

CONWAY PLANNING BOARD

MINUTES

JUNE 3, 1999

A meeting of the Conway Planning Board was held on Thursday, June 3, 1999, beginning at 7:04 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; Secretary, Arthur Bergmann; Robert deFeyter; John Waterman; Stacy Sand; Town Planner, Dawn Emerson; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. deFeyter made a motion, seconded by Mr. Bergmann, to table the Minutes of May 6, 1999 and May 20, 1999. Motion carried with Ms. Sand voting in the negative.

NORTHERN WOODS PROPERTY MANAGEMENT - MINOR SITE PLAN REVIEW (MAP 12, PARCEL 62) FILE #MR99-04

Al Landano and Ken Trembley of Northern Woods Property Management appeared before the Board. Ms. Woodall stated that the applicant has been before the Board in the past and asked that they give an overview of the proposed project. Mr. Trembley stated that after walking the site with the State, the only changes will be the layout of the walkway because of snow coming off the roof and the lights to be directed differently; lighting has been added to the barn for the parking lot; change in the driveway to allow entering and exiting; eliminate moving the utility pole because of the new driveway utilization; and relocate the handicap ramp.

Ms. Emerson stated that the plans have changed since the staff notes and some items have been addressed. Ms. Emerson stated that some items on the plans were marked as "proposed" and are now existing. Ms. Woodall read a letter from Carl and Rosemary Lusky dated June 1, 1999 (attached). Ms. Sand asked if anybody has checked the setback. Ms. Emerson stated that she had just received the letter yesterday, but the plans show a ten foot setback. Ms. Woodall stated that she spoke to Paul DegliAngeli this afternoon and he will measure both driveways in regard to the WB50 template.

Ms. Emerson stated that this application has not been accepted by the Board as complete. Ms. Sand asked if the applicant had any renderings for the handicap ramp. Mr. Trembley answered in the negative and stated that he did not know he needed any. Mr. deFeyter stated that under Article 123-10 the plans needed to be submitted fourteen (14) days in advance. Ms. Emerson stated that she could have passed out the original plans, but there are plans with revisions according to the staff notes. Mr. deFeyter stated that according to public notice they have to be here for fourteen (14) days. Ms. Emerson stated that she can collect the revised plans that were passed out and give the Board the plans that were submitted fifteen (15) days prior.

Ms. Duane made a motion, seconded by Ms. Sand, to accept the Minor Site Plan for Northern Woods Property Management as complete. Ms. Duane asked how many revised plans has the Board accepted in the past. Ms. Emerson stated that there is always a copy of the superseded plans in the file. Ms. Duane stated that she doesn't see the problem. Ms. Sand stated that it is to the Board's advantage and there hasn't been any major revisions. Ms. Duane stated that she doesn't know what the problem is. Ms. Woodall stated that the law states that the plans need to be submitted fifteen (15) days in advance. Ms. Duane stated that they were submitted in time. Ms. Woodall stated that the Board should be accepting plans that were here on time. Ms. Duane stated that the revisions to the plans are to the Boards advantage. Ms. Duane stated that staff reviewed the plans and made necessary changes. Ms. Duane stated that she doesn't see the Board breaking any laws.

Motion carried with Ms. Woodall and Mr. deFeyter voting in the negative and Mr. Bergmann abstaining from voting. Mr. Waterman stated that in light of the letter from the Lusky's and the need to have Mr. DegliAngleli and Ms. Emerson walk the site, should the Board postpone this application to a later date. **Mr. Waterman made a motion, seconded by Mr. Bergmann, to postpone the Minor Site Plan Review for Northern Woods Property Management until the next meeting.** Ms. Emerson asked what specifically is the Board looking for from the applicant. Mr. Landano asked how many times is the Board going to walk the property. Ms. Duane stated that the letter is from an aggrieved abutter and the Board should begin the review of the plan.

Mr. Bergmann stated that he would like to see the conditions for the original plan. Ms. Emerson stated that the original plans were granted final approval. Mr. Bergmann stated that the original plan has not been met. Ms. Emerson stated that there were four (4) items on the site plan that needed to be addressed. Ms. Emerson stated that lighting needed to be addressed, which are on the plans; the walkway was changed, which is addressed on the plans; location of utility pole; and the handicap ramp. Ms. Emerson stated that two (2) of the items the abutter has asked to be reviewed are addressed on the plans. Ms. Woodall stated that she would like a copy of the Minutes to know what this was about.

Ms. Duane stated that if an abutter had questions they should have asked them prior to this evening when they came in to review the plans. Ms. Duane stated that this has been the topic of several memos and the Board owes the applicant to move forward. Ms. Sand stated that the letter addressed enforcement issues, which she is not saying are not important, but the Board's job is to make sure the plans meet the codes. Ms. Emerson stated that the Board does have the enforcement capabilities as a Planning Board. Ms. Sand stated that the Board decides if the plans meet the regulations. Ms. Woodall stated that if the plans are not drawn correct then that is the Board's responsibility. Ms. Woodall stated that the driveway is a safety issue that needs to be addressed.

Ms. Sand stated that she thinks the Board should take the time this evening to discuss the issues that the Board can discuss. Ms. Woodall stated that there is a motion on the table to continue this application. **Motion carried with Ms. Duane, Mr. Webster and Ms. Sand voting in the negative.** Ms. Woodall stated that the Board needs to review the letter, have Mr. DegliAngeli walk the site, and obtain the history of the site. Mr. Bergmann stated that he would like to see what was agreed upon for final approval that has not been done, such as the moving of the pole and the handicap ramp. Ms. Emerson stated that those are the only two (2) items that have not been completed. Mr. Bergmann asked about the driveway. Ms. Emerson stated that the driveway exists. Mr. Bergmann stated that two (2) members have not walked the site. Ms. Duane asked if Mr. Bergmann reviewed the plans. Mr. Bergmann stated that some of us don't have time. Ms. Duane stated that maybe Mr. Bergmann should rethink his position. Ms. Woodall stated that she had had enough and that this application is continued.

GARRETT BLAKE - MINOR SITE PLAN REVIEW (MAP 80, PARCEL 4) FILE #MR99-05

Garrett Blake appeared before the Board. Mr. Blake stated that the property is being taxed as one lot, but the tax maps show the property as two (2) lots. Ms. Emerson stated that the lots need to be merged to meet the setback. **Mr. Bergmann made a motion, seconded by Mr. Webster, to accept the Minor Site Plan for Garrett Blake as complete.** Mr. deFeyter stated that he is concerned that there is no date stamp on the application, therefore, we don't know when the application was received. Mr. deFeyter stated that all the material coming in late is dated May 25, 1999. Mr. deFeyter stated that all except Town Hall staff are volunteers and one rule is that all this material must be submitted a week a head of time. Mr. deFeyter stated that the material was not available a week a head of time. Mr. deFeyter stated that he received his staff notes on Tuesday [June 1, 1999], which is only a couple of days a head of time.

Mr. Blake stated that the application and the plan were submitted on time. Mr. Blake stated that he received a copy of the staff notes on Friday [May 28, 1999]. Mr. Blake stated that the notes asked for a copy of a rendering which he has provided this evening. Ms. Meserve stated that Mr. deFeyter was in on Friday [May 28, 1999] and reviewed the files. Ms. Meserve stated that the staff notes were in the files on

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Friday, so Mr. deFeyter was able to review that information before hand. Ms. Meserve stated that the ordinance states that staff notes will be available one week in advanced, not mailed, but available. Mr. deFeyter stated that there is material that is being submitted this evening that should have been submitted with the application. **Motion carried with Mr. deFeyter abstaining from voting.**

Ms. Woodall read a request for lot merger. Ms. Emerson stated that the plan shows one lot. Ms. Sand stated that the parking lot is not paved. Ms. Sand stated that all parking areas must be curbed and paved. Ms. Sand stated that the applicant needs to request a waiver in order not to pave. Ms. Sand asked how many rooms there are in the Inn. Mr. Blake answered eight (8) rooms. Ms. Sand stated that there is a question on street trees. Mr. Blake stated that this is an existing business and there are no plans to change anything. Ms. Sand stated that we do need to see the existing trees on the plans.

Mr. Bergmann stated that this is a minor site plan to add a deck, does the Board need to look at street trees. Ms. Emerson stated that Ms. Sand is making a good point and for the record there should be a waiver request. Mr. Bergmann asked if a waiver was necessary for a minor review. Ms. Emerson stated that the ordinance doesn't distinguish between the two, so a waiver request should be submitted. Mr. Bergmann stated that the staff notes are confusing under parking. Ms. Emerson explained her comments. Mr. deFeyter asked what is the use of the deck. Mr. Blake answered for the guests. Mr. deFeyter asked if it will change the business at all. Mr. Blake answered in the negative and stated that there is a spectacular view just to enjoy.

Ms. Woodall asked about drainage. Ms. Emerson read a memorandum from Paul DegliAngeli. Ms. Sand asked where the snow storage area was located. Mr. Blake stated that snow will be plowed to the back of the property. Ms. Sand stated that the snow storage area needs to be marked on the plans. Mr. Blake stated that he added a note to the plans. Ms. Sand stated that the location of the well needs to be shown on the plans. Ms. Sand stated that it is on municipal water. Mr. Bergmann asked if there will be any additional lighting. Mr. Blake stated that the lighting is existing. Ms. Emerson stated that she filled out two (2) waiver request forms if the Board wishes to review them even though the Board does not like to receive them on the night of a meeting. Ms. Woodall stated that she does not have a problem, but she will poll the Board.

Mr. Bergmann stated that he has a problem since the public does not know that waivers are being requested. Ms. Duane stated that if they wouldn't know anyway because waiver requests are not noticed. Mr. deFeyter stated that he does not have a real problem. Ms. Woodall asked about paving. Ms. Sand stated that there is not a lot of in and out traffic and there is not need to pave the parking. Mr. Bergmann stated that the applicant has done a lot with landscaping and paving would make it look more like a commercial site. Mr. Bergmann stated that it shouldn't have to be paved. Mr. Blake stated that it is aesthetically more pleasing with gravel.

Ms. Woodall asked if there were any further comments from the Board; there was none. Ms. Woodall asked about street trees. Ms. Sand stated that it is a well wooded area which is not stated on the plans, but the purpose is to have a shaded look which the site provides. Mr. deFeyter stated that he agrees with Ms. Sand. Ms. Woodall read a waiver request for Article 123-30 for paving. Ms. Woodall read the requirements to grant a waiver request. Mr. deFeyter made a motion, seconded by Ms. Sand, to approve the waiver request for Article 123-30 in regard to paving. Motion carried with Mr. Bergmann abstaining from voting.

Ms. Woodall read a waiver request for Article 123-30. Ms. Sand made a motion, seconded by Mr. deFeyter, to approve the waiver request for Article 123-30. Motion carried with Mr. Bergmann abstaining from voting. Ms. Meserve stated that both motions were for Article 123-30. Ms. Emerson stated that the waiver request for paving should be under Article 123-23. Mr. deFeyter made a motion, seconded by Ms. Sand, to amend the motion for paving to Article 123-23. Motion carried with Mr. Bergmann abstaining. Ms. Duane made a motion, seconded by Mr. deFeyter, to approve the lot merger of lots 2-14, 80/4 & 4A. Motion unanimously carried.

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Mr. deFeyter stated that he would suggest adding a note that the deck is to be used for guests only. Ms. Duane stated that a restriction on the deck is foolish. Mr. Blake stated that he is not going to open it to the public. Mr. Bergmann stated that he doesn't think it needs any restrictions. Ms. Woodall stated that she doesn't either. Mr. Bergmann made a motion, seconded by Mr. Webster, to approve the minor site plan for Garrett Blake. Motion unanimously carried. The plans were signed.

ZODIAC, INC. - CONCURRENT FULL SITE PLAN AND SUBDIVISION REVIEW (MAP 15, PARCEL 21) FILE #FR99-06 AND #S99-08

Mark Lucy of White Mountain Survey appeared before the Board. Mr. Lucy stated that he believes the applicant has submitted a complete application, but there are some issue that need to be resolved and the applicant would like to request an extension. Ms. Woodall stated that she had a question regarding zoning and asked if that is one issue that needs to be resolved. Mr. Lucy answered in the affirmative. Ms. Emerson asked how the zoning issue will be addressed. Mr. Lucy stated that there are several options and it is a collective decision, therefore, the applicant would like to request an extension.

Mr. deFeyter asked for an explanation of what is going on. Mr. Lucy stated that the State permits were applied for approximately three (3) weeks ago and they have not yet been acted on. Mr. Lucy stated that there is a zoning issue because a portion of the lot is in the highway commercial district and a portion of the lot is in the residential/agricultural district. Mr. Lucy stated that the applicant is proposing the loading dock to be located in the residential/agricultural district that would service a use in the commercial district. Mr. Lucy stated that there is a question of whether that is available.

Mr. Bergmann stated that the Board has not accepted this application and asked when the clock would start. Ms. Emerson stated that the applicant would have to waive the thirty (30) day requirement. Mr. Bergmann asked if the applicant was willing to waive the thirty (30) day requirement. Mr. Lucy answered in the affirmative to a point that the Board wishes. Mr. Bergmann stated that it should be waived until the zoning issues are resolved. Mr. deFeyter stated that a zoning issue will have to go to the Zoning Board of Adjustment (ZBA). Mr. Lucy agreed, but stated that there are other options.

Ms. Woodall asked if the other options will require a new site plan application or a change in the plans. Ms. Emerson stated that there would be a change in the plans. Mr. deFeyter stated that if the situation has to go to the ZBA it could be a while and there should be some type of perimeters to how far it goes. Ms. Woodall stated as long as the applicant agrees. Mr. Lucy asked the application be continued until the next meeting. Ms. Woodall stated that we can discuss the time frame at the next meeting. Ms. Duane asked if the Board could accept the application and then continue it to another date. Mr. Hastings stated that the application can be continued as long as the thirty (30) day clock does not run out. Mr. Hastings stated that the Board can also ask the public if they have any concerns.

Ms. Woodall asked for public comment; a gentlemen with the North Conway Athletic Club stated that he did not oppose to continuing the application. Mr. Lucy explained the plan and the situation to a few people in the audience. Ms. Duane made a motion, seconded by Ms. Sand, to continue the Concurrent Full Site Plan and Subdivision Review for Zodiac, Inc. until June 17, 1999. Mr. deFeyter stated that the Board needs a letter from the applicant waiving the thirty (30) day requirement for the file. Ms. Duane made a motion, seconded by Ms. Sand, to amend the motion to include that the applicant must submit a letter to the Board waiving the thirty (30) day requirement. Both motions unanimously carried.

ROMAN CATHOLIC BISHOP OF MANCHESTER - FULL SITE PLAN REVIEW (MAP 68, PARCEL 14) FILE #FR99-07

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Ms. Sand made a motion, seconded by Ms. Duane, to accept the Full Site Plan for the Roman Catholic Bishop of Manchester as complete. Ms. Woodall asked for an overview of the project. Mr. Allen stated that the church is selling the Gibson Block

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and the prospective owner would like to construct a 61x39 addition to the Gibson Center and a 12x20 addition to the Thrift Shop, as well as expand the parking. Motion unanimously carried.

Ms. Sand asked based on the type of deliveries, is the access safe. Mr. Allen stated that there are no tractor trailer deliveries, only small box type trucks and vans. Ms. Emerson stated that the applicant is requesting a waiver for granite curbing. Ms. Emerson stated that she and the Town Engineer do not support the waiver request to eliminate granite curbing. Ms. Emerson stated that staff requests curbing along Grove Street. Ms. Woodall read the waiver request for Article 123-21.I. **Ms. Duane made a motion, seconded by Mr. deFeyter, to approve the waiver request for Article 123-21.I.**

Mr. Bergmann asked the reason for the waiver request. Mr. Allen stated that the curbing would just be at the entrance and he didn't think it would look good. Mr. Bergmann asked if there was any curbing now. Mr. Allen stated not along Grove Street. Mr. Bergmann asked where the curbing would have to be located. Ms. Emerson answered all the way down Grove Street to Route 16. Mr. deFeyter asked if the waiver request is denied would the applicant be required to put granite curbing along Grove Street. Ms. Emerson answered in the affirmative. **Motion unanimously defeated.** Mr. Allen asked if the granite curbing had to be along the entire property line to the corner of Route 16. Ms. Emerson answered in the affirmative.

Ms. Woodall asked about parking. Mr. Allen stated that the applicant still needed to address the parking. Ms. Woodall asked if there were any questions regarding snow removal; there was none. Ms. Woodall asked if there were any questions regarding pedestrian access and circulation. Mr. Bergmann asked if the vehicular access to the public parking lot was going to be made a pedestrian access. Mr. Allen stated that it will be closed off to vehicles. Mr. Waterman stated that he sees a problem with closing that vehicular access especially with the increase of meals that are leaving that site. Mr. Waterman stated that tractor trailers used to be able to pull in and then go out through the public parking. Mr. Waterman stated that he sees a problem with tractor trailers backing into the site.

Mr. Allen stated that most of the deliveries are early in the morning. Mr. Waterman stated that that is not the case and deliveries are any time between 10:30 a.m. and 2:30 p.m. Mr. Waterman stated that he sees an increase in the use of the property. Mr. Allen stated that most of the people are bused from the vans. Mr. Waterman disagreed and stated that there can be any where from 30 cars in the parking lot. Mr. deFeyter asked the reason for closing down the driveway to vehicular traffic. Mr. Allen answered safety reasons and there is a lot of bypass traffic. Ms. Sand stated that if someone comes in and the lot is full, there needs to be a way to get out. Ms. Sand stated that it might be safer to leave it open.

Ms. Duane stated that tractor trailers park in the municipal parking lot. Ms. Duane stated that the parking area may have to be reconfigured because backing up to the loading area is not safe. Mr. Bergmann stated that the Board has to take into consideration that the Gibson Center is trying to purchase the property and not the parking lot. Mr. Bergmann stated that the Catholic Church is not going to take responsibility of a through way. Mr. Bergmann stated that one party does not want traffic going from one property to the other. Mr. Waterman stated that we should not be speaking for the applicant and asked why the applicant wants the through way closed. Mr. Allen stated that he does not know why they are closing it, but it could be a liability. Mr. deFeyter stated that we are not going to resolve this tonight; should be researched and have the applicant come back.

Ms. Woodall asked if there were any questions regarding lighting. Mr. deFeyter stated that he couldn't tell which lighting unit was to be used and asked if the Board could get a copy of the highlighted information. Ms. Woodall asked about drainage. Ms. Emerson stated that the drainage has been reviewed and cannot be approved as to the plan. Ms. Emerson stated that staff has requested a couple of elevations on the road. Ms. Woodall asked if there were any questions regarding utilities; there was none. Ms. Woodall asked if there were any questions regarding the landscaping. Ms. Emerson stated that the applicant is adding three (3) additional trees. Ms. Sand asked for a reason on the placement of the trees. Mr. Allen stated that the trees can be planted anywhere. Ms. Sand stated that the Gibson Center uses the front lawn for fairs and the placement of the trees may want to be reviewed again.

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Mr. deFeyter stated that the Board is just offering a suggestion regarding the location of the trees. Ms. Sand stated that she is suggesting that Mr. Allen go to the parties that will be using the site. Mr. deFeyter stated that it is not a concern of the Board's where the trees are, but now is the time to review the location of them. Mr. Bergmann asked where the relocated lilac bushes are coming from. Mr. Allen answered from in front of the car port. Ms. Woodall asked about the architectural design and asked what is the material. Mr. Allen answered clapboard. Mr. deFeyter asked if the roof material will match the existing roof material. Mr. Allen answered in the affirmative. Ms. Woodall stated that the requirement for patron restrooms was not applicable.

Ms. Woodall stated that the dumpsters are shown to be screened. Ms. Woodall asked about historic value. Ms. Emerson stated that the applicant is not changing the existing structure, but adding to it. Mr. Bergmann stated that the new addition will have to be the same as the existing building. Ms. Woodall stated that the site is serviced by municipal water and sewer. Ms. Woodall stated that there is a handicap ramp provided. Ms. Emerson stated that the applicant meets the minimum requirement for handicap parking spaces. Ms. Woodall stated that this parcel is not in the floodplain.

Mr. Waterman asked if additional bathrooms will be constructed. Ms. Emerson stated that the applicant is planning on adding bathrooms, but we do not have a floor plan. Ms. Sand asked if the applicant is expanding the activities with this addition. Mr. Allen stated that he did not know. Mr. Bergmann stated that he is concerned with the amount of parking spaces. Mr. Allen stated that they meet the parking requirements. Mr. Bergmann stated that the former dining room must going to be converted to something else. Mr. Allen stated that it may be a function room or a game room. Mr. Bergmann stated that he is concerned with the parking requirements. Mr. Bergmann stated that the applicant needs to provide the total number of employees. Ms. Emerson stated that what the applicant is showing meets the requirement, but what is undetermined is what is needed for the office space.

Mr. deFeyter made a motion, seconded by Mr. Webster, to continue the Full Site Plan Review for Roman Catholic Bishop of Manchester until June 17, 1999. Motion unanimously carried.

ROBERT AND NANCY GREER - 2 LOT SUBDIVISION (MAP 9, PARCEL 36A) FILE #S99-09

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Mr. Allen stated that the applicant is proposing a 2-lot subdivision off Davis Hill Road and the 3-to-1 ratio information is on the bottom of the plans. Mr. Allen stated that the State Subdivision approval is outstanding. Mr. Allen stated that the applicant has received approval from the Center Conway Fire Chief, David Pandora. Ms. Sand made a motion, seconded by Ms. Duane, to accept the 2-lot subdivision for Robert and Nancy Greer as complete. Motion unanimously carried. Ms. Woodall read a letter from Mr. Pandora. Mr. deFeyter asked Mr. Allen how he determined the 3-to-1 ratio. Mr. Allen stated that he took the rear property boundary, the road frontage, a measurement of the middle of the property and averaged the three measurements. Mr. Allen stated that he did the same to average the width.

Ms. Woodall read a waiver request for Article 131-24.O. Ms. Sand asked why the waiver was being requested. Ms. Woodall read the explanation on the waiver request. Mr. Bergmann asked why the Board was requiring a waiver request. Ms. Emerson stated that we actually do not require a waiver request. Ms. Woodall asked if there are any wetlands on the property. Mr. Allen answered in the negative. Ms. Woodall asked if Mr. DegliAngeli thinks there will be a problem with drainage. Ms. Emerson answered in the negative. Mr. Allen withdrew the waiver request for Article 131-24.O.

Ms. Duane made a motion, seconded by Ms. Sand, to conditionally approve the 2-Lot Subdivision for Robert and Nancy Greer conditionally upon State Subdivision Approval. Motion unanimously carried. Ms. Sand made a motion, seconded by Ms. Duane, that once the conditions are met the plans can be signed out of session. Motion unanimously carried.

OTHER BUSINESS

James Gore Revocable Trust (Map 66, Parcel 42-2) File #FR99-02 - Signing of Plans: The Board agreed that the conditions have been met and the plans were signed.

Lary Cross - Lot Merger (Map 11, Parcel 37 & 37-1): Mr. deFeyter made a motion, seconded by Ms. Duane, to approve the lot Merger for Lary Cross to combine Lots 11/37 and 37-1. Motion unanimously carried. The lot merger was signed.

Letters to Fred Dudley, Mark Hounsell and Gary Webster (copies attached): Ms. Woodall stated that the letters discussed by the Board have been written. Ms. Woodall stated that Fred Dudley's letter has already been mailed.

Agenda for May 20, 1999: Mr. deFeyter stated that on the bottom of the May 20, 1999 agenda there was a note that the Board members needed to submit items for other business prior to the meeting. Mr. deFeyter stated that he cannot find a basis for the comment. Ms. Sand stated that at the first meeting the Board discussed policy and procedures. Mr. deFeyter stated that he couldn't find anything to that fact and he would like to see a copy of it.

Superseded Plans: Ms. Woodall stated that additional information should be submitted one week in advance. Ms. Emerson stated that we keep superseded plans in the file with the revision dates. Ms. Emerson stated that the plans correspond with the staff notes and the plans should reflect staff comments. Ms. Emerson stated that the superseded plans are available. Ms. Woodall stated that the original plan should be accepted at a public meeting. Mr. deFeyter asked when does a change go from being a minor change to a major change. Ms. Sand asked if the Board is trying to catch people in their mistakes. Ms. Woodall stated that the law states that the information should be here ten (10) days in advance. Ms. Sand asked where does that not apply.

Ms. Duane stated that she does not see any problems and stated that maybe the Board should ask for Town Counsel's interpretation. The Board agreed to consult Town Counsel. Mr. Bergmann stated that item #7 of a letter from Ms. Emerson in response to Ms. Woodall's letter states that plans can be revised after they have been submitted as long as each superseded plan remains in the file. Mr. deFeyter stated that he wants Town Counsel to review the situation. Ms. Emerson stated that Town Counsel reviewed the answers to Ms. Woodall's letter. Ms. Woodall stated that the Board has their answer.

Board of Selectmen/Change-of-Use: Mr. Webster stated that the Board of Selectmen (BOS) did postpone the subject of change-of-use to another meeting. Mr. Webster stated that it will be on the agenda until it is resolved. Mr. Bergmann stated that he read something in the newspaper about Planning Board review on the Town Warrant. Mr. Webster stated that in 1987 the law changed to allow Planning Board's to delegate responsibilities. Mr. Webster referred to RSA 674:4 [page 263]. Mr. Webster stated that in 1991 the Office of State Planning asked for someone to notify them on the Town's intention under the RSA. Mr. Webster stated that Steve Burns wrote that in 1991 voters authorized administrative review of Minor Site Plan reviews. Mr. Webster stated that there are minutes in 1991 that address this issue.

Ms. Woodall stated that she spoke to Bernie Waugh and it would have had to have gone to the voters for it to be changed. Mr. Webster stated that he is still searching and as soon as he finds any information he will submit it to the Board. Mr. deFeyter asked if the Planning Board should still meet to discuss change-of-use or wait for the BOS to address the issue. Mr. Webster stated that they should still meet and that the issue is where the authority lies to make those decisions.

Meeting adjourned at 10:15 p.m.

Respectfully Submitted,


Holly L. Meserve, Recording Secretary