

CONWAY PLANNING BOARD

MINUTES

MAY 21, 1998

A meeting of the Conway Planning Board was held on Thursday, May 21, 1998, beginning at 7:05 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chairman, Catherine Woodall; Selectmen's Representative, Jac Cuddy; Vice Chairman, Charlene Browne; Secretary, Dana Hylen; David Fitch; Robert deFeyter; Robert Barriault; John Waterman; Arthur Bergmann; Town Planner, Dawn Emerson; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of May 7, 1998, should be amended as follows: page 2, paragraph 1, line 4, should read, "...in the affirmative. Mr. deFeyter asked if it was a charitable organization. Mr. Doucette answered in the negative and stated that they will still be paying taxes. Mr. deFeyter asked if this..."; page 3, paragraph 4, line 4, should read, "...not going to allow kids to congregate..."; page 3, paragraph 6, line 1, should read, "Mr. DegliAngeli stated that this is not a direct...".

Mr. Fitch made a motion, seconded by Ms. Browne, to approve the Minutes of May 7, 1998, as amended. Motion unanimously carried.

COUNTRY NEWS CLUB, INC./THE CONWAY DAILY SUN - MINOR SITE PLAN REVIEW CONTINUED (MAP 70, PARCEL 11B) FILE #MR98-01

Mr. Barriault was appointed voting member this evening. Mark Guerringue appeared before the Board. Mr. Guerringue stated that the Board granted a waiver for four (4) parking spaces and he would like to resubmit to allow three (3) parking spaces within the setback and waive five (5) parking spaces. Mr. Fitch asked if an easement would still be needed with the abutter. Mr. Guerringue answered in the affirmative. Mr. Fitch stated that the abutter would not allow the use of the other spaces. Mr. Guerringue answered in the affirmative. Ms. Emerson stated that the easement has been received. Ms. Woodall asked if Town Counsel, Peter Hastings, had reviewed the easement. Ms. Emerson answered in the negative.

Mr. deFeyter asked the number of parking spaces. Ms. Emerson stated that the applicant has gained three (3) parking spaces and, therefore, would need a waiver for five (5) parking spaces. Ms. Emerson stated that the applicant has submitted a new waiver request for the parking spaces. Ms. Woodall asked for public comment; there was none.

Mr. deFeyter asked Mr. Barriault for his thoughts on waiving the parking spaces. Mr. Barriault stated that parking is critical, but this is a unique situation. Mr. Barriault stated that this property could be sold to a use that needs more parking, but it would have to come back before the Board. Mr. Barriault stated that parking would be more of an advantage than greenspace. Ms. Woodall read the waiver request for Article 123-30.3 of the Site Plan Review Regulations. Ms. Woodall read the requirements to grant a waiver. Mr. deFeyter made a motion, seconded by Ms. Browne, to approve the waiver request of Article 123-30.3. Motion unanimously carried.

Ms. Woodall read the waiver request for Article 123-22.A of the Site Plan Review Regulations. Ms. Browne made a motion, seconded by Mr. deFeyter, to approve the waiver request of Article 123-22.A. Motion unanimously carried. Mr. Bergmann asked if the first waiver for Article 123-30.A(2) & (3) granted on April 16, 1998 should be withdrawn. Mr. deFeyter made a motion, seconded by Mr. Barriault, to withdraw the waiver request for Article 123-30.A(2) & (3) granted on April 16, 1998. Motion unanimously carried.

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Ms. Woodall stated that the easement has not been approved by Peter Hastings. Ms. Emerson stated that Mr. Hastings has not had the time to review the easement and suggested that the Board either continue the application or grant a conditional approval. Mr. Guerringue stated that both parties have signed the easement and it is finalized. Mr. Cuddy made a motion, seconded by Mr. Barriault, to conditionally approve the application of Country Club News, Inc., conditionally upon Town Counsel's review and approval of the easement; the approval is valid for thirty (30) days; and the plans can be signed out of session. Motion unanimously carried.

STAN SZETELA/SWIFT RIVER RIDGE - EXTENSION OF APPROVAL CONTINUED (MAP 7, PARCEL 33) FILE #87-64

Stan Szetela appeared before the Board. Ms. Emerson stated that Mr. Szetela has requested an extension of his approval. Ms. Emerson stated that the road standards have changed and Mr. Szetela has been working with an engineer and Paul DegliAngeli, Public Works Director, to update the plans. Ms. Emerson suggested that Board grant the extension. Mr. Szetela stated that the plans have been going back and forth between Holden Engineering and Mr. DegliAngeli. Mr. Szetela stated that he is updating the driveway permit. Ms. Woodall asked for public comment; there was none.

Mr. Barriault asked the estimated target date for completion. Ms. Emerson stated that Mr. DegliAngeli reviewed the plans today and there were some minor revisions. Mr. Szetela stated that it should be completed soon. Ms. Browne made a motion, seconded by Mr. Hysten, to extend the approval of Stan Szetela/Swift River Ridge until August 6, 1998. Motion unanimously carried.

GOLD LAND LIMITED/PEKING RESTAURANT - MINOR SITE PLAN REVIEW (MAP 61, PARCEL 34) FILE #MR98-03

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Ms. Browne stepped down at this time. Mr. Allen stated that the Peking Restaurant has tied into the municipal sewer system and they would like to add more parking. Mr. Fitch asked if the leach field will be removed. Mr. Allen stated that it is going to remain at this time. Mr. Hysten made a motion, seconded by Mr. Fitch, to accept the application of Gold Land Limited/Peking Restaurant for a Minor Site Plan Review. Motion unanimously carried.

Ms. Woodall asked if this was just for phase I. Mr. Allen answered in the affirmative. Ms. Woodall asked if the applicant has a permit for each driveway. Mr. Allen answered in the affirmative. Ms. Woodall stated that drainage has to be dealt with. Mr. Allen stated that the drainage has already been done. Ms. Woodall stated that when the application comes back to the Board it will have to be reviewed. Mr. Allen stated that it has already been approved. Ms. Woodall asked why it has an expiration date of December 18, 1999. Ms. Emerson stated that the Notice of Decision reflects the expiration date. After a brief discussion, the expiration date on the Notice of Decision was July 18, 1999.

Mr. Bergmann asked if this application effects the greenspace. Ms. Woodall stated that it was already calculated under the first application. Mr. Fitch stated that the plans show snow storage on the existing septic field. Mr. Fitch asked where is the snow going. Mr. Allen stated that if there is not enough room the snow will be hauled off site. Ms. Woodall stated that she would like to see a note on the plan regarding snow removal. Mr. Bergmann asked if this was for an additional 107 parking spaces. Mr. Allen stated there will be 107 parking spaces total. Ms. Emerson stated that the applicant needs to put a note on the plans regarding snow storage and provide a cost estimate of site work. Ms. Woodall asked about drainage. Ms. Emerson stated that the Board is only looking at phase I.

Ms. Woodall asked for public comment; there was none. Mr. deFeyter made a motion, seconded by Mr. Fitch, to conditionally approve the application for Gold Land Limited conditionally upon a note on the plans regarding snow storage and removal; a Performance Guarantee for 50% of all site improvements; and this approval is valid for thirty (30) days. Motion unanimously carried.

**HYDROKINETIC EFX LTD/ALTERNATIVE AUTO BROKERS - FULL SITE PLAN REVIEW
(MAP 12, PARCEL 40-7) FILE #FR98-06**

Ms. Browne rejoined the Board at this time. Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Ms. Woodall asked Ms. Emerson if she had found the checklist for this application. Ms. Emerson answered in the negative and reviewed the staff notes with the Board. Mr. Allen reviewed the project with the Board. Ms. Browne asked why Mr. DegliAngeli does not want the Board to grant the waiver request pertaining to the drainage calculations. Ms. Emerson stated that Mr. DegliAngeli feels drainage calculations should be submitted. Ms. Browne asked if it is because the area is paved. Ms. Emerson stated that that is one of the reasons. Mr. Fitch asked if there would be a problem submitting drainage calculations. Mr. Allen stated that he could provide them to the Board next week.

Mr. deFeyter stated that the application should not be accepted until the drainage calculations are submitted to make it a complete application. Mr. Allen stated that since he has submitted a waiver request for the drainage calculations it is a complete application. Ms. Emerson stated that she feels this is a complete application. Ms. Emerson stated that the applicant is requesting a waiver, but Mr. DegliAngeli has requested the drainage calculations. Ms. Emerson stated that the applicant has met the other requirements and she thinks the Board should begin to review the application and request the drainage calculations.

Ms. Browne stated that she would like to see an informal session as the Board is trying to set a policy that applications must be complete. Mr. Barriault asked if the Board has set that policy. Ms. Woodall answered in the affirmative. Mr. Barriault stated that the change in a House Bill gives a particular time frame in which an application has to be reviewed. Mr. Barriault stated that the past Board agreed to accept the Town Planner's opinion on whether an application was complete or not. Mr. Fitch stated that the application would be complete if Mr. DegliAngeli did not request the drainage calculations. Mr. Fitch stated that the Board has granted waivers for drainage for other applications in the same area. Mr. Fitch stated that the application came in complete with a waiver request. Mr. deFeyter stated that the checklist requires drainage. Mr. Bergmann reading from the staff notes stated that Mr. DegliAngeli is requiring drainage calculations and is telling the Planning Board not to grant the waiver request.

Mr. Cuddy made a motion, seconded by Mr. Hylen, to accept the application of Hydrokinetic EFX LTD/ Alternative Auto Brokers for a Full Site Plan Review. Motion carried with Ms. Woodall; Ms. Brown; and Mr. deFeyter voting in the negative. Mr. Allen stated that the applicant is requesting two (2) waivers. Mr. deFeyter asked about a display area. David Couture stated that there is another lot in the same development that they are using to display vehicles. Ms. Emerson stated that the staff advises the Board whether a waiver is justifiable. Ms. Emerson stated that the Board could vote to grant the waiver and not request the drainage calculations.

Mr. Bergmann asked why the applicant was requesting a waiver for twenty (20) trees. Mr. Allen stated that it is a back lot that cannot be seen from East Conway Road. Mr. Allen stated that the applicant did line the perimeter with ten (10) street trees. Ms. Woodall asked what is on the adjoining land. Mr. Allen stated that there is a machine shop; a trailer; and a wooded area. Mr. deFeyter asked if there was any reasons why the trees could not be planted. Mr. Allen stated that the applicant could plant more trees. Ms. Woodall asked if there was an easement of record. Mr. Allen answered in the affirmative. Ms. Woodall asked if this has received Fire Chief approval. Ms. Emerson answered in the affirmative. Mr. Fitch asked if this is a level lot. Mr. Allen answered in the affirmative. Mr. Fitch asked if the surrounding area is flat. Mr. Allen answered in the affirmative.

Ms. Browne asked if this is in the Industrial Zone. Ms. Emerson answered in the affirmative. Mr. Fitch asked Mr. Allen if he sees a problem with run off. Mr. Allen answered in the negative and stated that it is pure sand. Ms. Browne stated that it is paved and it is against the law to drain onto someone else's property. Ms. Woodall asked for public comment; there was none. Mr. Barriault stated that the original intent of converting this area to industrial was to encourage and provide affordable property and not to hamper as much with specific requirements. Mr. Barriault stated that the amount of trees required by this applicant is more than what is required in the Industrial-1 zone. Ms. Woodall stated that the Board had to

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go with the restrictions of the land on Hobbs Street. Ms. Woodall stated that even though there is an area that is not developed it could be developed years down the road.

Mr. Bergmann asked if this will replace the business on Route 16 [at the car wash]. Mr. Couture answered in the negative. Mr. Bergmann stated that this is a wide open space and a level lot and doesn't see why the applicant cannot plant the required number of trees. Mr. Couture stated that they don't have a problem with the trees if the Board can help them out with the drainage. Ms. Woodall read the waiver request for Article 123-30.D of the Site Plan Review Regulations. Ms. Woodall read the requirements to grant a waiver. Mr. deFeyter made a motion, seconded by Mr. Cuddy, to approve the waiver request for Article 123-30.D. Motion was defeated with Ms. Woodall; Ms. Browne; Mr. deFeyter; and Mr. Hylen voting in the negative.

Ms. Woodall read the waiver request for Article 123-28. Ms. Woodall read the requirements to grant a waiver. Mr. Fitch made a motion, seconded by Mr. Cuddy, to approve the waiver request for Article 123-28. Motion was unanimously defeated. Mr. deFeyter made a motion, seconded by Mr. Fitch, to continue the application for Hydrokinetic EFX LTD/Alternative Auto Brokers until June 4, 1998. Motion carried with Mr. Cuddy voting in the negative.

HOBBS STREET BUSINESS CENTER & FACILITY - 2-LOT SUBDIVISION (MAP 27, PARCEL 50) FILE #S98-10

Doug Burnell of HEB Civil Engineers; and Bayard Kennett appeared before the Board. Ms. Woodall asked if there was a checklist in the file. Ms. Emerson answered in the affirmative and stated that the staff notes are the outstanding issues. Mr. Kennett asked if Mr. Hastings had reviewed the easements. Ms. Emerson stated that she has not heard from Mr. Hastings in regard to the easement. Mr. deFeyter made a motion, seconded by Mr. Fitch, to accept the application of Hobbs Street Business Center and Facility for Subdivision Review. Motion unanimously carried.

Mr. Bergmann stated that two (2) easements are referenced, but three (3) easements are required. Ms. Emerson stated that the water easement is no longer required as they have access to water from Hobbs Street. Ms. Browne asked if this application has been approved by the Fire Chief. Mr. Kennett answered in the affirmative. Ms. Emerson read a letter from Fire Chief, Larry Wade and a letter from Superintendent, Thomas Steele. Ms. Woodall asked if the applicant has dealt with Mr. Wade's concerns. Mr. Kennett stated that they are internal items. Ms. Emerson read a letter from Town Counsel, Peter Hastings, in regard to Fire Chief approval. Ms. Emerson stated that the issues Mr. Wade brought up are not issues the Planning Board reviews, but falls under the building codes. Ms. Emerson stated that the Board should be concerned if the fire department has access to the building.

Mr. deFeyter stated that one of Mr. Wade's concerns was access. Ms. Emerson stated that his concern was access to the pumper connection. Mr. deFeyter stated that the items listed in Mr. Wade's letter are not the Planning Board's concern. Ms. Emerson stated that they are structural concerns. Mr. deFeyter stated that the applicant is taking two (2) non-conforming lots and making them less non-conforming. Ms. Woodall asked for public comment; there was none. Mr. Barriault made a motion, seconded by Mr. Fitch, to conditionally approve the application of Hobbs Street Business Center & Facility conditionally upon Town Counsel's review and approval of easements; lot merger to combine lot 1 and parcel 1; and this approval is valid for thirty (30) days. Motion unanimously carried.

OTHER BUSINESS

Jerome and Irene Bey (Map 8-9, Parcel 16-21) File #S97-14 - Plan Signing: The Board agreed that the conditions had been met and signed the plans.

West Main Street Land Company/West Main Recreation Corp. (Map 32, Parcel 1) - Plan Signing: The Board agreed that the conditions had been met and signed the plans.

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Prioritize Goals: The Board agreed to review the goals and submit to Ms. Emerson the top ten items that the Board should discuss. Ms. Emerson stated that she will compile the items and schedule a workshop for the top two or three items. The Board agreed to meet on June 25, 1998, for a workshop.

Bypass Overlay District: The Board discussed creating a committee to explore and define the Bypass Overlay District. The Board agreed to discuss this at the June 4, 1998, meeting.

Sheila Duane - Alternate: Mr. Cuddy made a motion, seconded by Mr. Fitch, to appoint Sheila Duane as an alternate to the Planning Board.

Meeting adjourned at 10:15 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary