

CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 16, 1999

A meeting of the Conway Planning Board was held on Thursday, September 16, 1999, beginning at 7:02 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Catherine Woodall; Selectmen's Representative, Gary Webster; Vice Chair, Sheila Duane; Robert deFeyter; Arthur Bergmann; Stacy Sand; John Waterman; Interim Town Planner, Paul King; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Duane made a motion, seconded by Mr. Webster, to continue the Minutes of September 2, 1999. Motion unanimously carried.

ROGER DESCHAMBEAULT - 2-LOT SUBDIVISION CONTINUED (MAP 13, PARCEL 37) FILE #S99-13

Hugh Hastings appeared before the Board. Mr. Hastings stated that Mr. Deschambeault has a large farm where he has been doing more of training dogs and would like to sell a portion of the land to another farmer. Mr. Hastings stated that Mr. Deschambeault would like to keep 18 acres for himself. Mr. Hastings stated that there is an existing house on the western corner of his land and the house that goes with the rest of the farm is on the opposite side of the road. Mr. Hastings stated that the applicant is selling 150 acres.

Mr. King stated that there is a note on the plan regarding non-residential use. Mr. King stated that the plans show a wetlands setback and a structural setback. Mr. King stated that these were added to the plans, but they were not added to the revised plans. Mr. King stated that the applicant has provided that information. Mr. King stated that there is also a note on the plans regarding lot 2 as a non-residential lot. Mr. King read the note. Ms. Duane made a motion, seconded by Ms. Sand, to accept the application for Roger Deschambeault for Subdivision Review as complete. Motion unanimously carried.

Ms. Woodall stated that in the review by Dawn Emerson, former Town Planner, we needed information from Carroll County Registry of Deeds that this plan can be recorded. Mr. King stated that he spoke to Lillian Brooks from the Carroll County Registry of Deeds and she stated that these plans can be record. Mr. Bergmann asked if the wetland setback was researched or are they conservatively drawn on the plans. Mr. King stated that this is a brook. Mr. Bergmann asked if it is the 100-year floodplain. Mr. King answered in the affirmative and stated that the line is for a drainage brook. Mr. Bergmann asked if the line was measured. Mr. Hastings answered in the affirmative.

Mr. deFeyter asked if they are complying with the wetland ordinance on lot 1. Mr. King answered in the affirmative. Mr. deFeyter stated that they are not doing it on lot 2 because it is non-residential. Mr. King stated that a portion of lot 2 is shown. Mr. deFeyter asked if it needs a waiver for the remainder of the land. Mr. King stated that it is not appropriate. Ms. Woodall asked if it is going to be used for farmland. Mr. deFeyter answered in the affirmative. Ms. Woodall asked what would the setbacks be. Mr. deFeyter stated that there really wouldn't be because it is farmland and nothing will be built.

Mr. King stated that there is a waiver request for the 3:1 lot ratio. Ms. Woodall read the waiver request for Article 131.30.E. Ms. Duane made a motion, seconded by Ms. Sand, to grant the waiver request for Article 131-30.E. Motion unanimously carried. Ms. Sand asked if the drainage brook was man-made. Mr. Hastings answered in the affirmative and stated many years ago. Mr. Hastings stated that you can walk across it in June and July. Ms. Sand stated that we do not need boundaries per Article 147-25. Mr. King stated that it is a gray area and the Board may want to clean it up for the applicant. Mr. King stated that he reviewed the map and it straddles the wetland. Mr. King stated that it does have a brook and it is identified as such. Mr. King stated that the critical question is if is year round or not.

Ms. Woodall polled the Board if a line should be drawn on the plans. Ms. Sand stated that it is not necessary. Mr. Waterman stated that it is not necessary. Mr. deFeyter stated that the brook is shown on the wetlands map and that is a controlling factor. Mr. deFeyter stated that if it is shown it should be put on the plans to clean it up. Mr. Bergmann agreed. Ms. Woodall agreed. Ms. Duane stated that it is not necessary. Mr. Webster agreed. It was a consensus of the Board to add the lien to the plans. Mr. King stated that there is a waiver request for the scale of the plans. Ms. Woodall read the waiver request for Article 131-25 and the requirements to grant a waiver. Ms. Sand made a motion, seconded by Ms. Duane, to approve the waiver request for Article 131-25. Motion unanimously carried.

Mr. King stated that there is a waiver request for Article 131-24.H. Ms. Woodall read the waiver request for Article 131-24.H. and the requirements to grant a waiver. Ms. Sand made a motion, seconded by Ms. Duane, to approve the waiver request for Article 131-24.H. Motion unanimously carried. **Ms. Sand made a motion, seconded by Ms. Duane, to conditionally approve the 2-lot Subdivision for Roger Deschambeault conditionally upon adding the setbacks to the plans.** Mr. Bergmann asked how do you access lot 2. Mr. Hastings stated that there is a road through it. Mr. Bergmann stated that he thought it was a road to a beach. Mr. Hastings stated that there is another road. Mr. deFeyter asked if a boundary map and soil groups have been done. Mr. Hastings answered in the affirmative. Mr. deFeyter asked if there was monumentation on lot 2. Mr. Hastings answered in the affirmative. Mr. deFeyter asked if all the items on the staff notes were completed. Mr. King answered in the affirmative. **Motion unanimously carried.**

ALICE DESCHAMBEAULT - 3-LOT SUBDIVISION CONTINUED (MAP 13, PARCEL 47) FILE #S99-14

Hugh Hastings appeared before the Board. Mr. Hastings stated that the applicant would like to subdivide out two lots for her daughters and retain the home lot for herself. Ms. Duane made a motion, seconded by Ms. Sand, to accept the application of Alice Deschambeault for Subdivision Review as complete. Motion unanimously carried. Ms. Woodall asked about documentation to record the plans at the Carroll County Registry of Deeds. Mr. King stated that it is the same situation as the previous application and it is okay to record these plans. Ms. Woodall asked if the applicant had obtained NHDES Subdivision Approval. Mr. King stated that it has not been submitted yet and would need to be a condition of approval. Ms. Woodall asked about the boundary for the brook. Mr. King stated that it has been added to the plans.

Ms. Woodall asked if there were any further questions or comments from the Board. Ms. Sand asked what type of approval is needed from NHDES. Mr. King stated that lots under five acres needs to be approved by the NHDES. Mr. Bergmann stated that if the Board conditionally approves the subdivision and the State denies it, this application is no good. Ms. Sand asked if the applicant has submitted the application to the State. Mr. Hastings stated that he spoke to them and stated that he did not realize he needed their approval. Mr. Hastings stated that the paper work is forth coming.

Ms. Woodall asked if the well radius is on the plans. Ms. Duane stated that it is public water. Mr. Bergmann stated that the water comes from Fryeburg. Ms. Woodall asked if the applicant only needs NHDES approval. Mr. King answered in the affirmative. Mr. Hastings stated that the State says it will take approximately two months for their approval. Mr. deFeyter asked if that is because of the fairly recent standards for septic systems close to a body of water. Mr. Hastings answered in the negative and stated that that is just the rules.

Ms. Woodall read a waiver request for Article 131-30.E. **Ms. Duane made a motion, seconded by Ms. Sand, to approve the waiver request for Article 131-30.E.** Mr. Bergmann asked if NHDES approval is for the home lot or all of the lots. Ms. Woodall stated that it is for the entire subdivision. Ms. Woodall read the requirements to grant a waiver. **Motion unanimously carried.** Ms. Woodall read a waiver request for Article 131-25. Ms. Sand made a motion, seconded by Ms. Duane, to approve the waiver request for Article 131-25. Motion unanimously carried. Ms. Sand made a motion, seconded by Ms. Duane, to conditionally approve the three-lot subdivision for Alice Deschambeault conditionally upon

NHDES Subdivision approval; and this conditional approval is good for six (6) months. Motion unanimously carried.

DISCUSSION TO PLACE TIME LIMIT ON APPLICATIONS

Mr. Bergmann made a motion, seconded by Ms. Woodall, to limit the time for each application to one half hour to three quarters of an hour. Mr. deFeyter stated that he shares the concern and previously asked the Board to try to stick to the schedule, but the Board did not want to do that. Mr. deFeyter stated that the Board should move on. Mr. Bergmann withdrew his motion and Ms. Woodall withdrew her second.

PETERSON PETROLEUM OF N.H. – MINOR SITE PLAN REVIEW CONTINUED (MAP 33, PARCEL 75) FILE #MR99-13

Shawn Bergeron of Shawn Bergeron Technical Services appeared before the Board. Mr. Bergeron stated that he has reviewed the staff notes with Mr. King and feels he has addressed all the items asked by the Board. Mr. Bergeron stated that granite curbing was added to the plans; he removed parking spaces parallel to Route 16 between planter and fuel dispenser from the plans; the snow removal note has been added to the plans; the lighting fixtures have been added to the plans; a handicap ramp has been indicated on the plans; tree specie and landscaping plans have been submitted; to improve the appearance of the building the applicant has installed four (4) planters in front of the building; and the in-fill has been delineated on the architectural drawings.

Ms. Woodall asked if the applicant has determined the exhaust plan. Mr. Bergeron stated that when it is determined it will be covered. Ms. Woodall stated that there needs to be a waiver for greenspace. Mr. Bergeron agreed, apologized and submitted a waiver request for the greenspace. Ms. Woodall read the waiver request for Article 123-30.B. and the requirements to grant a waiver. **Ms. Duane made a motion, seconded by Ms. Sand, to grant the waiver request for Article 123-30.B.** Mr. deFeyter stated that on the new set of plans they show a patio and asked the concept and if it can be used as greenspace. Mr. Bergeron stated that he does not know the specific intent of the patio, but suspects it could be changed over to a material to meet the greenspace regulations, but he would have to confer with the applicant.

Mr. Bergeron stated that the applicant is trying to create a space for bikers to consume their purchases. Mr. deFeyter stated that we have asked if there was any outdoor display which was answered in the negative. Mr. deFeyter asked if the patio would have display or benches. Mr. Bergeron answered in the negative. Mr. Bergeron stated that Lloyd Helm expressed that at the last meeting and he does not think he has had a change of heart. Ms. Woodall asked about the lighting on the patio. Mr. Bergeron stated that they are not lighting that area and they will not remove snow from that area in the winter. Mr. deFeyter asked if it is a dead wall by the patio. Mr. Bergeron answered in the affirmative. Ms. Woodall asked if there should be lighting. Mr. Bergeron stated that they could add a light on the gable end. Mr. Bergeron stated that it will be a low wattage. **Motion unanimously carried.**

Mr. Bergeron stated that one of the items under a conditional approval would be to add a gable light of low wattage on the western gable end. Mr. King stated that a performance guarantee for 50% of all site improvements would also need to be a part of the conditional approval. Mr. deFeyter stated that the materials for the building need to be more specific than masonry. Mr. Bergeron stated that they are split face block, but the colors have not been chosen. Mr. Bergeron stated that the intent is to in-fill. Mr. deFeyter stated that he does not know if it meets the requirement. Mr. Bergeron stated that split face block is a concrete masonry block which is allowed under the architectural guidelines. Mr. deFeyter stated that if you look at the sentence before it states masonry units. Mr. deFeyter stated that it discusses having a granite facade and he doesn't think it meets the guideline.

Mr. Bergeron stated that he cannot agree because it states "such as". Mr. Bergeron stated that if it said granite or limestone than he could agree. Ms. Duane stated that it is similar to the existing. Mr. Bergeron stated that masonry is not split face and not brick. Mr. Bergeron stated that if we use brick the building will look lower and longer. Mr. Bergeron stated that this stone is basically Walmarts pillars. Mr. Bergeron

disagreed and stated that this is similar to Walmarts accent stripes. Mr. Bergmann asked if it is similar to the Mountain Valley Mall. Mr. Bergeron stated that the mall is split rib block. Mr. Bergmann stated that that is all over Town. Mr. deFeyter stated that Mountain Valley Mall was done before standards and he doesn't think split face block meets the standards. Mr. deFeyter stated that he doesn't disagree that it is all over Town.

Ms. Woodall asked about adding shutters. Mr. Bergeron stated that he would like to ask that the Board be polled. Mr. Bergeron stated that they could consider shutters, but he doesn't know how they will appear and if they will enhance or detract. Ms. Woodall polled the Board to if the proposed materials meet the guidelines. Ms. Sand stated that the proposed material is acceptable. Mr. Waterman stated that he would like to see the extension of brick and the addition of shutters. Mr. deFeyter stated that he would like to see brick and an alternative such as shutters or changing the windows. Mr. Bergmann stated that the proposed materials are acceptable. Ms. Duane stated that the proposed material is acceptable. Mr. Webster stated that the proposed material is acceptable. Ms. Woodall stated that the material should be improved. It was a consensus of the Board that the proposed material is acceptable. Mr. Bergeron stated that he will review adding shutters to the building.

Ms. Duane suggested grids in the windows. Mr. Bergeron stated that there will be divider lights, but will discuss it with the applicant. Ms. Woodall asked if there were any other concerns; there were none. **Ms. Sand made a motion, seconded by Ms. Duane, to conditionally approve the minor site plan for Peterson Petroleum of NH conditionally upon a performance guarantee for 50% of all site improvements; and this conditional approval will expire on October 21, 1999.** Mr. Bergeron stated that he will put the exhaust where it cannot be seen. Ms. Woodall stated that they are suppose to be hidden. **Motion unanimously carried.**

SEAFARER - CONCEPTUAL REVIEW FOR OLD DRIVE-IN MOVIE THEATER - JOAN BRASSILL (MAP 60, PARCEL 2)

Stephen Hallet appeared before the Board. Ms. Woodall stated that this is a conceptual review and non-binding for both parties. This conceptual review was for a proposed elderly village home at the old drive-in movie site. A package was submitted by Mr. Hallet to the Board showing an overview of the concept, a preliminary site plan, a preliminary elevation and a preliminary floor plan. Mr. Hallet acknowledged a limitation on zoning since most units will have a small kitchen. Mr. Hallet stated that the kitchen will mostly be unused because he expects the residents to eat in the cafe. It was noted that the Town of Conway zoning counts them as units and will require sufficient acreage to meet the zoning requirements.

WML, LLC - MINOR SITE PLAN REVIEW (MAP 70, PARCEL 11) FILE #MR99-14

Marc Ohlson appeared before the Board. Mr. Ohlson stated that he is proposing to convert the old Reporter Press building to office space and a 2-bedroom apartment. Mr. Ohlson stated that the buildings located on this lot are owned by different corporations. Mr. Ohlson stated that he has done greenspace and parking calculations. Mr. Ohlson stated that there are two (2) handicap parking spaces and handicap access to each building. Mr. Ohlson stated that he will need to add a street tree and four (4) parking spaces. Mr. Ohlson stated that the driveway exists and is shared by his two corporations and with the Conway Daily Sun who has an easement to access there three (3) parking spaces on their property.

Ms. Duane made a motion, seconded by Ms. Sand, to accept the application of WML, LLC for a minor site plan review as complete. Motion unanimously carried. Ms. Woodall asked if the Board had any questions. Mr. deFeyter stated that he would like to address the parking issue and stated that it is kind of a shame to hack up the green area and asked Mr. Ohlson if he needed the additional four (4) parking spaces are needed. Mr. Ohlson answered in the negative and stated that if you visit the site as it exists now there is parking behind the house on the right. Mr. Ohlson stated that he feels they have enough parking. Mr. deFeyter stated that it is a balancing act between parking and greenspace.

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Ms. Duane stated that the office space is on the first floor and the handicap parking space is to the rear. Ms. Duane stated that she would leave the parking spaces because there are not spaces in close proximity to the house. Mr. Ohlson stated that they can direct where the employees park, but the general public is a little more difficult. Ms. Duane stated that she can see them parking close to the building and blocking the driveway. Mr. Ohlson stated that there will not be many visitors. Ms. Sand asked the occupant. Mr. Ohlson answered Visiting Nurses. Mr. deFeyter stated that he should line out the existing parking spaces and make do without the additional parking spaces. Mr. deFeyter stated that the Board should go ahead and leave the parking spaces optional and if they are necessary, Mr. Ohlson can put them in if they are needed.

Mr. Bergmann stated that the width of the driveway does not meet present conditions. Ms. Duane asked if they could solve the issue regarding the parking spaces. Ms. Woodall stated that she can see where this is going. Mr. deFeyter stated that the existing drive is 16 feet and the minimum requirement is 18 feet. Mr. Bergmann stated that dealing with his question could make the parking spaces obsolete. Ms. Woodall stated that the driveway should be increased to 18 feet. Mr. deFeyter stated that this is the requirement for a one-way driveway. Ms. Woodall stated that 24 feet is needed for a two-way driveway. Mr. Ohlson stated that people drive where they want to. Mr. Ohlson stated that he will put up signs and arrows, but people don't obey them.

Ms. Woodall asked if the Board wants to widen the driveway and eliminate the parking spaces. Ms. Duane stated that the Board needs to deal with them separately. Ms. Woodall stated that they should address the isle width first because it could eliminate the parking. Mr. Ohlson stated that he could just widen the first 20 feet of the driveway and maintain parking spaces on the west. Ms. Woodall polled the Board for greenspace or parking. Ms. Sand answered greenspace and stated that there has not been a problem with someone coming in and someone going out. Ms. Sand stated that she questions if the width has to be wider. Mr. Ohlson stated that the narrowest point is 16 feet. Ms. Sand stated that she has never seen the lot filled with the existing businesses.

Mr. Waterman, Mr. deFeyter, Ms. Woodall and Mr. Webster answered greenspace. Mr. Bergmann answered greenspace with the driveway being widened. Ms. Duane answered greenspace and leave the driveway alone. Ms. Woodall polled the Board on widening the driveway. Ms. Sand stated that there is plenty of room for someone to come in and someone to go out at the same time. Mr. Waterman asked Mr. King's opinion. Mr. King stated that he doesn't recall the driveway being too narrow or there being a traffic issue. Mr. Waterman asked Mr. Ohlson's opinion. Mr. Ohlson stated that he thinks it is fine and stated that it makes people drive slower. Mr. deFeyter stated the driveway should be 18 feet wide and the plans marked one-way. Ms. Woodall stated that it should be 18 feet. Ms. Duane stated that it should be left the way it exists. Mr. Webster stated that he agrees with Ms. Duane. Ms. Woodall asked for a count of those in favor of widening the driveway; Ms. Duane and Mr. Webster opposed. It was a consensus of the Board that the driveway needs to be 18 feet.

Ms. Woodall asked if the driveway should be one-way. Ms. Sand answered in the negative. Mr. Waterman asked Mr. Ohlson's opinion. Mr. Ohlson answered in the negative, but that he doesn't mind either way. Mr. deFeyter answered in the affirmative because the standard is that way. Mr. deFeyter stated that his point of view is to protect the applicant and the Town. Mr. Bergmann stated that it should be one-way. Ms. Woodall stated that it should be one-way. Ms. Duane stated that it should not be one-way. Mr. Webster stated that he is not favorable to either and that this is not a high traffic driveway. Mr. Webster stated that it should meet the standard. It was the consensus of the Board that the driveway needs to be marked one-way.

Ms. Woodall asked if there were any questions or concerns regarding pedestrian access. Mr. Bergmann stated that there never was one. Ms. Woodall asked if anyone had a problems. Mr. deFeyter stated that it should be left the way it is. Ms. Sand stated that it should be lined along the one-way driveway directing them to the Laundromat. Mr. King asked where that can be done where there is parking on the westerly side and handicap parking on the easterly side. Mr. King stated that the easterly drive is too narrow and asked if Ms. Sand had any place in mind. Ms. Sand stated that she sees it going up the narrower driveway.

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Ms. Duane stated that by the time you add that you have eliminated the greenspace. Ms. Sand stated that it would be a line within the 18 feet of the driveway. Ms. Sand stated that there is enough room for two cars and there is enough room for a walkway. Mr. Waterman stated that it should be lined. Mr. deFeyter stated that he doesn't see what you would gain. Mr. Bergmann, Ms. Woodall, Ms. Duane and Mr. Webster stated that it is unnecessary.

Ms. Sand stated that it needs a waiver then. Mr. King asked the process for a waiver on an existing condition on a minor application. Mr. Bergmann asked why do you have to make a pedestrian walkway to the laundry. Ms. Sand stated that it is a requirement. Mr. Bergmann stated that the Laundromat is not a part of the application. Ms. Woodall stated that it is the same site. Ms. Sand asked about underground utilities. Ms. Woodall stated that the utilities are overhead to the office and underground to the Laundromat.

Ms. Sand asked if the applicant only needs one street tree. Mr. Ohlson answered in the affirmative. Ms. Sand asked the location of the other two trees required. Mr. Ohlson answered on the westerly boundary and the southwest corner has hydrangea bushes. Ms. Sand stated that the requirement allows that it be a certain amount of feet. Mr. King asked the frontage. Ms. Sand answered 110 feet. Ms. Woodall stated that it would require two street trees. Ms. Sand stated that it is over 100 feet, therefore, it is required to have three street trees. Mr. Ohlson stated that you have one tree by the property line, but he doesn't know how close it has to be. Mr. deFeyter answered 15 feet. Ms. Woodall asked if he would plant maples. Mr. Ohlson stated that it would be a horse chestnut, but he doesn't have a problem with maples.

Ms. Sand asked if the cherry tree would be considered a street tree. Mr. Ohlson stated that he is already planting a street tree. Ms. Sand stated that the proposed tree needs to be moved over. Ms. Duane stated that the proposed tree is over the water and sewer lines. Mr. Ohlson stated that if it gets dug up he will re-plant a tree. Ms. Sand stated that that defeats the purpose of a street tree. Mr. Ohlson stated that it is a new water and sewer lien and he doesn't see a problem. Mr. Ohlson stated that it will be happy there for 40 to 50 years. Ms. Sand stated that we are looking for shade trees that will last 100 to 200 years. Mr. deFeyter asked if it could be moved to the east. Mr. Ohlson stated that it would then be dominated by the cherry tree. Mr. Ohlson stated that the cherry tree should be removed. The Board and the applicant agreed that the cherry tree should be removed and a new tree planted.

Mr. Ohlson asked if the Board had a problem with the tree being planted over the water line. Ms. Sand stated that they are looking for a shade tree. Mr. deFeyter stated that we have a list of shade trees. Ms. Woodall asked if there were any other comments. Ms. Sand asked if the applicant had provided lighting specifications. Mr. Ohlson stated that the proposed lighting will light the entry. Mr. deFeyter stated that the applicant needs to submit the specification because lighting needs to be contained on the property. There was a brief discussion regarding note on the plan for easement and snow storage area. Mr. deFeyter stated that the standard snow area note needs to be added.

Mr. Bergmann asked if the drainage is unnecessary without the four parking spaces. Mr. King answered in the affirmative. Ms. Sand stated that there needs to be a waiver for the four parking spaces. Mr. deFeyter asked about a patron restroom. Mr. Ohlson stated that they will be located in the Laundromat and in the office. Ms. Woodall read a statement from Cathy McKinney who is a tenant on the property and feels the existing parking is sufficient. Mr. Bergmann asked what will the wheelchair access look like. Mr. Ohlson stated that it will probably be cement walkway that rises approximately 20 inches. Mr. Bergmann asked if there would be railings. Mr. Ohlson stated that he has to have round railing and stated that he will have a metal rail built.

Ms. Woodall read a waiver request for Article 123-22 and the requirements to grant a waiver. Mr. Bergmann made a motion, seconded by Mr. deFeyter, to approve the waiver request for Article 123-22. Motion unanimously carried. Ms. Sand stated that the notes state 31% and asked where that came from. Mr. King stated that it was provided by the applicant. Ms. Woodall read a waiver request for Article 123-23. Ms. Sand made a motion, seconded by Ms. Duane, to approve the waiver request for Article 123-23. Motion unanimously carried.

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Mr. King stated that the applicant needs to provide specifications on the lighting; street trees; widen the driveway on the plans; make the driveway one-way on the plans; add snow storage area; and remove the four parking spaces from the plans. Ms. Woodall stated that the Board needs to address the granite curbing. Mr. King stated that granite curbing is not a requirement, but the Board may require it. The Board had a brief discussion on what was done on the Conway Daily Sun site. Mr. Bergmann made a motion, seconded by Mr. Webster, to continue the minor site plan review for WML, LLC until October 7, 1999. Motion unanimously carried.

PIRATES COVE NORTH CONWAY - CONCURRENT FULL SITE PLAN AND SUBDIVISION REVIEW (MAP 64, PARCEL 31) FILE #FR99-14 AND #S99-15

Mark Woglom of OPG Construction appeared before the Board. Ms. Woodall asked if the zoning issues were resolved. Mr. King answered in the negative. Mr. Bergmann asked why they are before the Board. Mr. King stated that it is a complete application and the zoning issue is with the subdivision only. Mr. Bergmann stated that if it has to go before the Zoning Board of Adjustment (ZBA) then we are wasting our time. Mr. King stated that Randy Cooper is ready to address the issue.

Mr. Bergmann asked if Town Counsel, Peter Hastings, is present. Mr. King answered in the negative. Mr. Bergmann asked why Mr. Hastings was not invited to the meeting. Mr. King stated that he spoke to Mr. Hastings at length and they concurred that the application is complete. Ms. Woodall read Article 123-43. **Mr. Bergmann made a motion to continue the application for Pirates Cove North Conway until October 7, 1999, when the Town Attorney can be present.** Ms. Duane asked if the zoning issue can be explained. Ms. Woodall stated that it is for density. **Mr. deFeyter seconded the motion. Motion was defeated with Ms. Duane, Ms. Sand, Mr. Waterman voting in the negative and Mr. Webster abstaining from voting.**

Ms. Duane asked if she can ask Mr. Cooper to explain the zoning issue. Mr. Cooper stated that this is a planned unit development (PUD). Mr. Cooper stated that Settler's Green and Rite-Aid have been approved as a PUD. Mr. Cooper stated that there has never been a problem until day because Article 147-17 was split to Article 147-17.1. Mr. deFeyter stated that this is a concurrent subdivision and site plan. Mr. deFeyter stated that Article 131-16 requires a written notice of this and approval from the Planning Board if they want to proceed with the application that way. Ms. Woodall read Article 131-16. Mr. deFeyter stated that he does not believe this has been complied with.

Mr. Cooper stated that the applicant would like a concurrent review, but it is not necessary. Mr. Cooper stated that the applicant has a site plan for a hotel and golf course which will eventually be owned by two separate entities. Mr. Cooper stated that if the Planning Board rules that a PUD is not allowed the applicant can go to the ZBA, but he would like the chance to explain the issue. Mr. Woglom stated that the Board does not need to address the subdivision, but just the site plan. Mr. Bergmann read the staff notes which refers to the application as "concurrent". Mr. Cooper stated that a concurrent application was applied for, but doesn't need to be concurrent. Mr. King stated that the applicant filled out all three forms. Mr. Woglom agreed. Mr. King stated that the Board can act on the applications independently.

Mr. deFeyter stated if it was noticed as concurrent it has to be addressed. Ms. Duane asked Mr. King if he discussed this with Mr. Hastings. Mr. King stated that he did not address the type of application, but he has no problem with proceeding with site plan issues and resolving the subdivision issues. Mr. deFeyter stated that under Article 131-16 there needs to be a preliminary hearing and suggested proceeding with a conceptual tonight and let the applicant decide if they want to continue as a site plan or subdivision. Mr. King stated that the Board can do that, but his professional opinion he doesn't mind going forward with site plan review. Mr. deFeyter stated that it was noticed as a concurrent. Mr. Cooper stated that you gave notice and the Board can discuss what was noticed. Mr. Cooper stated that the Board can hear the applications concurrently or separate. Mr. Cooper stated that the abutters have been noticed.

Mr. Bergmann stated that there is also a zoning problem and he is uncomfortable with Mr. Cooper here for his client, but Town Counsel is not here representing the Town. Mr. Bergmann stated that there is a zoning

issue and for that Mr. Hastings should be present to address. Mr. King stated that it is more of a technicality than a stumbling block and the applicant is willing to address. Ms. Duane stated that she still does not know the zoning issue. Mr. Woglom stated that they did not make the decision for a concurrent review and he doesn't think they should be penalized for staff making it a concurrent application because they came in at the same time. Mr. Cooper stated that the Board can review the subdivision three weeks from now and the site plan now.

Ms. Sand made a motion, seconded by Ms. Duane, to accept the application of Pirates Cove North Conway for a full site plan review as complete. Motion carried with Ms. Woodall, Mr. deFeyter and Mr. Bergmann voting in the negative. Mr. Cooper requested that the subdivision be continued until October 7, 1999, in order to have Mr. Hastings present. Ms. Duane made a motion, seconded by Ms. Sand, to continue the Subdivision application for Pirates Cove North Conway until October 7, 1999, where Town Counsel will be present. Motion carried with Mr. deFeyter voted in the negative.

Mr. Woglom stated that there is an existing retail building in line with what the applicant is proposing and two miniature golf courses. Mr. Woglom stated the applicant is proposing to remove the existing retail building and construct a three-story, 57-unit hotel. Mr. Woglom stated the applicant is not proposing any changes to the back of the property. Mr. Woglom stated that all changes occur on the front of the property. Mr. Woglom stated that the applicant is proposing to remove the existing drive to the abutting property existing entrance. Ms. Woodall asked about parking for the hotel. Mr. Woglom stated that they will use the existing parking lot. Mr. Woglom stated that 137 parking spaces are required and 180 are provided.

Mr. deFeyter asked about parking for China Chef. Mr. Woglom stated that the easement will remain, but they will have to use the new entrance. Mr. deFeyter asked how they will access Pirate's Cove parking lot from the China Chef parking lot. Mr. Woglom stated that it was done as a matter of convenience for this property. Mr. Bergmann stated where there is proposed greenspace at the back of the building is currently parking. Ms. Duane stated that the easement indicates shared parking, but it doesn't say where. Mr. Woglom stated that they are showed the Board the building elevations and stated that it is a substantial improvement over what is there. Ms. Woodall asked the size of the lot. Mr. Woglom answered 5.46 acres.

Ms. Sand stated that the access to the dumpster is from the abutting lot. Mr. Woglom stated that they currently have access to the dumpster from the abutting lot and it will remain. Ms. Sand stated that the applicant is cutting off direct access to the property, but the applicant wants to use the abutting property to remove garbage. Mr. Woglom answered in the affirmative. Mr. Sand stated that the Board tries to keep properties connected to keep traffic off Route 16. Mr. deFeyter stated that it is suppose to be shared parking. Ms. Sand stated she has a hard time with them removing the access drive to the adjacent parking lot. Ms. Duane stated that if you connect the two parking lots it will be going through an existing golf course. Mr. Woglom stated that it is something the applicant can look at.

Ms. Woodall stated that if you subdivide this property then the density requirements are not met. Mr. Woglom stated that when they come back they will have a definitive answer. Mr. deFeyter stated we will need Mr. Hastings input and address it at that time. Ms. Sand stated the existing parking is in the residential/agricultural district. Ms. Sand asked if it is already approved. Mr. King stated that there is a clause that provides for lots within multiple districts if 60% of the lot is in the Highway Commercial District the entire lot can be considered commercial. Mr. Woglom stated that that is the same as when this lot was developed.

Mr. deFeyter stated that there is an issue of pedestrian access between two parcels and it should be addressed at the same time of the connecting driveway. Ms. Sand asked if there was going to be a drop off area under the canopy. Mr. Woglom answered in the affirmative. Mr. deFeyter stated that the handicap parking spaces are a ways from the hotel and stated maybe the applicant can see if they can get them closer to the hotel. Ms. Duane stated that it is relatively flat from the handicap parking spaces to the door. Mr. Woglom agreed. Ms. Duane stated that the concrete walkway would act as a handicap ramp. Mr. Woglom agreed. Ms. Sand stated that there are existing stairs. Mr. Woglom stated that the elevation will be coming up, re-graded and it will be flat. Mr. deFeyter stated that it is not an issue for us, but an issue for the applicant due to distance.

Ms. Woodall asked what district this lot is in. Mr. Woglom answered the Residential/Agricultural and Highway Commercial Districts. Ms. Woodall asked what portion of the lot is within the Residential/Agricultural district. Mr. Woglom stated that about one-fourth of the lot is within the Residential/Agricultural district. Ms. Duane asked if the parking lot was existing. Mr. Woglom answered in the affirmative. Ms. Duane asked if the parking lot design meets the current standards. Mr. Woglom stated the parking lot was constructed under the same regulations that you have now.

Ms. Duane asked if there were any questions or concerns regarding the loading. Mr. Bergmann stated that you have to go to the neighbors property. Ms. Duane stated that the applicant will be providing the easement. Ms. Duane asked if there were any questions or concerns regarding snow storage. Mr. Woglom stated that the snow storage area is shown in the parking spaces that are not necessary. Ms. Duane asked if there were any questions or concerns regarding pedestrian access. Mr. Woglom stated that there is an existing sidewalk that is continued through the property. Mr. deFeyter asked about access to the adjoining property. Mr. Woglom stated that they will address that.

Ms. Duane asked if there were any questions or concerns regarding lighting. Mr. Woglom stated that they will use the same lighting and some will be relocated. Mr. Woglom stated cut sheets have been provided. Mr. deFeyter stated that there is a height requirement for lighting. Ms. Woodall stated that the requirement is 30 feet. Ms. Duane asked if there were any questions or concerns regarding the submitted drainage calculations. Ms. Sand asked if the drainage has been approved. Mr. King stated that Paul DegliAngeli and himself have reviewed and approved the drainage. Ms. Woodall asked if that was obtained in writing. Mr. King answered not from Mr. DegliAngeli, but he is reviewing the drainage. Mr. King stated that he wrote a letter to the applicant and they addressed all of the concerns. Mr. King stated that a copy of the previous design and a copy of the new design are in the file.

Ms. Duane asked if there were any questions or concerns regarding utilities. Mr. Woglom stated that they will be located underground. Ms. Duane asked if there were any questions or concerns regarding landscaping. Mr. King stated that the miniature golf course is extensively and nicely landscaped. Mr. King stated from the top of the property there is a nice view of the Moat Range and suggested not planting the three middle street trees to preserve view of the moats. Mr. deFeyter asked if they can wait to make a decision so the Board can review the site again. The Board agreed.

Ms. Duane asked if there were any questions or concerns regarding architectural design. Ms. Woodall asked the height restriction for a building. Mr. King referred to Article 147-17.2 of the Zoning ordinance. Ms. Duane stated that the building is 38.7 which meets the requirement. Ms. Woodall asked about roof top units. Mr. Woglom stated there wouldn't be any roof top units. Mr. Bergmann asked if there will be a restaurant. Mr. Woglom answered in the negative. Mr. Bergmann asked if there will be a lounge. Mr. Woglom answered in the negative and stated that they will be offering a continental breakfast only. Mr. Bergmann asked if it will be for guests only. Mr. Woglom answered in the affirmative.

Ms. Duane asked if there are any questions or concerns regarding restrooms; they will be provided in the hotel. Ms. Duane asked if there were any questions or concerns regarding solid waste; there is a dumpster shown on the plans, but it does not say it is enclosed. Mr. King stated that it is indicated as enclosed on Sheet 1. Ms. Duane asked if there were any questions or concerns regarding historical value; it is not applicable. Ms. Duane asked if there were any questions or concerns regarding water; it is on municipal water. Ms. Duane asked if there were any questions or concerns regarding sewer; it is on municipal sewer. Ms. Duane asked if there were any questions or concerns regarding handicap ramp; there is a note on the plan.

Mr. deFeyter asked if the entrance is being redone. Mr. Woglom stated that the existing entrance will be removed and a new entrance will go through three holes which will be relocated where the existing drive is being removed. Ms. Duane asked if there were any questions or concerns regarding floodplain; it is not applicable. Ms. Duane asked if there were any questions or concerns regarding site construction standards; there is a note on the plans. Ms. Duane asked if there were any questions or concerns regarding nuisance;

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there was none. Ms. Duane asked if there were any questions or concerns regarding public safety, health and welfare; there was none. Ms. Duane asked if there were any questions or concerns regarding plat notes; they are on the plans.

Ms. Sand asked if there is a letter from the Fire Chief. Mr. King answered in the affirmative and stated that we have received letters from the North Conway Water Precinct and NHDOT. Mr. King stated that there are two waiver requests; one for scale and one for the driveway. Mr. Woglom stated that they can wait for the Board to act on the waivers. Mr. King stated that it would be appropriate for the Board to act on the scale waiver. Ms. Duane read the waiver request for Article 123-7.B(2) and the requirements to grant a waiver. Ms. Sand made a motion, seconded by Mr. deFeyter, to approve the waiver request for Article 123-7.B(2). Motion unanimously carried.

Ms. Duane asked for public comment; Sonnhilde Saunders submitted a plan of her property and Pirates Cove property. Ms. Saunders stated that there is a 40 foot buffer zone to her property which she hopes the new building does not infringe upon. Mr. Woglom stated that the rear of the proposed building is close to the rear of the existing building and there is no work proposed in the buffer zone. Ms. Saunders stated that they have a 20 foot right-of-way on the southern end of the Pirate's Cove property. Mr. Woglom stated that it is not there anymore. Ms. Saunders stated that it needs to be there. Mr. Woglom stated that the some of the right-of-way is in the existing driveway and some of it is not. Ms. Sand asked what the easement says. Ms. Saunders stated that it simply states right-of-way. Ms. Woodall asked if it needs to be maintained. Ms. Saunders answered in the affirmative.

Ms. Sand stated that there can be no structure in a right-of-way. Ms. Saunders stated that it needs to be accessible. Mr. King stated that the Saunders have a right to utilize the right-of-way, but the applicant does not need to construct it. Mr. Woglom stated that they will need to look into that and review it with Mrs. Saunders. Ms. Saunders asked if the new building encroaches any further into the residential district. Ms. Sand answered in the negative and stated that it is the same as the existing building. Mr. Woglom stated that there will be no work beyond the zoning line.

Ms. Sand stated that the adjacent lot will only be for service and safety access and not used for anything else. Mr. Woglom stated that he thinks there are two easements and he will research them before they come back before the Board. Ms. Saunders stated that if a small kitchen is installed she would prefer it to be vented to the south and not up. Ms. Saunders asked if the lighting is lower than 30 feet. Mr. Woglom stated that they might see a decrease, but not an increase in lighting. Ms. Saunders asked if there will be safety lighting on the back of the building. Mr. Woglom stated only for means of egress. Mr. Woglom stated that it will be insignificant. Ms. Saunders asked for a copy of the Minutes to be sent to her. Ms. Sand made a motion, seconded by Mr. Webster, to continue the Full Site Plan Review for Pirates Cove North Conway until October 7, 1999. Motion unanimously carried.

FRECHETTE TIRE AND REPAIR - MINOR SITE PLAN REVIEW (MAP 7, PARCEL 21) FILE #MR99-15

Mr. Webster stepped down at this time. Shawn Bergeron of Shawn Bergeron Technical Services appeared before the Board. Mr. Bergeron stated that he was before the Board this summer for a conceptual review. Mr. Bergeron stated that the applicant is proposing to construct a 750 square foot roof on posts attached to existing building #3. Mr. Bergeron stated that he received a copy of the staff notes and he has a list of items from the conceptual review. Ms. Woodall asked if Mr. Bergeron would explain for the record the issue of conflict of interest. Mr. Bergeron stated that there is no conflict of interest. Mr. Bergeron stated that he has a contract with the Town of Conway for Walmart and Shaws. Mr. Bergeron stated that he will have no involvement with this project through the Town.

Ms. Duane made a motion, seconded by Mr. Bergmann, to accept the application of Frechette Tire and Repair for a minor site plan review as complete. Motion unanimously carried. Mr. Bergeron stated that the items from the conceptual review were parking requirements which are addressed under note #3 with calculations for each building. Mr. Bergeron stated that 47 parking spaces are required and 48 parking

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spaces with two (2) handicap spaces are being provided. Mr. Bergeron stated that there use to be a requirement for 11x17 parking spaces on gravel parking which the proposed gravel parking meets. Mr. Bergeron stated that the applicant has submitted a waiver request for non-pavement.

Mr. deFeyter stated that he is concerned with the seven (7) parking spaces up front. Mr. deFeyter stated that building #1 has two (2) large doors and asked if the parking will block those doors. Mr. Bergeron answered in the negative and stated that the first parking space is approximately 30 to 40 feet from the door. Mr. deFeyter asked how far are the parking spaces being slid over from the existing location. Mr. Bergeron stated that the existing asphalt is over the property line. Mr. Bergeron stated that they park any way because it is not marked. Ms. Sand asked if there is plenty of room to get out of the building with the parking. Mr. Bergeron stated that the applicant has seen the plans and have no problems with them. Mr. Bergeron stated that there are a lot of existing conditions on this lot.

Mr. Bergeron stated that there is a curb cut waiver. Mr. Bergeron stated that he has discussed the waiver with Mr. DegliAngeli and he has placed something in the file. Mr. King stated that Mr. DegliAngeli has no problem with the waiver request. Ms. Woodall stated that the Board wanted the curb cut closed up a bit, but it is still 140 feet. Mr. Bergeron stated that that is not his recollection; the Board wanted confirmation that it could remain. Mr. Bergeron stated that the applicant truly needs the entire width to get to the back of the parcel and access to the existing buildings. Ms. Woodall stated that a tractor trailer can access Cobble Pond Farms with a 36 foot curb cut. Mr. Bergeron stated that right now this lot works very well and has for the past 20 years. Mr. Bergeron stated that closing up the curb cut will interfere with the new parking.

Mr. Bergeron stated that the Board is dealing with a 750 square foot roof and if the applicant spends three to four more times than the cost of the roof the applicant is just going to leave the conditions as they are. Mr. Bergmann stated for the new parking to work the applicant would have to close up a section of the driveway. Mr. Bergeron stated that they park in that space now, but suggested removing a portion of the left removing 20 feet of the curb cut. Mr. Bergmann stated that the parking is on the neighbors property line. Mr. Bergeron stated that that is correct and stated that the land the applicant is parking on is on the Conway Scenic Railroad's property.

Mr. deFeyter stated wouldn't it be safer if the pavement was removed to the south of the new parking area so not to drive into the side of a car. Mr. Bergeron stated that that is the area he just recommended to be removed. Mr. Bergeron stated that it is a reduction in 20 feet of pavement which he probably make happen. Ms. Woodall stated that she thought the agreement under the conceptual review was to close up the curb cut some what and add greenspace. Ms. Woodall stated that she thought it was going to define greenspace, add shrubbery and close up the curb cut. Ms. Woodall stated that the appearance was to be enhanced.

Mr. Bergeron stated that they will remove asphalt around the new parking and add greenspace, but not too close to the road because of visibility. Ms. Woodall asked about street trees. Mr. Bergeron stated that there is quite a stand of mixed indigenous trees along Passaconaway Road. Mr. Bergmann stated that we are talking about a 25x30 roof, not even a building. Mr. Bergmann stated that the Board cannot require the landscaping of the entire property. Mr. Bergmann stated that any improvements is better than what is there now. Mr. Bergmann stated that if the cost goes over the cost of the roof the applicant is not going to do anything. Mr. Bergeron stated that it is a \$7,000 roof. Mr. Bergmann stated that the Board should take what is being offered and be happy with it.

Ms. Woodall asked for public comment; Russ Seybold of the Conway Scenic Railroad stated that encroachment onto this property has been on-going and he is asking the Board to pay attention to the property line. Mr. Seybold stated that they use it for parking in the summer and snow in the winter. Mr. Seybold asked that curbing or boulders be added to delineate the property line. Mr. Seybold stated that once it is established they will plant pine trees, not to close to the road, to build a shield. Ms. Woodall read a letter from Russ Seybold.

Mr. Bergeron stated that he has not had a chance to discuss this with the property owner and he doesn't know if they'd be against delineating the property line, but they probably won't be. Mr. Bergeron suggested boulders, but he will have to discuss it with the property owner. Mr. deFeyter asked about concrete wheel stops. Mr. Bergeron stated that the applicant intends to have concrete wheel stops. Mr. deFeyter stated that that will delineate the property line. Mr. Seybold stated that he would like to see the property line delineated from the rear of the property going South to the front of the building. Mr. Seybold stated that it needs to be protected. Mr. Bergeron suggested boulders. Mr. Seybold stated that that is acceptable. Mr. Bergeron stated that he will have to discuss it with the applicant.

Ms. Woodall read a waiver request for Article 123-23. **Ms. Sand made a motion, seconded by Ms. Duane, to approve the waiver request for Article 123-23.** Ms. Woodall stated that the abutter says the applicant is plowing snow on their property and if the concrete stops are removed it won't stop plowing onto the abutters property. Mr. Bergeron stated that it is a large site and there is enough area for snow storage. Mr. deFeyter stated that in the six space parking lot the concrete stops can be removed in the winter. **Motion unanimously carried.**

Mr. Bergeron stated that he needs to provide a waiver request for parking within the setback; reduce the curb cut width; add concrete wheel stops to the plans; and move the front seven (7) parking spaces to the left. Ms. Sand made a motion, seconded by Ms. Duane, to continue the minor site plan review for Frechette Tire & Repair until October 7, 1999. Motion unanimously carried.

OTHER BUSINESS

Letter to Paul Whetton: Ms. Woodall read a letter addressed to Paul Whetton written by Ms. Duane. Ms. Woodall stated that the Board does not meet on September 30, 1999 and asked the Board if a follow up letter should be sent. After a brief discussion, Mr. deFeyter made a motion, seconded by Mr. Bergmann, to send a follow-up letter to Mr. Whetton stating that the Board does not meet on September 30, 1999. Motion carried with Mr. Webster, Ms. Duane and Ms. Sand voting in the negative.

Zodiac, Inc. – Motion for Reconsideration: Ms. Woodall read a letter from Randy Cooper. Mr. Cooper stated that the motion identifies that the applicant came to the Planning Board with a site plan, there was a zoning issue and the application was denied without prejudice. Mr. Cooper stated that the applicant went to the Zoning Board of Adjustment (ZBA) and received approval. Mr. Cooper stated that the applicant then resubmitted the site plan to the Planning Board. Mr. Cooper stated that the Planning Board filed a reconsideration with the ZBA. Mr. Cooper stated that in the meantime the Planning Board denied the site plan application again.

Mr. Cooper stated that the ZBA has denied the Planning Board's appeal based on the fact that the Planning Board does not have standing. Mr. Cooper stated that the applicant is asking for the Planning Board to reconsider their decision. Mr. Cooper stated that the ZBA decision stands until it is heard by the Court. Ms. Woodall stated that she discussed this the Town Counsel, Peter Hastings. Ms. Woodall stated that the applicant presented a different plan to the ZBA then was first presented to the Planning Board. Ms. Woodall stated that the applicant asked for a special exception and withdrew the original request to the ZBA. Ms. Woodall stated that the Planning Board asked for a rehearing which was suppose to be held on the Wednesday before the Planning Board meeting, but it wasn't held. Ms. Woodall stated that she asked Mr. Hastings since the Planning Board denied the application and it was different from the original application, did the Planning Board have to vote on it again and Mr. Hastings answered in the negative because the applicant withdrew the plan.

Mr. Cooper stated that the applicant withdrew the other applications because they were now moot. Mr. Cooper stated that it is his understanding that there has been no changes on the site plan. Mr. Cooper stated that it was denied the first time because of a zoning issue. Mr. Cooper stated that the ZBA granted a special exception and then the Planning Board denied the second site plan application. Mr. Cooper stated that the applicant has thirty (30) days to appeal the Planning Board's decision to Court, but he is asking the Planning Board to reconsider their decision. Mr. Waterman stated that two weeks ago the Board voted to

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have Town Counsel present. Ms. Woodall stated that it was voted down. Ms. Duane stated that the way we came up not needing legal counsel was the Board would that the ZBA's decision and go on.

Mr. King stated that he spoke to Peter Hastings and there is no Planning Board procedure for reconsideration; that the Planning Board has requested an appeal; and there was no public notice for tonight's meeting so there can be no public action. Mr. Cooper stated that it is the same as a motion for rehearing with the ZBA. Mr. Cooper stated that the applicant is not asking the Board to hear the application this evening, but asking the Planning Board to reconsider their decision. Mr. Cooper stated that the ZBA decision stands until a court reverses the decision. Mr. Cooper stated that his client is entitled to proceed with site plan review.

Ms. Woodall stated that the Board needs to go with Town Counsel's advise. Mr. Cooper stated that he is asking the Board for a reconsideration. Ms. Woodall stated that we do not have a process for reconsideration and stated that the applicant could have submitted the application again. Mr. Cooper stated that the applicant could not have submitted the application again because it was denied. Ms. Woodall stated that the RSA states that it needs to be appealed to Superior Court.

Settler's Green – Building I: Mr. King stated that a building permit application was submitted for Building I which is a different footprint from what was approved by the Planning Board. Ms. Woodall stated that if the footprint changes it needs to come back to the Planning Board.

White Mountain Oil – Extension of Conditional Approval: Mr. Saunders appeared before the Board and explained that the application was still before the State and asked for an extension of the expiration date for the conditional approval. Mr. Bergmann made a motion, seconded by Mr. deFeyter, to extend the expiration date for White Mountain Oil & Propane until October 21, 1999. Motion unanimously carried.

Lot Merger – Robert Jawitz: The Board signed a lot merger for Robert Jawitz combining lots 1998 Tax Map 90, Lots 84 & 84A.

Gibson Center – Plan Signing: Ms. Sand made a motion, seconded by Mr. deFeyter, to sign the plans for the Gibson Center out-of-session when the conditions have been met. Motion unanimously carried.

Meeting adjourned at 11:50 p.m. Ms. Woodall opened the meeting again at 11:55 p.m.

Smoke and Mirrors – Extension of Conditional Approval: Ms. Duane made a motion, seconded by Ms. Sand, to extend the conditional approval for Smoke and Mirrors until October 7, 1999. Motion carried with Mr. Bergmann voting in the negative (Mr. deFeyter had left before the meeting was re-opened).

Meeting adjourned at 11:56 p.m.
Respectfully submitted
Holly L. Meserve, Recording Secretary