

CONWAY PLANNING BOARD

MINUTES

DECEMBER 17, 1998

A meeting of the Conway Planning Board was held on Thursday, December 17, 1998, beginning at 7:05 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chairman, Catherine Woodall; Vice Chairman, Charlene Browne; Robert deFeyter; Sheila Duane; Alternate, John Waterman; Town Planner, Dawn Emerson; and Recording Secretary, Holly Meserve.

APPOINTMENT OF ALTERNATE TO VOTING MEMBER

Ms. Woodall appointed Mr. Waterman as a voting member for this evening.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. deFeyter made a motion, seconded by Ms. Duane, to table the Minutes of November 18, 1998; November 19, 1998; and December 3, 1998. Motion unanimously carried.

EASTERN SLOPE INN ASSOCIATES - FULL SITE PLAN REVIEW CONTINUED (MAP 69, PARCEL 15) FILE #FR98-12

Joe Berry, applicant, appeared before the Board. Ms. Emerson reviewed the revisions to the plans and the updated staff notes. Ms. Woodall read a letter from the New Hampshire Department of Transportation amending the existing driveway permit. Mr. deFeyter asked if the NHDOT approved the back parking lot for employee parking only. Ms. Emerson stated that the application for a driveway permit was for the new use. Mr. Berry stated that it has never been limited to employee parking only. Ms. Emerson read a letter from Diane Smith to the NHDOT's District Engineer.

Ms. Woodall asked if there was a response from the Conway Police Department. Ms. Emerson read a letter from the Conway Police Department. Ms. Emerson stated that the North Conway Fire Department Chief submitted a letter of approval. Ms. Emerson stated that we do not have the drainage calculations at this time and the Board needs to review the shared parking. Mr. deFeyter asked about the use of low level lighting as he does not see lighting on the plan. Mr. deFeyter stated that there may be a problem in regard to lighting with the neighbor as lighting needs to be contained on the lot. Mr. Berry stated that there is currently lighting back there and he has submitted lighting specifications that is planned to be used. Mr. Berry stated that they are planning on using sidewalk like lighting as they do not want to over illuminate. Mr. deFeyter stated that he would like to see low level in height as well as intensity.

Ms. Browne stated that she is concerned with a portion of the back parking lot and the lighting should be placed in such a way that it shines away from the neighbor. Mr. Berry stated that he can see a string of light lamps down the North/West side. Ms. Emerson asked for a clarification on the lighting. Ms. Woodall stated that the applicant needs to add lighting to the North/West side of the back parking lot. Mr. deFeyter stated that the applicant should look at low intensity lighting. Mr. Berry asked how high the lights are off the ground. Mr. deFeyter stated that the lights are fairly low. Mr. Berry asked if they were at least eight (8) feet. Mr. deFeyter stated that they are lower than that. Ms. Browne stated that the applicant needs to find lighting that will not be a safety issue. Mr. Berry asked if there is anyone in the area that has used similar lighting. Mr. deFeyter stated that he did not know.

Ms. Emerson stated that the Board needs to determine if the vegetative buffer between the entrance and the neighbor is adequate; the Board needs to review the parking; and the drainage is outstanding. Ms. Woodall asked the status of the easement agreement between the Conway Scenic Railroad. Mr. Berry stated that he expected to gain permission to construct the pedestrian tunnel. Ms. Browne asked for the vegetative buffer between the neighbor and the entrance to the back parking lot to be described. Mr. Berry stated that he wanted something that wouldn't limit the right-of-way and he is proposing a row of hemlock bushes that

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grow fast and can be kept trimmed. Ms. Browne stated that they will become a vegetative wall higher than six (6) feet, but less than eight (8) feet. Mr. Berry agreed.

Mr. deFeyter stated that when the Board considers the parking waiver it should consider the uniqueness in the use of the property. Mr. deFeyter stated that there should be a condition on the waiver that if a business changes which requires additional parking the applicant will have to come back before the Planning Board. Ms. Emerson stated that this is not a waiver request, but a substitution. Ms. Emerson stated that by approving the plan, the Board is accepting the parking. Mr. Berry stated that he can understand the Board's concern with parking.

Ms. Woodall asked for public comment; Atty. Ed McBurney stated that the Town of Conway Standards require a driveway width of twenty (20) feet and there is a curb problem with the width of the driveway. Mr. Berry stated that it is 19 feet on a State road, but it then immediately flares out. Mr. deFeyter stated that he did speak to the State in regard to concerns with the bridge and the State was not concerned with it. Mr. deFeyter stated that a 1991 survey showed that there were 7,300 cars on River Road during a peak week day. Mr. deFeyter stated that it is a State road and, therefore, guided by the State.

Mr. Berry asked if it was appropriate to ask for a conditional approval. Ms. Woodall stated that the drainage still needs to be reviewed and the plans need to be in a bound plan set. Ms. Emerson asked if the Board agreed to the proposed landscaping. Ms. Woodall answered in the affirmative. Ms. Emerson asked if the parking analysis could be approved. Ms. Woodall stated that she did not have a problem with the parking analysis. Ms. Browne stated that lighting is needed at the entrance to the back parking lot. Ms. Emerson stated that the outstanding items are that the drainage needs to be submitted and reviewed; there needs to be an easement between the applicant and the Conway Scenic Railroad; a Performance Guarantee for 50% of all improvements needs to be submitted; and a lighting detail needs to be provided.

Ms. Woodall asked if all parking will be paved. Mr. Berry answered in the negative and stated that just phase I would be paved at this time. Mr. deFeyter stated that the applicant would need to show the two (2) phases on the plan and give a time frame for each based on need. Ms. Duane asked if the Board should vote on the parking substitution. Ms. Woodall stated that they can do that at the next meeting. Peter Hastings stated that the Board can put a five (5) year time frame. Mr. Hastings stated that the Board can review the parking in five (5) years and if it needs to be paved then the parking will be paved. After a brief discussion, it was determined that the applicant needs to grant an extension of review. Mr. Berry agreed and stated that he will submit it in writing. Mr. deFeyter made a motion, seconded by Ms. Duane, to continue the application for Eastern Slope Inn Associates until January 21, 1999. Motion unanimously carried.

HALE HIGHLAND - PUBLIC HEARING - REVOCATION (MAP 11, PARCEL 16 & 17) FILE #88-05

Robert Quint of Hale Highlands; Jim Shannon, Attorney for Hale Highlands; James Kelly, President, Hale Estates Association; Rick Sager, Attorney for Hale Estates Association; and Peter Hastings, Town Counsel, appeared before the Board. Mr. Hastings stated that in the late 1980's there was an approval granted for the development of Hales Estates. Mr. Hastings stated that a bond was provided and many of the amenities were started, but the road system failed prior to the condition of the approval. Mr. Hastings stated that in the process, the bond that was originally approved, a letter of credit for approximately 50% of all site improvements, was drawn down to approximately \$88,000. Mr. Hastings stated that without notice to the Quints or the Town, the bank failed. Mr. Hastings stated that the letter of credit was withdrawn and no longer valid.

Mr. Hastings stated that the Quints were financially not able to require another bond. Mr. Hastings stated that the Quints had conveyed out eight (8) lots to the mortgagee and the mortgagee did pay an assessment for current use. Mr. Hastings stated that the only lots sold were in phase I. Mr. Hastings stated that there were problems with the septic systems and could not develop further lots until the septic was finalized. Mr. Hastings stated that there were thirty (30) lots in phase I and these lots have water, but not fire protection. Mr. Hastings stated that there are deficiencies in the road, curbing, drainage and there were pipes that were needed for the water system. Mr. Hastings stated that this was suppose to be worked out by

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an agreement, but it has never been done. Mr. Hastings stated that the road has deteriorated and never constructed to meet the requirements. Mr. Hastings stated that some of the water and sewer systems are not complete. Mr. Hastings stated that a bond was a condition of the approval and there is a lack of a bond.

Mr. Hastings stated Hale Highlands and Hales Estate Association came to a signed agreement to escrow \$500 per lot, but they have sold several lots without the escrow. Mr. Hastings stated that the Town did record it and future lots sold did have an escrow, but it did not make up for those sold without an escrow. Mr. Hastings stated that the conditions of the approval, especially the bond, are being violated by the developer. Mr. Hastings stated that the question is if the Board finds the above to be true, then the Board has the right to revoke the approval, but it will not effect the thirty (30) lots already sold or the common areas. Mr. Hastings stated that a revocation would effect any further selling of lots in the other phases beyond the first, thirty (30) lots. Mr. Hastings stated that if the Board revoked the approval any further development or selling of lots would have to come back to the Board.

Mr. Hastings stated that anyone who has purchased a lot has the right to develop that lot, but the Board can say that the developers unsold lots in phase I cannot be sold. Mr. deFeyter stated that there is a letter to the FDIC in the file and asked if there was a response. Mr. Hastings answered in the negative and stated that the letter of credit was not an evergreen letter of credit and the failure of the bank was the failure of the letter of credit. Mr. Hastings stated that there were a couple of agreements between the developer and the Association, but they were never signed. Mr. Hastings stated that the developer had made an agreement that proceeds for lots would be escrowed in order to complete the amenities. Mr. Hastings stated that he has a copy of that agreement. Mr. Kelly stated that in 1993 there were only two (2) lots left in phase I. Mr. Hastings stated that this included the eight (8) lots on the top of the hill.

Mr. Kelly asked if a percentage of the sale was to be escrowed. Mr. Hastings answered in the affirmative up to a certain amount of money. Mr. Hastings stated that there was about ten (10) lots left, but the mortgagee did not agree. Mr. Hastings stated that there were conditions to the approval that have not been met. Mr. Hastings stated that the developer never finished the water system and the road failed immediately. Mr. Quint stated that the road was inspected by Paul DegliAngeli and constructed to the original plans. Mr. Quint stated that there were undersized culverts and no retention areas. Mr. Quint stated that the engineer did not design the drainage correctly and then they went out of business so there was no recourse. Mr. Hastings stated that the engineer who did the drainage plans and certified them to the Town did go out of business. Mr. Hastings stated that all the roads were constructed to the Town standards; it is the drainage that failed.

Mr. Quint stated that the septic systems have been installed, the State inspected them and they have been operating for ten (10) years. Mr. Quint stated that this is not a phased project as it was approved under one (1) application. Mr. Quint stated that it was constructed with two (2) miles of road. Mr. Quint stated that out of all the construction no one has confirmed that something was faulty built. Mr. Hastings stated that he was told that the developer had certain lots going to certain septic systems. Mr. Hastings stated that one or two systems go into another system because one system was not built yet. Mr. Quint stated that after the bank went under there was one septic system that wasn't constructed. Mr. Quint stated that in the mist of dealing with the FDIC they were able to complete the septic, but in the short term there was a problem.

Mr. Hastings stated that each lot goes to a septic system, but not every lot went into a correct septic system. Mr. Quint stated that it was constructed according to plans. Mr. Hastings stated that the drainage calculations were not correct which caused the road to wash out. Ms. Browne asked if it was passed by the State. Mr. Quint answered in the affirmative and stated that it was reviewed by the Town Engineer, Scott Johnstone. Mr. Hastings stated that the certification was from Phillips Engineering. Mr. Hastings stated that the Town should have reviewed them, but when they were finally done the road started to erode because they were not sufficient. Ms. Woodall asked if the road still washed out. Mr. Quint answered in the affirmative on the steep section.

Mr. Hastings stated that the water system has not been completed. Ms. Woodall stated that there is not a bond in place. Mr. Hastings stated that the Town cannot complete the road. Ms. Woodall asked what was there original plan. Mr. Hastings stated that they could not sell lots without the amenities being completed and that's what they did. Mr. Hastings stated that the road never got built to the water system. Mr. Quint

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stated that the water system built was approved by the Town Engineer at that time to service thirty (30) lots. Mr. Quint stated that they were told by Scott Johnstone and N.H. Department of Environmental Services that thirty (30) lots could be serviced by that system. Mr. Quint stated that the project is lacking two (2) storage tanks, 1" of payment on the roads and a drainage issue that needs to be corrected. Mr. Quint stated that the septic tanks are approved and operational. Mr. Hastings asked if the pumps are installed. Mr. Quint answered in the affirmative.

Mr. Quint stated that this is a Planned Unit Development (PUD) which has a community water system and sewer. Mr. Quint stated that PUD has to be registered with the Attorney General. Mr. Quint stated that when we refinanced we made the agreement not to sell any more lots until we could reconstruct. Mr. Hastings stated that at that time they had two (2) lots in the first section and they still have those two (2) lots. Ms. Emerson stated that this subdivision was approved on December 15, 1998 and explained the process the Board went through recently with Stan Szetela. Ms. Woodall stated that Stan Szetela came before the Board before the approval expired. Mr. Quint stated that Mr. Szetela's project was never started either.

Mr. Sager submitted two (2) maps to the Board and stated that the water system is not sufficient and the fire protection and drainage are inadequate. Mr. Sager stated that the roads, siding and trenches are not completed. Mr. Sager stated that the State will not allow more lots to hook up to the water system. Mr. Sager stated that the Association tried to negotiate something with the developer and the Attorney General was involved, but nothing worked out. Mr. Sager stated that the Association brought a law suit against the developer and they have an attachment to the selling of lots. Mr. Sager stated that the developer was suppose to turn over all common land to the Association by December, 1996, but it was never done. Mr. Sager stated that the Association does not want all the common areas if they don't need to take it. Mr. Sager stated that the Association would like the common areas with the septic and the water system.

Mr. Sager stated that the Association would only like the first thirty (30) lots to remain so they only have to have one access. Mr. Sager stated that the Association does not want the road to West Side Road [Heather Hill Road]. Mr. Sager stated that they only want the thirty (30) lots because when you add the thirty-first lot the water system becomes more expensive. Mr. Sager stated that the Association does not want any part of Grandview Road revoked because it is their only access. Mr. Sager stated that he would provide the legal description. Mr. Quint stated that if the Board does go through with the revocation and the road to West Side Road is abandoned is the balance of the land developable. Mr. Hastings stated that all you can do is revoke any further selling of the lots. Mr. Hastings stated that each lot has an interest in the common lands. Mr. Hastings stated that revoking the approval is to prevent further conveyance of lots. Mr. Hastings stated that common areas remain in effect for those lots that were sold.

Mr. Hastings stated that if the Board votes tonight it would be to revoke approval of the subdivision for all lots that have not been sold. Mr. Shannon stated that David Sands has been deeded seven (7) lots. Mr. Hastings stated that the Town can stop resale of those lots because the amenities were not built. Ms. Browne asked if there is enough land to supply water to the remaining lots. Mr. Shannon answered in the affirmative. Mr. Sager referred to RSA 676:4a. Mr. Hastings stated that all the amenities pertain to those lots. Mr. deFeyer stated that this is not the Board's concern. Mr. Hastings agreed and stated that the Town is just stopping the selling of lots. Mr. Sager again referred to RSA 676:4a. Mr. Hastings stated that he does not think the Board has the authority to further subdivide the land. Mr. Quint stated that were giving up the rights to transfer or sell any more lots through the Attorney General. Mr. Shannon stated that all concerns have been addressed. Mr. Shannon stated that no deeds can be issued unless issues are resolved through the Attorney General.

Mr. Hastings stated that the Board is simply revoking the rights to any more lots in this development. Mr. Quint stated that this has already been done through the State. Mr. Kelly stated that the developer will have to come back to gain further approval. Mr. Kelly stated that the Association will have a much better chance of getting low interest funds if it remains thirty (30) lots. Ms. Woodall asked for public comment; Ralph Simeone stated that he has been paying to maintain this development for the last five (5) years. Don Martinage (lot #12) stated that the road needs more than an inch of hot top because his road is just dirt.

Blake Benedict (lot #26) stated that he recognizes that there is a human element as well. Mr. Benedict stated that the lot owners have paid a lot of money and property values have depreciated. Mr. Benedict stated that he would like to sell his property, but we cannot not get fair value for our property. Mr. Benedict stated that he would like to get the property to a point where they can sell. Mr. Benedict stated that the developer has not put any money into the property since 1993. Mr. Benedict stated that nothing has happened and this is the only recourse the Association has.

Tom Murphy (lot #28) stated that people cannot develop their property until the water system in improved. Mr. Murphy stated that if they stop paying their dues then the other homeowners will be hurting. Mr. Shannon stated that this is not a phased development. Mr. Shannon stated that the request of the homeowners is to parcel out certain sections which Mr. Hastings doesn't think can be completed. Ms. Woodall stated that that is not what the Board would be doing. Mr. Shannon stated that this subdivision was approved in 1988 and RSA 676:4 was not enacted until 1991. Mr. Shannon stated that there are significant issues to going back in time. Mr. Shannon stated that the Statute went into effect after the subdivision was approved.

Mr. Shannon stated that if the developer could have sold the lots he would have and finished the development. Mr. Shannon stated that Mr. Quint would like to make this succeed. Mr. Shannon stated that if this proposal is accepted then there would be an argument of taking. Mr. Shannon asked how would the revocation effect the developers and owners rights to the road. Mr. Shannon asked what are the effects of this proposal to revoke common land. Ms. Woodall stated that Mr. Shannon is addressing issues that the Board is not going to deal with. Ms. Woodall stated that the Board can only revoke those lots that are not sold. Mr. Shannon stated that there are deeded lots to Mr. Sands. Mr. Shannon stated that the road and water needs to be fixed. Mr. Shannon stated that the developer would work with the Planning Board and the home owners. Mr. Shannon stated that there has been discussion regarding a betterment assessment to let the Town fix the roads. Mr. Shannon stated that he is not sure how we can work that out.

Mr. Hastings stated that if the conditions were breached that the Planning Board can revoke under RSA 676:4-a. Mr. Hastings stated that clearly the developer does not have a right to convey lots. Mr. Hastings stated that there is a concern about which lots should be accepted. Mr. Hastings stated that the registry should be checked before there is a final decision. Mr. Hastings stated that the seven (7) lots owned by David Sands should be included so that they cannot be resold. Ms. Browne asked responsibility of ownership of other common areas. Mr. Hastings stated that after five (5) years the developer is suppose to convey common land areas to the Association and they have not done that. Mr. Hastings stated that once they have it the Association will decide whether to maintain it or not.

Mr. Sager stated that by revoking neither plan your not doing anything to help the Association. Mr. Sager stated that he would prefer to see the decision put off so we can research to see if Planning Board has right partially revoke. Mr. Hastings stated that you would be resubdividing that land. Ms. Woodall stated that if we revoke would the Association own the common area. Mr. Hastings stated that the common land has never been deeded over, but by statute they could. Ms. Woodall asked if they could redevelop. Mr. Hastings stated that they could, but they have some deed problems. Mr. deFeyter made a motion, seconded by Ms. Browne, to continue the revocation hearing for Hales Highlands Estates until January 21, 1999, to allow for Peter Hastings to provide a certificate of revocation to be recorded at the registry of deeds and list of lots sold. Motion unanimously carried.

PUBLIC HEARING - PROPOSED WETLANDS ORDINANCE

Mr. deFeyter stated that the public notice did not mention where the public could obtain copies of the proposed changes to the ordinance, therefore, the Board should proceed with the hearing tonight, but renounce the public hearing. After a brief review of what was posted, Mr. Hastings stated that the notice just didn't say where you can obtain copies. The Board agreed to proceed and renounce the public hearing.

Conrad Briggs of the Conservation Commission asked that Richard Cooke give a clarification of the wetlands map. Mr. Cook stated that he is the project manager that developed the composite map. Mr. Cook stated that it is his understanding that you have what wetlands would be covered by this and not covered by this. Mr. Cook stated that any wetland over five (5) acres that is shown on this map would be

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included and you would know if it is five (5) acres by the number. Mr. Cook stated that if wetland is five (5) or more acres and is not on the map, then it is not covered. Mr. Cook stated that other wetlands covered are adjacent to permanent streams, ponds and lakes and are on this map. Mr. Cook stated that the reason for that was to take it off the homeowner and put it on the Town. Mr. Cook stated that it is still covered by the State regulations. Mr. Cook stated that wetlands less than five (5) acres and adjacent to perennial streams, lakes, ponds and rivers would be covered if shown on the map. Mr. Cook stated that the ordinance protects these wetlands providing the most ecological protection to the Town.

Mr. deFeyter asked if all wetlands over five (5) contiguous acres are included. Mr. Cook answered in the negative and stated that that is not the intention. Mr. Cook stated that if it is not shown on the map and it is over five (5) acres then it is not included. Mr. Briggs stated that the intent just described is what we are going by. David Weathers of the Conservation Commission stated as a point of clarification that if there is a wetland under five (5) acres on a permanent stream then it is included under this ordinance. Marty Risley stated that the intent should be written in the ordinance and you should not have to use the Minutes to clarify the intent.

Ms. Woodall reviewed the attached proposed changes. Ms. Woodall read change #1. The Board agreed to delete proposed change #1. Ms. Woodall read proposed change #2 as written. Jim Hill, Jr. stated that he would like to see, "...local building permit...", removed. The Board agreed to keep proposed change #2. Ms. Woodall read proposed change #3. Ms. Woodall stated that the Board of Selectmen are going to police this section and they are the ones who will have to conform to that. The Board agreed to keep proposed change #3.

Ms. Woodall read proposed change #4. Mr. deFeyter stated that this section is already a part of the zoning ordinance and allows you to construct a deck or addition away from the setback. Mr. deFeyter stated that you just cannot make the structure more non-conforming. Mr. Hill, Jr., asked if this allows him to construct a deck does it detract from the water quality. Mr. Weathers stated that the deck wouldn't, but it would depend on the material and if there is spillage. Mr. deFeyter stated that you can add onto your home as long as it does not decrease the buffer. The Board agreed to keep proposed change #4.

Ms. Woodall read proposed change #5. Ms. Emerson stated that Glen Harbeck did not think this proposed change should be deleted. The Board agreed to delete proposed change #5. Ms. Woodall read proposed change #6. Mr. Hill, Jr., stated that you can construct a shed, but you cannot construct a deck. Mr. Risley suggested changing it to allow residential sheds and decks to 50 feet. The Board agreed to keep proposed change #6 as written. Ms. Woodall read proposed change #7. Ms. Emerson stated that it should be amended as follows: "...Wetland shall be as defined...". The Board agreed to keep proposed change #7 as amended.

Ms. Woodall read proposed change #8. The Board agreed to keep proposed change #8. Ms. Woodall read proposed change #9. Ms. Emerson stated that Glen Harbeck asked if the Board could enforce the difference. Mr. Weathers stated that impoundment is a dam like structure and impoundment retention is in the ground. Mr. Risley stated that he would like to see proposed change #9 eliminated. The Board agreed to delete proposed change #9. Ms. Woodall read proposed changes #10 and #11. The Board agreed to delete proposed changes #10 and #11. Ms. Woodall read and the Board agreed to keep proposed changes #12, #13, #14, #15, #16, and #17.

Ms. Woodall read proposed change #18 and the Board agreed to keep proposed change #18 with the following amendment, "...Wetlands shall be as defined...". Ms. Woodall read proposed change #19 and the Board agreed to keep proposed change #19 with the following amendment: adding the year 1997 to any reference of the Wetlands Composite Map. Ms. Woodall read proposed change #20. Ms. Emerson stated that Glen Harbeck stated that proposed change #20 should be removed because it is covered under proposed change #13. The Board agreed to delete proposed change #20.

Mr. deFeyter submitted and reviewed the attached alternative revisions. Ms. Woodall stated that the Board has discussed and decided three times not to include these revisions. Mr. Cook stated that there are very few small wetlands along perennial streams. Mr. Cook stated that in principal it is a possibility, but in Conway it hardly exists. Mr. Weathers stated that if the stream is on the map and it is contiguous it is the

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same. Mr. Cook and Mr. Risley both referred to A.(4). The Board agreed not to include the alternative revisions.

Mr. deFeyter made a motion to amend the proposed wetlands ordinance to include proposed changes #2-4, #6-8, #12-19 and continue the public hearing until January 7, 1998. Motion unanimously carried.

PUBLIC HEARING - SPECIAL HIGHWAY CORRIDOR

Ms. Woodall read proposed changes #1 through #7. Ms. Woodall asked for public comment; Mr. Hill, Jr. stated that proposed changes 2-5 do not refer to drainage ponds. Mr. deFeyter made a motion, seconded by Ms. Browne, to amend and continue the public hearing for the Special Highway Corridor District until January 7, 1999. Motion unanimously carried.

OTHER BUSINESS

Post Article 147-19.C(5) to the Warrant: Ms. Browne made a motion, seconded by Ms. Duane, to post the proposed change to Article 147-19.C(5) to the warrant. Motion unanimously carried.

Set a Public Hearing for Definition additions/changes: The Board agreed to add/change definitions under Article 147-6 for Buffer, Buffer/Special Highway Corridor District, Buffer/Wetland, Building, Footprint, Development, Footprint, Parking Space, Scenic View or Vista Shed, Special Highway Corridor District, Sediment, Shoreline, Storage Shed, Slope, Soil Type, State Highway, Street, Wetland, and Wetland Buffer. Ms. Woodall made a motion, seconded by Ms. Browne, to set a public hearing on changes to Article 147-6/Definitions for January 7, 1999. Motion unanimously carried.

Set a Public Hearing for Article 147-12.A.2(e): Ms. Woodall made a motion, seconded by Ms. Browne, to set a public hearing for the proposed change to Article 147-12.A.2(e) to January 7, 1999. Motion unanimously carried.

Set a Public Hearing for the Petitioned Article: Ms. Woodall made a motion, seconded by Ms. Browne, to set a public hearing for the Petitioned Article to change 147-22.A, submitted by Rosalie McGee et al. for January 7, 1999. Motion unanimously carried.

Hydrokinetic @ Lupine Lane (Map 12, Parcel 40-7) - Plan Signing: The Board agreed that all conditions had been met and signed the plans.

State Line Store (Map 13, Parcel 63) - Plan Signing: The Board agreed that all conditions had been met and signed the plans.

Meeting adjourned at 12:20 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary