

CONWAY PLANNING BOARD

MINUTES

FEBRUARY 22, 2018

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A meeting of the Conway Planning Board was held on Thursday, February 22, 2018 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Vice Chair, Michael Fougere; Selectmen's Representative, Steven Porter; Steven Hartmann; Steven Steiner; Sarah Verney; Raymond Shakir; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of February 8, 2018 should be amended as follows: page 2, paragraph 2 should read, "Mr. **Fougere** ~~Drinkhall~~ asked for Board..."; and page 2, paragraph 4 should read, "Mr. **Fougere** ~~Drinkhall~~ asked for public...". **Mr. Porter made a motion, seconded by Mr. Hartmann, to approve the Minutes of February 8, 2018 as amended. Motion carried with Ms. Verney and Mr. Drinkhall abstaining from voting.**

STEVEN AND OLGA MORRILL – FULL SITE PLAN REVIEW (PID 261-52) FILE #FR18-01

Jay Poulin of HEB Engineers and Ken Cargill representing ADC Trust appeared before the Board. This is an application to construct a 13,502 ~~13,230~~ square foot Adult Day Center with associated infrastructure on East Main Street, Center Conway.

Mr. Poulin reviewed the application. Mr. Poulin stated there would be 25 to 75 users and operate Monday through Friday for eight to ten hours a day. **Mr. Hartmann made a motion, seconded by Mr. Fougere, to accept the application of Stephen and Olga Morrill for a full site plan review as complete. Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; Mr. Hartman asked if this was a day facility or an overnight facility. Mr. Poulin answered a day facility for the weekdays not weekends; there is no evening or weekend use other than events. Mr. Poulin stated Memorial Hospital will operate the facility.

Mr. Drinkhall asked for public comment; Paula Shappell, resident of building 4 at Saco Woods Condominiums read a statement (attached). Mr. Poulin stated there is lighting along the entrance drive, around the one-way loop and on the building. Mr. Poulin stated the fixtures are pretty standard and they do not intend to have the lights on all night. Mr. Poulin stated this is a day facility and once closed the lights will be turned off.

Mr. Poulin stated they are also proposing significant landscaping and are proposing to plant over 300 trees. Mr. Poulin stated there are trees along the property line, which are mostly white pine which are good for buffering. Mr. Poulin stated in regard to deliveries he cannot answer that right now.

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Mr. Irving stated in regard to quantity of trees they are proposing almost double of what is required. Mr. Poulin stated they are required to plant 149 trees and they are planting 306. Mr. Shakir stated with the significant amount of tree planting even if there were lights on in the winter he would think the trees would be significant enough to block and not encroach onto their development. Mr. Poulin agreed.

Mr. Shakir asked where are the amenities, such as the dumpster and area for deliveries, located. Mr. Poulin answered on the north side of the development. Mr. Shakir stated so any noise, with the trees and the distance, would be muted. Mr. Poulin stated the layout is good for that. Mr. Shakir stated those amenities are not right next to building 4. Mr. Poulin answered in the negative. Mr. Irving stated that the lighting maximum height is 25-feet and they have lowered the lights to 18-feet. Mr. Poulin stated that is correct.

Ms. Shappell stated that the new trees will be a lot smaller when first planted and asked if they would be in place prior to construction starting. Mr. Poulin stated that normally would want to have the disturbance done before planting; and normally the trees, when first planted, are smaller.

Tracy McCarthy stated that she lives opposite the drive that is proposed for this project. Ms. McCarthy stated a lot of the concern stems from the project that recently concluded, the Journey Church. Ms. McCarthy stated she accepts noise and construction for construction, as we all know there is a beginning, a middle and an end. Ms. McCarthy stated it is what happens after that that she is concerned about.

Ms. McCarthy asked how does this project impact the traffic patterns at the intersection. Ms. McCarthy stated she does not see there being a great distance from the stop light. Ms. McCarthy asked what the state has for an impact for this driveway and what happens if it does cause more problems. Mr. Poulin stated that we have to apply for a NHDOT driveway permit. Ms. McCarthy asked if this is done before you start construction. Mr. Poulin answered in the affirmative.

Ms. McCarthy stated that she is concerned with lights along the driveway as she currently gets to look at a Walmart parking lot. Ms. McCarthy asked when does maintenance happen and when do deliveries happen. Ms. McCarthy stated she does not think the traffic is going to have a light impact on this area when you have employees and up to 75 guests and the amenities.

Ms. McCarthy asked if they think it will be operating longer and what happens if they decide they want to operate longer. Mr. Irving stated they could operate 24-7 if they choose, and what they are proposing for lighting is less than what is allowed by the ordinance. Ms. McCarthy stated if they decide they want to run 24-7 they could. Mr. Irving answered in the affirmative.

Ms. McCarthy asked what about watershed; the water that goes through the culvert that runs across the street onto her property will be collected on her property. Mr. Poulin stated that it will not do that as there is an underground infiltration system proposed for this site, so it will go through the ground and into the low areas. Mr. Poulin stated this system is not quite as intense as the one at the Journey Church.

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Ms. McCarthy asked from a planning stand point does having two large commercial scope properties in an area end up having to connect to precinct water and sewer. Mr. Irving stated there is none in this area currently and to expand to this area the precinct would be required to change their boundaries and jurisdiction. Mr. Irving stated does he think it would happen no, but could it happen yes. Ms. McCarthy stated she supports the nature of the project, but it is a big change in the neighborhood.

Robert McConaghy stated that he supports the goals of this project. it is an important project; however, at the same time he is a neighbor of the Journey Church project, which was very unpleasant. Mr. McConaghy stated in regard to the impact on our community we are certainly concerned.

Mr. Drinkhall asked for further Board comment; Mr. Shakir asked how much of the property is owned by this facility. Mr. Poulin answered 73-acres and they are developing approximately 10-acres. Mr. Poulin stated there is a large wetland preservation easement in place. Mr. Shakir asked if this facility could expand. Mr. Poulin answered not in the wetland areas; there is some room to expand, but the area is limited by wetlands, the wetlands preservation easement and the boundaries.

Mr. Fougere stated that there doesn't seem to be a lot of parking provided. Mr. Poulin stated there will be a lot of drop offs. Ken Cargill stated the projection starts at 40 people and we are providing 23 parking spaces. Mr. Cargill stated that employees will range from 5 to 15. Mr. Fougere stated if there are visitors beyond the clientele he doesn't see enough parking. Mr. Cargill stated the parking is based on studies from other facilities and this is based on those facilities. Mr. Cargill stated that the traffic patterns are spaced throughout the day.

Mr. Irving stated that the applicant has requested a parking substitution; 17 spaces are required and they are providing 23 parking spaces. Mr. Shakir asked if there would be any on site medical facilities. Mr. Poulin answered in the negative.

Mr. Irving read the parking standard substitution request for §110-43.B. **Mr. Porter made a motion, seconded by Mr. Shakir, to grant the parking standard substitution request under §110-43.B.** Mr. Drinkhall asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Drinkhall read waiver requests for §110-6.A; §110-6.B.2; §110-29.D.(6); and §110-29.D.(8). **Mr. Shakir made a motion, seconded by Mr. Fougere, to grant the waivers for §110-6.A; §110-6.B.2; §110-29.D.(6); and §110-29.D.(8).** Mr. Drinkhall asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Porter asked about fencing along the borders and if that was something the applicant would entertain doing. Mr. Porter stated he only asks as it is between a commercial property and a residential property. Mr. Porter stated it will take a few years for those trees to get to a mature height. Mr. Poulin stated it would not be a show stopper.

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Mr. Irving asked what kind of fence and how high. Mr. Irving stated that the building itself is 500-feet away, the driveway is 180-feet away. Mr. Irving asked if the fence would keep out sound. Mr. Poulin answered in the negative and stated it would be for security only, the benefit would not be sound. Mr. Cargill stated that the whole project is being donated to the community and they want to do it right. Mr. Cargill stated he thinks the developer would be willing to work with the condominiums after the project is complete.

Mr. Porter asked if they would be willing to abide by construction times. Mr. Cargill stated if required by the Board he would request 7am to 5pm. Mr. Drinkhall asked for further public comment; Ms. McCarthy stated to Mr. Porter that he was a good man for bringing that up. Mr. McConaghy stated that the 7 am start time is great; a lot of times with the Journey Church project they would start at 5 am, start the diesel engines and then proceed to talk over the diesel engine.

Mr. Irving stated that the hours of construction is something we don't have in our regulations; in the absence of a noise ordinance and not in the regulations there is nothing that allows the Town to enforce such a requirement.

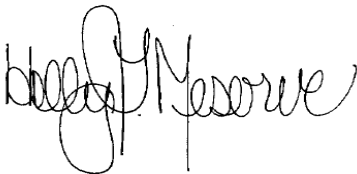
Mr. Porter made a motion, seconded by Ms. Verney, to conditionally approve the Full Site Plan for Stephen and Olga Morrill conditionally upon Town Engineer approval; Center Conway Fire Chief approval; NHDOT Driveway Permit and indicating permit number on plan; revising Waivers Granted table as necessary; submitting \$200 for Inspection Fees; submitting \$75 for a Tax Map Amendment Fee; a performance guarantee for all on-site improvements; a performance guarantee for all off-site improvements; when the conditions have been met the plans can be signed out-of-session; this conditional approval will expire on May 24, 2018; and conditions subsequent to final approval and prior to the issuance of a certificate of occupancy are a NHDES Septic approval and a NHDES Groundwater approval. Motion unanimously carried.

OTHER BUSINESS

There was no other business.

Meeting adjourned at 7:48 pm.

Respectfully submitted,



Holly L. Meserve
Recording Secretary

I have no objection to an Adult Day in our area and yes there is no doubt the services are needed. However, I have concerns regarding noise and lighting.

Saco Woods has endured 3 summers of Mr. Morrill clearing the land which began in the early afternoon until some nights 10 or 11pm, the drone of the excavator unrelenting. As there is no noise ordinance we were told we could do nothing. We understood the land was being cleared for pasture. The Journey Church construction for many months resulted in noise issues with construction beginning often well before 6am. A generator used for power was yet another droning, unrelenting noise as well as fumes that affected myself and many others that were in its nearby location.

We now live with the dumpster vendor arriving often at 5am with its loud truck and incessant back up alarm waking several of us at Saco Woods and parking lot lights on 24 hours a day.

My concern with the Adult Day Care is that there will be truck traffic early in the morning with food delivery trucks, dumpster, linen provider and perhaps other vendors. Often times you don't have much control over when deliveries arrive, though my thought is you will ask them not to arrive when residents are there as that will be disturbing to them.

Given that, I would like for you all to consider the following;

1. 300' deep of evergreen trees that fit within the existing landscape, to be planted along the property line that abuts ours....before excavation takes place .
2. A stockade type fence to be installed on your property that abuts ours... that extends from one end of our parking lot to the other... before major excavation/construction begins.
3. Excavation and Construction only during the hours of 7am and 5pm
4. Lighting to be low lit and not on 24 hours a day.

Thank you for your consideration.

Paula Shappell
Saco Woods Owner Unit #89