Theodore Sares; Patricia Sell; Dana Hysten; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Ms. Sell made a motion, seconded by Mr. Drinkhall, to approve the Minutes of April 24, 2008 as written. Motion carried with Mr. Hysten abstaining from voting.**

**PITTSFIELD AQUEDUCT COMPANY – FULL SITE PLAN REVIEW (PID 231-56)  
FILE #FR08-02**

Shawn Bergeron of Bergeron Technical Services and John Boisvert of Pittsfield Aqueduct Company appeared before the Board. This is an application to construct 18' x 28' water booster station building and associated infrastructure. **Mr. McFeeley made a motion, seconded by Mr. Drinkhall, to accept the application of Pittsfield Aqueduct Company for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Sares asked about the appearance of the building. Mr. Bergeron stated that the finish would be a vinyl siding and a shingle roof. Mr. Sares asked if it would be similar with the other homes in the area. Mr. Bergeron answered in the affirmative.

Mr. Irving stated that there was a question regarding sound levels. Mr. Bergeron stated the generator, as long the power is functioning, would only operate for one hour a week. Mr. Bergeron stated that the applicant thought they would run it on Tuesday from 9:00 am to 10:00 am. Mr. Bergeron stated that these generators would operate at full capacity during an emergency. Mr. Bergeron stated that the noise in the building would be approximately 70 decibels and the building construction would significantly deaden the sound to around approximately 45 decibels. Mr. Sares asked if the maximum output is 45 decibels for an hour a week. Mr. Bergeron stated that worst case scenario would be 45 decibels until the power comes back on. Mr. McFeeley asked how it compares to a regular generator. Mr. Bergeron stated that it would probably be less noisy.

Mr. Porter read the requirements to grant a waiver. Mr. Porter read the waiver request for §123-20.F/131-67.C.8.b; §123-20.F/131-67.C.8.f; §123-20.I; §123-23-29.D.8; §123-28; and §123-30.A.3. **Mr. Drinkhall made a motion, seconded by Mr. McFeeley to grant the waiver request for §123-20.F/131-67.C.8.b; §123-20.F/131-67.C.8.f; §123-20.I; §123-23-29.D.8; §123-28; and §123-30.A.3.**

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Mr. Porter asked for Board comment; there was none. Mr. Porter asked for public comment; Bill Jones asked if the building would be monitored and what is the maintenance schedule. Mr. Boisvert stated that it would be monitored 24-7 off-site so they would know real time what is going on. Mr. Boisvert stated that they are not treating the water so there may be one maintenance visit a week.

Ed Nester asked about lighting on the property. Mr. Boisvert stated that there would be motion activated lights, no overhead lights, so they won't be on all evening. Lorraine MacDonald asked when construction would start and what would be the hour of construction. Mr. Boisvert stated that it has not gone out to bid yet, but they are looking at the first couple of weeks in July. Mr. Boisvert stated that they would work five days a week, but there might be a reason to operate on a Saturday, but generally 7:00 am to 5:00 pm five days a week.

Mr. Sares asked if the windows are glass. Mr. Bergeron stated that they are faux windows. Mr. Sares asked how this relates to the North Conway Water Precinct. Mr. Boisvert stated this site takes the water coming from North Conway and elevates the pressure. Mr. Sares asked if North Conway Water Precinct did not connect would this still be necessary. Mr. Boisvert answered in the affirmative. Ms. Sell asked how long it would take to complete this facility. Mr. Boisvert answered approximately three months, by the end of October. **Motion unanimously carried.**

Mr. Porter asked for any other Board or public comment; there was none.

**Mr. McFeeley made a motion, seconded by Ms. Sell, to conditionally approve the Full Site Plan for Pittsfield Aqueduct Company conditionally upon removing waiver request for connecting drive (§123-20.G); indicating location of street trees on plan; submitting a Mylar; a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on August 14, 2008. Motion unanimously carried.**

## **VALLEY VISION**

Mr. Sares asked that it be noted that Valley Vision was not present. Mr. Sares stated that the Town pays franchise fees and public meetings should be televised. Mr. Sares stated that he strongly objects to that as part of what he pays goes to that and they should start doing their job. Ms. Sell noted that Casey Conley from the Conway Daily Sun was present.

## **PITTSFIELD AQUEDUCT COMPANY – FULL SITE PLAN REVIEW (PID 231-28) FILE #FR08-03**

Shawn Bergeron of Bergeron Technical Services appeared before the Board. This is an application to construct an 80,000 gallon water storage tank and chain link fence. **Mr. Sares made a motion, seconded by Mr. McFeeley, to accept the application of Pittsfield Aqueduct Company for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Irving submitted letter to Board from Anna Dole and Paul Sutter. Mr. Porter read the letter from Anna Dole and Paul Sutter. Mr. Porter asked if they were in attendance. They were not.

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Ms. Sell asked the height of the tower. Mr. Bergeron answered 23-feet. Ms. Sell stated that she likes the idea of painting it green. Ms. Sell asked if it is an option to bury the tank. Mr. Porter stated that he spoke briefly with Mr. Bergeron and was told that ten feet below ground is ledge so it is not able to be buried. Mr. Sares asked on average how high. Mr. Boisvert stated that it is a little below average. Mr. Sares asked the height of the fence. Mr. Boisvert stated that the barrier gate at the entrance is a typical gate and the security fence would be a 6-foot web fence with barbed wire.

Mr. Sares asked if a tank has ever leaked. Mr. Boisvert stated that they have had minor leaks, but nothing catastrophic. Ms. Sell asked if there are any chemicals. Mr. Boisvert answered in the negative. Ms. Sell stated that she would like to see the tank painted to blend in more with the environment. Mr. Boisvert stated that he would suggest either a dark cobalt blue or there is a green, but he has not seen it. Mr. Boisvert stated that there is no painting on site.

Mr. Bergeron stated that the property monument of the Sutter's to the closest edge of the tank is 115-feet. Mr. Bergeron stated that there is no lighting on this site. Mr. Drinkhall asked if there is any example of density and height once this is built. Mr. Bergeron stated that the photos submitted regarding Bald Hill are very similar to Birch Hill. Mr. Drinkhall asked if it would be visible from the abutters. Mr. Bergeron stated that it would be from the Pinkham's, the Nester's garage is between the tank and their home and it would be less visible from the east.

Mr. Sares asked why the applicant chose this site. Mr. Boisvert stated that the site provides elevation as they are trying to correct significant pressure issues. Mr. Sares stated that there is a tradeoff between visibility and pressure. Mr. Sares asked if this was presented to the Birch Hill District. Mr. Jones stated that they had a public meeting that was noticed and there were no negative comments. Mr. Jones stated that everyone was in favor as it would help the pressure.

Mr. Porter asked if there was Board comment; there was none. Mr. Porter asked for public comment; Mr. Jones asked the average height of the trees on this site. Mr. Bergeron answered 40-feet and stated that the site is nicely wooded. Peter Pinkham submitted and read a letter to the Board (attached).

Mr. Irving read the highlight issue of his staff report, what measures will be taken to mitigate the visual impact on surrounding properties. Mr. Bergeron stated the color of the tank can be changed and the site is quite wooded. Mr. Bergeron stated that the forest growth is deciduous so they could plant conifer type trees. Mr. Bergeron stated if anyone would be visually effected it would be Mr. Pinkham. Mr. Bergeron stated that someone could construct a 6,000 square foot home right on the property line and cut all the trees on this site, which would be more offensive. Mr. Bergeron stated that the restrictions mentioned by Mr. Pinkham are no longer in place and this is not only the benefit of Pennichuck, but to the customers.

Linda Pinkham stated that a 6,000 square foot home would be less offensive then a chain link fence and a blanked walled monstrosity. Ms. Pinkham stated that this cannot be compared to a decent residence.

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Bob deFeyter stated that the Birch Hill Water District is from the tank north. Mr. deFeyter stated from the tank south the residences either own their own wells or are serviced by the Forest Edge Water Company. Mr. deFeyter stated that it is a great benefit for them, but it is located at the extreme edge of the water district and would have a negative impact on people not benefiting from the water system. Mr. deFeyter stated that he understands there are tradeoffs, but for people like the Pinkham's they are paying a heavy price.

Mr. deFeyter stated that he doesn't think the application is complete as the first application had a drawing of the structure and this application does not. Mr. deFeyter asked how high this structure is going to be as there is nothing on the actual structure. Mr. deFeyter stated that there is nothing to indicate how tall it is going to be because there is no foundation. Mr. deFeyter stated that he disagrees with the description of the property as there are some large trees but there is a lot of scrub on that lot. Mr. deFeyter stated that some scrub could be removed and other trees planted. Mr. Porter stated that the applicant has requested a waiver for architectural elevations.

Mr. Irving stated that there still has not been an answer to his original question regarding the highlight issue. Mr. Bergeron stated that the applicant is willing to paint the tank green or any other color that is available through the manufacture, they are willing to plant coniferous, pines, hemlocks or any other deemed appropriate, and they are willing to plant coniferous off-site. Mr. Bergeron stated that that would be their mitigation.

Ms. Sell stated that she thinks the positives outweigh the negative. Ms. Sell asked if other sites have been considered or could it be moved further into the district area. Mr. Boisvert stated that they have to follow New Hampshire Department of Environmental Service rules and it requires that the tank not be too small or too big. Mr. Boisvert stated when they size the tank they have to work with the land and the highest spot is on this property. Mr. Boisvert stated if the tank were any lower we would have to make the tank bigger. Mr. Boisvert stated that the height of the tank is determined by the pressure that we need to sustain in the tank.

Mr. Boisvert stated that the cost of burying the tank at the site would increase the cost by \$300,000, and would occupy an area of 50' x 50' to properly grade the site. Mr. Boisvert stated in this situation they are leaving trees. Mr. Boisvert stated 15,000 to 17,000 square feet would need to be disturbed to bury the tank. Mr. Boisvert stated all said and done a buried tank would force another ½ million dollars and we don't want to do that because the customers in Birch Hill would have to pay that. Mr. Boisvert stated that that is not the right option and we are obligated to follow the least cost option and present the option to the NHDES and Public Utilities Commission.

Mr. Boisvert stated that a vast majority of tanks are in residential areas with no trees and studies have shown very little to no impact to property values. Mr. Boisvert stated that they were obligated to look at that because it came up every time. Mr. Porter asked when the applicant was reviewing the Birch Hill project were there any other compatible sites to have done this. Mr. Boisvert answered in the negative. Ms. Sell asked when the project begins is it possible to bury part of it. Mr. Boisvert stated that they do not need anything below the tank, it's the height of the water in the tank that they need.

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Mr. Sares stated going underground doesn't do any good, but can you build up around it. Mr. Boisvert stated not with this type of tank, plus they would have to remove trees to place fill. Mr. Sares stated that those impacted by the tank do not benefit from the tank. Mr. Sares stated that the tank is necessary for pressure and must be on an elevated spot. Mr. Sares stated that it cannot be underground due to granite and it doesn't do them any good any way. Mr. Sares asked were people from the other water districts notified and were there any objections. Mr. Jones stated that it was a public meeting, duly noticed, and there were no objections.

Ed Nestor resident of Birch Hill stated that this tank would affect the value of his home; however, it would help the value in regard to water pressure. Mr. Nester stated that Mr. Boisvert was forth coming with information, but those who are abutters should get some trees. Mr. Nester stated that there is a need for those of us with adjacent properties to have some plantings. Mr. Nester stated that he does like the entrance as it has a hitch in the driveway so to obscure it from the street. Mr. Nester suggested putting the first gate a bit further back behind the trees so it is not visible from the street. Mr. Nester stated that it is a major improvement and appreciate the Board's concern and time.

Mr. Bergeron asked the date of the next Planning Board meeting. Mr. Porter answered June 12<sup>th</sup>. There was a five-minute break. Mr. Bergeron stated that the first gate is indeed 30-feet off the road. Mr. Bergeron stated that the tank needs to remain as it is as to material, height and design. Mr. Bergeron stated that the applicant is flexible with color with what is available through the manufacture and that they would bring in a Landscape Architect to see what can be done.

Anne Van Coesant stated that the road [Richard Lane] used to access this property is no longer maintained and the Town has not accepted the road as a Town road. Ms. Van Coesant stated that the road is in incredible disrepair and she is assuming the applicant is going to have to have the road plowed. Ms. Van Coesant stated in the summer the road is opened, but it is not signed and it is not maintained. Ms. Van Coesant stated that someone has put up road barriers and people don't realize they cannot get down the road as it has been closed. Ms. Van Coesant stated that she has very serious concerns about the safety of the road.

Ms. Van Coesant asked who is going to be responsible to maintain the gateway, who owns the road, who will keep it maintained and how is this going to be addressed. Ms. Van Coesant stated that she believes it is only a matter of time before there is an accident. Ms. Van Coesant asked if the road would be paved to be more accessible to get down that road. Mr. Irving stated that he would have to ask the Town Engineer for answers to Ms. Van Coesant's questions.

Mr. Bergeron stated that the site would not be plowed. Mr. Bergeron stated that this tank site does not need to be accessed so it would remain snow covered. Ms. Van Coesant asked if the top of the tank would be painted the same color as the sides. Mr. Boisvert stated that he would try to have an answer to that when they come back. Ms. Van Coesant asked if they had an example of the color. Mr. Boisvert stated that they would bring that to the next meeting.

**Ms. Sell made a motion, seconded by Mr. Sares, to continue the Full Site Plan Review for Pittsfield Aqueduct Company until June 12, 2008. Motion unanimously carried.**

**OTHER BUSINESS**

**Jackson Fernandes/Planet Aid (PID 246-62) – §123-4.A.5:** Jackson Fernandes of Planet Aid appeared before the Board. Mr. Fernandes stated that he would like to locate four, 6'x6' clothing receptacles. Mr. Irving stated that the receptacles would occupy two parking spaces. Mr. Drinkhall asked if the bins with roofs are being proposed. Mr. Fernandes answered in the affirmative.

Mr. Sares asked what the purposes of these bins are. Mr. Fernandes stated they are for the recycling of textile. Mr. Sares asked what your goal is. Mr. Fernandes stated it would benefit third world countries and the Children's Hospital in Dartmouth. Mr. Sares asked is there any ability to obtain a receipt. Mr. Fernandes answered in the affirmative and stated there is a number on the box you call and we then send a receipt to you.

Mr. Hylen asked how often the boxes would be emptied. Mr. Fernandes answered once or twice a week. Mr. Fernandes stated that they still need to coordinate exact days. Mr. Hylen asked if the schedule would be adjusted if more pickups are required, as there are times when bags get piled up around the box. Mr. Fernandes stated if they know what the box generates they want to be there before they fill up.

Mr. Hylen asked what we do if they get filled up. Mr. Irving stated that the Town would be contacting Wal-Mart management. Mr. Irving stated that the property owner is responsible for what happens on their property. Mr. Sares asked if there are any bins in other neighboring Towns. Mr. Fernandes stated that they are in almost every transfer station except for Tamworth. Mr. Fernandes stated that they are located in Ossipee and Meredith. Mr. Sares asked why not locate them in the transfer station here. Mr. Irving stated that Mr. Fernandes is currently working with the Town Engineer to locate bins at the transfer station. Mr. McFeeley stated not everyone goes to the transfer station.

Mr. Sares stated that he does not want to get into a situation where people ask what the hell did the Planning Board do. Mr. Sares stated that he has seen enough of these, not against them, but don't want us to do something that opens a Pandora's Box. Mr. Sares stated that he is not ready to say yes. Mr. McFeeley stated that he doesn't think the reaction is toward aesthetics, but easy for them to do for charity. Ms. Sell asked if there has been an agreement with Wal-Mart. Mr. Irving answered in the affirmative.

Mr. Irving stated he would have been able to approve this under §123-4.A.4, except that Wal-Mart was granted a waiver for a parking alternative and this reduces the parking by two more parking spaces. Mr. Sares asked if this is just for Wal-Mart. Mr. Irving stated that the Board is only addressing Wal-Mart.

**Ms. Sell made a motion, seconded by Mr. Sares, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that four, 6'x6' clothing receptacles to be located on two parking spaces are not subject to a Minor or Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. Motion unanimously carried.**

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**Robert and Eunice McIntire (PID 253-42) – §123-4.A.5:** Wes Smith of Thaddeus Thorne Surveys appeared before the Board. Mr. Smith stated that the applicant would like to modify the approved site plan [File #FR07-16] to accommodate a 300 square foot expansion to the approved building. Mr. Irving stated during the original review the building needed to be moved out of the setback and the building was inadvertently reduced from 40' to 35'. Mr. Irving stated that the building was supposed to be 40' x 60'. Mr. Irving stated that appropriate site modifications have been made and approved by the Town Engineer.

**Mr. Drinkhall made a motion, seconded by Ms. Sell, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the 300 square foot expansion to the approved building is not subject to a Minor or Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. Motion unanimously carried.**

**Committee Reports:** There were none.

**Master Plan:** There was no discussion.

Meeting adjourned at 9:10 pm.

Respectfully Submitted,

Holly L. Meserve  
Planning Assistant