

**CONWAY PLANNING BOARD**

**MINUTES**

**JULY 14, 2016**

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CONWAY PLANNING BOARD

MINUTES

JULY 14, 2016

A meeting of the Conway Planning Board was held on Thursday, July 14, 2016 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Steven Porter; Vice Chair, Steven Hartmann; Secretary, Kevin Flanagan; Michael Fougere; Sarah Verney; Raymond Shakir; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Porter made a motion, seconded by Mr. Flanagan, to approve the Minutes of June 23, 2016 as written. Motion unanimously carried.**

**RICHARD AND DEBRA SAMIA/RICHARD SAMIA AND WAYNE STANTON (FILE #S16-08) – BOUNDARY LINE ADJUSTMENT REVIEW (PID 283-7 & 18)**

Wes Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to convey 12.34 acres to PID 283-7 (Samia) from PID 283-18 (Samia/Stanton) at 1075 Brownfield Road and Bramble Way, Center Conway (PID 283-7 & 18). **Mr. Porter made a motion, seconded by Mr. Flanagan, to accept the application of Richard and Debra Samia/Richard Samia and Wayne Stanton for a Boundary Line Adjustment review as complete. Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. Mr. Irving read the waiver requests for §131-24, 24.A. & 25.B; and §131-30.E. **Mr. Porter made a motion, seconded by Mr. Shakir, to grant the waivers for §131-24, 24.A & 25.B; and §131-30.E.** Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter asked if there were any future development planned for the sites. Mr. Smith stated there are five-units approved, but they don't anticipate building at this time; they just want to keep the approval. Mr. Shakir asked if the cul-de-sac services all five units. Mr. Smith answered in the affirmative. Mr. Irving stated the five-unit subdivision is already approved and vested; this boundary line adjustment does not take it out of compliance.

**Mr. Porter made a motion, seconded by Mr. Fougere, to conditionally approve the Boundary Line Adjustment for Richard and Debra Samia and Richard Samia and Wayne Stanton conditionally upon Center Conway Fire Chief Approval; Conway Police Chief Approval; a \$25 check made payable to Carroll County Registry of Deeds for the L-CHIP fee; a Mylar; a performance guarantee for monuments to be set or set the monuments prior to final approval; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on October 13, 2016. Motion unanimously carried.**

**KATHY GARLAND (FILE #FR16-05) – FULL SITE PLAN REVIEW CONTINUED  
(PID 252-37.4)**

Ron Briggs of Briggs Land Survey appeared before the Board. This is an application to redevelop the site for commercial auto retail sales with outdoor display of goods and associated infrastructure at 545 Eastman Road, Conway (PID 252-37.4). This application was accepted as complete on June 9, 2016.

Mr. Briggs stated a drainage analysis and drainage plan have been submitted. Mr. Irving stated the waiver request for §123-22.B, pavement, has been withdrawn. Mr. Irving stated the drainage has been reviewed and is acceptable, however, there are some changes that will have to be made to the plan; the gravel display areas will be paved. Mr. Irving stated the concern with leaving the display areas as gravel is when cleaning snow from the gravel area the gravel would get pushed into the treatment swales; that is going to be changed on the next plan sets.

Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none.

Mr. Briggs read the waiver requests for §123-4; §123-6.B.2; §123-20.C; §123-20.G; §123-21.A.1; §123-29.A.2 & A.3; §123-30.A.3; §123-41.B, C. & E. **Mr. Porter made a motion, seconded by Mr. Fougere, to grant the waivers for §123-4; §123-6.B.2; §123-20.C; §123-20.G; §123-21.A.1; §123-29.A.2 & A.3; §123-30.A.3; §123-41.B, C. & E.**

Mr. Drinkhall asked for Board comment; Mr. Hartmann asked about the connecting drive, and stated this building is at the back of the property and obscure, he can see people missing it. Mr. Briggs stated once the cars are displayed there will be pretty good exposure. Mr. Hartmann asked if a connecting drive would cut into greenspace. Mr. Irving answered in the affirmative and stated especially on the Johnson Tire site. Mr. Irving stated that there is a grade change between this property and the Sears property. Mr. Shakir stated unit 4 is the only segregated. Mr. Irving stated he would be concerned with turning motion in front of the Johnson Tire bays. **Motion unanimously carried.**

**Mr. Porter made a motion, seconded by Mr. Flanagan, to conditionally approve the Full Site Plan Review for Kathy Garland conditionally upon revising pavement and greenspace areas for outdoor display areas on plan; revising greenspace calculations and tree requirement calculations on plan; Town Engineer Approval; NHDOT Driveway Permit and indicating approval number on plan; revising waivers granted table as necessary on plan; submitting four copies of revised plans with original signatures; 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 October 13, 2016. Motion unanimously carried.**

**ROGER AND JACQUELINE GARLAND (FILE #FR16-04) – FULL SITE PLAN  
REVIEW CONTINUED (PID 253-8)**

This is an application to construct ~~a fuel depot, an 800 square foot warehouse building two,~~ **30,000 gallon in-ground propane tanks** and associated infrastructure on East Conway Road, Center Conway (PID 253-8). This application was accepted as substantially complete on May 26, 2016. This application was amended in order to phase the project; phase II of the project will include the future storage building and the petroleum and diesel tanks which will be considered at a subsequent application and not a part of this application.

Nicholas Cricenti of SFC Engineering Partnership, Inc. and Chuck Cosseboom of Rymes Oil appeared before the Board. Mr. Irving stated drainage issues were circulating around the distillate component; the plans have been modified to clearly indicate the distillate component is not part of this project. Mr. Cricenti submitted a copy of the Fire Safety Analysis dated May 2016 for the file. Mr. Drinkhall asked for public comment; there was none.

Mr. Irving read the waiver requests for §123-20.E; §123-22.B; §12-29.A.2 & A.3; §123-29.D.6; and §123-29.D.8. Mr. Drinkhall asked for Board comment; Mr. Hartmann asked how many trucks visit the site on a daily basis. Mr. Cosseboom stated there are two small trucks that are coming and going all day. Mr. Hartmann stated he is having a hard time with the dust and asked why can't the whole thing be paved. Mr. Flanagan stated he feels the same way.

Mr. Irving stated with heavy vehicles the impact on this particular pavement would degrade the pavement unless they went with a heavier concrete. Mr. Cosseboom stated it would be a hard pack gravel. Mr. Irving stated there is sufficient pavement to keep gravel off the public roads. Mr. Porter stated the wear and tear of gravel withstands what pavement will not; there would be a long term detriment of pavement.

Mr. Hartmann stated asphalt usually holds up pretty well; and it is easier to clean. Mr. Irving asked if Mr. Hartmann was looking for paving an additional length or does he believe the entire site needs pavement. Mr. Hartmann stated he would like to see the exit paved. Mr. Irving stated the Board approved a similar application just down the road and the Board permitted gravel. Mr. Hartmann stated this is on the main road and Lyman's facility is off the main road. Mr. Cosseboom stated when he was on the site counting trees the Service Road was very busy and there was very little dust. Mr. Cosseboom stated any dust would also be trapped by the landscaping.

**Mr. Porter made a motion, seconded by Mr. Fougere, to grant the waiver for §123-20.E.** Mr. Drinkhall asked for Board comment; there was none. **Motion carried with Ms. Verney and Mr. Flanagan voting in the negative.**

**Mr. Porter made a motion, seconded by Mr. Fougere, to grant the waiver for §123-22.B.** Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried.**

**Mr. Porter made a motion, seconded by Mr. Fougere, to grant the waiver for §123-29.A.2 & A.3. Mr. Drinkhall asked for Board comment; there was none. Motion unanimously carried.**

**Mr. Porter made a motion, seconded by Mr. Fougere, to grant the waiver for §123-29.D.6. Mr. Drinkhall asked for Board comment; there was none. Motion unanimously carried.**

**Mr. Porter made a motion, seconded by Mr. Fougere, to grant the waiver for §123-29.D.8. Mr. Drinkhall asked for Board comment; there was none. Motion unanimously carried.**

**Mr. Porter made a motion, seconded by Mr. Fougere, to conditionally approve the Full Site Plan Review for Roger and Jacqueline Garland conditionally upon Town Engineer Approval; copy of a recorded easement for connecting drive to PID 244-2 and indicate book and page on plan; copy of a recorded easement for shared driveway between PID 253-8 & 9 and indicate book and page on plan; four copies of revised plan (three to remain with the Town) with original signatures; 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 October 13, 2016. Motion unanimously carried.**

#### **OTHER BUSINESS**

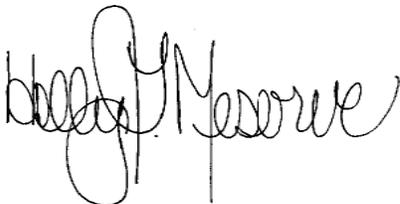
**Estate of Arthur E. Hale (PID 262-4) – Request to extend conditional approval (File #S16-04):** Mr. Irving stated the applicant has run into some stumbling blocks that have precluded them from meeting the conditions. **Mr. Porter made a motion, seconded by Mr. Fougere, to extend the conditional approval for the Estate of Arthur E. Hale until January 26, 2017. Motion unanimously carried.**

**Eugene and Anthony Simone (PID 202-249) – Conceptual Review:** This request was withdrawn by the applicant.

**Site Plan (§123) and Subdivision (§131) Amendments:** Mr. Porter made a motion, seconded by Mr. Fougere, to post the proposed amendments to §123 and §131 to a public hearing on July 28, 2016. Motion unanimously carried.

Meeting adjourned at 8:12 pm.

Respectfully submitted,



Holly L. Meserve, Recording Secretary

**123-8. Fees.** In accordance with RSA 676:4,I(g) and RSA 674:44,V, the applicant shall pay the following fees to compensate the Town for its expenses in processing, noticing and reviewing each application:

- A. An application for a Minor Site Plan Review shall not be considered complete unless it includes a filing fee of ~~one hundred and seventy five~~ two hundred dollars (~~\$175~~ 200).
- B. An application for a Full Site Plan Review shall not be considered complete unless it includes a filing fee of two hundred dollars (\$200) and ~~thirty~~ forty dollars (~~\$30~~ 40) per new motel/hotel/transient room/suite and forty dollars (\$40) per new multi-family dwelling unit and/or ~~\$0.06-0.10~~ per gross square foot of any other new non-residential floor space. The applicant shall also submit a recording fee of ~~thirty~~ forty dollars (~~\$30~~ 40) per plan sheet to be recorded and ~~fifteen~~ twenty dollars (~~\$15~~ 20) for each 8.5" by 11" page to be recorded.
- C. All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing. The notice cost shall be ~~five~~ ten dollars (~~\$5~~ 10) per abutter (or any other party notified) and ~~thirty~~ forty dollars (~~\$30~~ 40) for the published notice.
- D. A tax Map amendment fee of ~~fifty~~ seventy-five dollars (~~\$50~~ 75) shall be assessed for each plan sheet to be used to amend the Town's Tax Maps. Said fee to be paid by the applicant prior to final approval.
- E. Applications that require an engineering review shall be assessed a fee of ~~eighty-five~~ one hundred dollars (~~\$85~~ 100) per hour. Said fee to be paid by the applicant prior to final approval. In the event that the Town Engineer is not available to review an application, said review shall be performed in accordance with §123-8.F.
- F. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to final approval or disapproval. The applicant shall submit funds based on the estimated costs to the Town prior to the Town procuring such studies and investigations. The individual or company engaged shall work for, and report directly to the Town. The individual or company chosen shall be agreeable to both the Town and applicant.
- G. When a completed application is submitted to the Town it will be reviewed by Planning Department Staff. Comments will be made in writing and forwarded to the applicant. If the plans are re-submitted by the applicant without addressing the original comments and requests or if design does not conform to the Town's adopted standards the applicant will be charged an additional fee of ~~thirty-five~~ sixty dollars (~~\$35~~ 60) per hour. Said fee to be paid by the applicant prior to final approval.
- H. A plan scanning fee of ten (\$10) per sheet shall be assessed to facilitate digitizing the final approved plans.
- I. A twenty-five dollar (\$25) Land and Community Heritage Program (LCHIP) Surcharge Fee shall be assessed for any plans to be recorded. This fee shall be submitted in the form of a check payable to the Carroll County Registry of Deeds.
- J. A site inspection fee of sixty dollars (\$60) per hour shall be assessed to facilitate progress and final inspections. Said fee to be paid by the applicant prior to final release of surety or a final Certificate of Occupancy.

**123-26. Lighting.** Lighting of sites shall be designed to prevent off-site disturbance, nuisance or hazard. All outdoor light sources shall be designed, directed and/or shielded such that the nighttime lighting is primarily contained on the site, shielding to the extent necessary abutting properties and roads. No light source shall be permitted if that light causes glare or other safety problems on an adjacent street.

1. Outdoor lighting fixtures shall not be mounted higher than twenty-five (25) feet;
2. Individual light fixtures (or the sum for clusters of fixtures supported on a single pole) shall not exceed 40,000 lumens. As an incentive to promote the use of energy efficient Light Emitting Diode (LED) fixtures, if site lighting is comprised entirely of energy efficient LED fixtures the maximum illuminance of individual light fixtures (or the sum for clusters of fixtures supported on a single pole) may be increased by twenty-five percent (25%) and shall not exceed 50,000 lumens;
3. The total initial site lumens of all site lighting systems shall not exceed four (4) lumens per square foot of disturbed area. As an incentive to promote the use of energy efficient LED fixtures, if site lighting is comprised entirely of energy efficient LED fixtures the total initial site lumens of all site lighting systems may be increased by ten percent (10%) and shall not exceed 4.4 lumens per square foot of disturbed area;
4. Site lighting shall not trespass beyond property lines; luminance along property lines shall be measured within six (6) feet of finish grade along the property line;
5. All lighting fixtures shall be listed as approved by the International Dark Sky Association (IDA), fully shielded and installed per manufacturer's specifications. Fixtures that have the same specifications as an IDA approved equivalent may be substituted to satisfy this requirement;
6. The Board may reduce the permitted heights to reduce or eliminate undue adverse impacts.

**131-13. Fees and costs.**

- A. An application for a subdivision shall not be considered complete unless it includes a filing fee of ~~one hundred and forty two~~ two hundred dollars (~~\$140 200~~), plus ~~thirty forty~~ thirty dollars (~~\$30 40~~) per lot over four (4) and ~~thirty forty~~ thirty dollars (~~\$30 40~~) per unit over one (1); The applicant shall also submit a recording fee of ~~thirty forty~~ thirty dollars (~~\$30 40~~) per plan sheet to be recorded and ~~fifteen twenty~~ fifteen dollars (~~\$15 20~~) for each 8.5” by 11” page to be recorded.
- B. An Application for a boundary line adjustment shall not be considered complete unless it includes a filing fee of ~~seventy one~~ seventy hundred dollars (~~\$70 100~~). The applicant shall also submit a recording fee of ~~thirty forty~~ thirty dollars (~~\$30 40~~) per plan sheet to be recorded and ~~fifteen twenty~~ fifteen dollars (~~\$15 20~~) for each 8.5” by 11” page to be recorded.
- C. All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing. The notice cost shall be ~~five ten~~ five dollars (~~\$5 10~~) per abutter (or any other party notified) and ~~thirty forty~~ thirty dollars (~~\$30 40~~) for the published notice.
- D. A tax Map amendment fee of ~~fifty seventy-five~~ fifty dollars (~~\$50 75~~) shall be assessed for each plan sheet to be used to amend the Town’s Tax Maps. Said fee to be paid by the applicant prior to final approval.
- E. Applications that require an engineering review shall be assessed a fee of ~~eighty five~~ one hundred dollars (~~\$85 100~~) per hour. Said fee to be paid by the applicant prior to final approval. In the event that the Town Engineer is not available to review an application, said review shall be performed in accordance with §131-13.F.
- F. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to final approval or disapproval. The applicant shall submit funds based on the estimated costs to the Town prior to the Town procuring such studies and investigations. The individual or company engaged shall work for, and report directly to the Town. The individual or company chosen shall be agreeable to both the Town and applicant.
- G. When a completed application is submitted to the Town it will be reviewed by Planning Department Staff. Comments will be made in writing and forwarded to the applicant. If the plans are re-submitted by the applicant without addressing the original comments and requests or if design does not conform to the Town’s adopted standards the applicant will be charged an additional fee of ~~thirty five~~ sixty dollars (~~\$35 60~~) per hour. Said fee to be paid by the applicant prior to final approval.
- H. A plan scanning fee of ten dollars (\$10) per sheet shall be assessed to facilitate digitizing the final approved plans.
- I. A twenty-five dollar (\$25) Land and Community Heritage Program (LCHIP) Surcharge Fee shall be assessed for any plans to be recorded. This fee shall be submitted in the form of a check payable to the Carroll County Registry of Deeds.
- J. A site inspection fee of sixty dollars (\$60) per hour shall be assessed to facilitate progress and final inspections. Said fee to be paid by the applicant prior to final release of surety or a final Certificate of Occupancy.

**131-32. ~~Nonconforming adjoining lots.~~ Repealed.**

~~Nonconforming adjoining lots of record, which become the property of one (1) lot person after January 21, 1982, shall be considered a single lot.~~

**§131-67.A.(7) Pavement**

- a. **Binder Course** - A 2 to 3-inch lift of pavement (see details 1A and 1B) meeting New Hampshire Standard Specifications for Road and Bridge Construction, Division 400, Section 401.
- b. **Wearing Course** - A 1 to 1 1/2-inch lift of pavement (see details 1A and 1B) meeting New Hampshire Standard Specifications for Road and Bridge Construction, Division 400, Section 401.
- c. **Pavement** shall not be installed when the outside air temperature is below 40 degrees Fahrenheit, nor when the road base temperature is below 40 degrees Fahrenheit. Temperature of pavement mix relative to road base temperature when spread shall be in accordance with Table #3. Pavement shall not fall below 185 degrees Fahrenheit prior to the completion of rolling. Pavement shall not be installed when the subgrade is frozen or the grades are incorrect. On newly constructed roads, the base course and the wearing course shall not be installed in the same season.
- d. The wearing course must be installed within two (2) calendar years of the installation of the base course.