

CONWAY PLANNING BOARD

MINUTES

NOVEMBER 5, 1998

A meeting of the Conway Planning Board was held on Thursday, November 5, 1998, beginning at 7:02 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chairman, Catherine Woodall; Vice Chairman, Charlene Browne; David Fitch; Bob deFeyter; Sheila Duane; John Waterman; Robert Barriault; Town Planner, Dawn Emerson; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of October 1, 1998, should be amended as follows: page 1, paragraph 1, line 1, should read, "...seconded by Mr. deFeyter, to approve..."; page 2, paragraph 6, line 6, should read, "...there was a problem with processing this application under RSA 676:4. Mr. Cuddy..."; page 3, paragraph 1, next to last sentence, should read, "...with it. Mr. Douglass stated that there is a minimum standard relative to the cul-de-sac regulation, not a maximum."; page 3, paragraph 2, entire paragraph, " Mr. Barriault stated that he does not have an ax to grind with Mr. Douglass. Mr. Barriault stated that whether intentionally or not, the proposed design tends to skirt the intent of the regulation. Mr. Barriault stated that the 100 foot ROW radius shown on the plan is designed to provide the 100 foot frontage for the five lots to comply with the regulation. Mr. Barriault stated that frontage is measured from the paved road and if you extended the existing lot lines to the 50 foot radius, you'd be lucky to get two lots that comply with the 100 foot frontage requirement. Mr. Barriault noted that the frontage regulation on cul-de-sacs was changed to avoid too many driveways where you have to remove snow. Mr. Barriault acknowledged that as presently written, the design standard for a cul-de-sac is a minimum so it appears you can make it as large as you want. Mr. Barriault asked if it is the applicant's intention to pave the 100 foot radius. Mr. Barriault asked if it is the applicant's intention to pave the 100 foot radius. Mr. Barriault concluded that this is such a departure from the regulation that to provide any type of waiver is just opening Pandora's box for anyone to increase the radius size to accommodate as many lots on a cul-de-sac as desired which skirts the intent of the regulation."; page 3, paragraph 4, line 4, should be deleted, "Mr. Barriault answered in the negative and stated that the only way around this would be to request a waiver."; page 4, paragraph 1, line 3, should read, "...able to handle fire trucks that ..."; and page 4, paragraph 6, line 1, should read, "...sure how the Town interprets it, but...".

Mr. deFeyter made a motion, seconded by Ms. Browne, to approve the Minutes of October 1, 1998, as amended. Motion unanimously carried.

APPOINTMENT OF ALTERNATE MEMBER TO VOTING MEMBER

Ms. Woodall appointed Mr. Waterman as a voting member.

C.I.P. UPDATE - S.A.U. #9

Dr. Carl Nelson, Superintendent; and Jim Hill, Jr., appeared before the Board. Mr. Barriault stated that they are providing the Board with more input in regard to the renovations at Kennett High School (KHS). Mr. Hill stated that the Conway School Board unanimously supported the Indition project. Mr. Hill stated that they would be using the same footprint, but using some space that is currently not being used. Mr. Hill explained the Indition plan. Ms. Woodall asked the total square footage. Mr. Hill stated that he did not know at this time, but based on square footage per student we would not meet the space requirements for 2004. Ms. Browne stated that she heard RSA 271 passed and according to SB400 the Area Agreement cannot be changed. Dr. Nelson stated that it is all up to interpretation, but it became effective July 1, 1998.

Mr. Hill stated that the Planning Board in 1996 felt at that time that this was the way to go and he hopes that the Planning Board will continue to support this. Mr. Barriault stated that when the 1996 Planning

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Board voted, the written architectural study had not been completed. Mr. Barriault stated that the Indition does address the existing overcrowding problem and the lack of classrooms until 2004. Mr. Barriault asked if the Building Committee has come any closer to an approach to address the overcrowding after that date. Dr. Nelson answered in the affirmative and stated that the Committee and Sub-Committees will be reevaluating the numbers. Dr. Nelson stated that we are looking at a number closer to 1,300 which is still overcrowded. Dr. Nelson stated that they are hoping to have an answer by March, 2000.

Mr. Barriault asked if they will have a concrete plan for the Indition and also be informing the voters of their intentions to resolve the overcrowding problem by March, 2000. Dr. Nelson answered in the affirmative. Mr. Barriault stated that the estimated cost for the Indition was \$10 Million; has that been refined. Mr. Hill answered in the negative. Ms. Woodall asked if money for Air Quality has been appropriated. Mr. Hill stated that a portion of money was spent out of the Maintenance Fund and out of Surplus Funds. Ms. Woodall asked if the \$550,000 for Air Quality was in addition to the \$10 Million or deducted out of it. Dr. Nelson stated that the \$550,000 is to take care of what is not included in the Indition process. Mr. Hill thanked Mr. Barriault for all his help.

Mr. deFeyter made a motion, seconded by Ms. Browne, to discuss the CIP under Other Business. Motion unanimously carried.

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

Ms. Emerson stated that the applicant has submitted a letter requesting the application be continued until November 19, 1998. Mr. Fitch asked how does this effect the time frame. Mr. deFeyter read RSA 274. After a brief discussion, Ms. Duane made a motion, seconded by Ms. Browne, to accept the application of the Eastern Slope Inn Associates as complete for Minor Site Plan Review. Motion carried with Mr. deFeyter voting in the negative. Ms. Duane made a motion, seconded by Mr. Fitch, to continue the Full Site Plan Review for Eastern Slope Inn Associates until November 19, 1998. Motion carried with Mr. deFeyter voting in the negative.

**MARK AND KATHELYN BUSH/STATE LINE STORE - MINOR SITE PLAN REVIEW (MAP
13, PARCEL 63) FILE #MR98-08**

Eldridge Russell appeared before the Board. Mr. Russell stated that behind the store there was some brush cleared for additional parking. Mr. Russell stated that he did not know he needed a permit and he is here now for that reason. Ms. Emerson stated that the applicant is here because he was given a Notice of Violation for doing work without a permit. Ms. Emerson stated that there was a concern with expanding the site and encroaching onto the next lot. Ms. Emerson stated that this is a grandfathered, non-conforming use which must remain on the original lot of record. Ms. Emerson stated that she has received a copy of the deed and a 1997 survey from Thaddeus Thorne Surveys. Ms. Emerson stated that the applicant has remained on the original lot of record and the lot dimensions are correct.

Mr. Fitch made a motion, seconded by Ms. Duane, to accept the application of Mark and Kathelyn Bush/ State Line Store for a Minor Site Plan Review. Motion carried with Mr. deFeyter abstaining. Ms. Emerson stated that there should be a physical barrier on either side of the driveways. Ms. Woodall asked what the applicant is proposing. Mr. Russell answered grass because the State plow trucks wing back in those areas. Mr. Fitch asked if there is something that can be put up in the summer and taken down in the winter. Mr. Fitch stated that grass is not going to stop vehicles. Ms. Browne suggested planting annuals as they will have to be replanted every year. Mr. Fitch stated that they should be limited to the original driveways.

Ms. Browne suggested putting up timbers in the summer and removing them in the winter. Mr. Russell stated that that it labor intensive. Mr. Waterman suggested a removable fence. Mr. Russell stated that the

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area actually changing is the area outback. Mr. Russell stated that the Board is trying to change something that has been in existence for some time. Mr. deFeyter stated that the Board has expressed that there needs to be a barrier and the applicant needs to determine what that barrier will be. Mr. Russell suggested steel posts with reflectors. Mr. deFeyter asked if we know what is approved for curb cuts. Ms. Emerson answered in the negative and stated that this is not a change of use and the applicant is not required to apply for a State driveway permit. Mr. Barriault stated that the Board accepted this under a Minor Review, which the question could be addressed under a Full Review.

Ms. Browne stated that the Board has a responsibility for safety. Mr. deFeyter stated that he does not know if this should be a Minor. Mr. deFeyter stated that a 1996 plan shows the area of the proposed parking lot as a tree area. Mr. Russell stated that the small area of trees is what was cleared for this use. Mr. deFeyter asked why they were not parking back there before. Mr. Russell stated that they used both, but they tried to keep people toward the front. Ms. Duane asked the point the Board was trying to get at. Ms. Woodall stated that the Board needs to address the parking lot. Mr. Barriault stated that the applicant was cited for using this area without proper approval and he is before us now for that reason. Ms. Browne stated that the driveways are not the Board's concern. Mr. Barriault stated not under a Minor Review. Ms. Emerson stated that there is a driveway to the back of the lot East of the store that should be blocked off. Ms. Duane suggested planting trees to prevent vehicles from driving through. Mr. Russell agreed.

Dan Tetrault stated that he lives across the street from this property and when they moved the parking out back it was great. Mr. Tetrault stated that this is a 50 m.p.h. area and the Board should be concerned with the other side of the road when considering this application. The Board had a brief discussion regarding the driveway to the West of the store to the back of the property. Mr. Fitch stated that the arrows on the plans are showing the direction of traffic flow. Mr. deFeyter stated that nothing we do here should be interpreted as a driveway cut. Mr. deFeyter stated that the Board is not establishing anything. Ms. Emerson stated that the driveway cuts are existing.

Ms. Woodall read a waiver request for Article 123-23.B. Ms. Woodall read the requirements to grant a waiver. Mr. Fitch made a motion, seconded by Ms. Browne, to approve the waiver request for Article 123-23.B. Mr. deFeyter stated that if the Board grants this waiver then the Board is giving the applicant a tax rebate. Mr. deFeyter stated that they are charged more if it is paved. Ms. Woodall stated that the Board has to grant or deny a waiver request based on the justification and regulations. Mr. deFeyter asked the Board to consider that this is reducing the tax base. Motion unanimously carried.

Mr. Fitch made a motion, seconded by Ms. Browne, to conditionally approve the Minor Site Plan for Mark and Kathelyn Bush/State Line Store conditionally upon indicating areas to be grassed on the plans; indicating trees on east side of the house to be planted to block drive to back parking lot on plans; indicate traffic flow on the plans; a performance guarantee for 50% of all site improvements; and this conditional approval will expire December 17, 1998. Motion unanimously carried.

CLEMENTINE REALTY TRUST - MINOR SITE PLAN REVIEW (MAP 11, PARCEL 62A) FILE #MR98-09

Mark Lucy of White Mountain Survey; and Roger Williams, Project Manager, appeared before the Board. Mr. Lucy stated that they are proposing a 960 square foot storage building. Ms. Duane made a motion, seconded by Ms. Browne, to accept the Minor Site Plan Review application of Clementine Realty Trust as complete. Motion unanimously carried. Gary Richards of the Four Points Hotel submitted a letter from their legal council outlining concerns with the use of the land. Ms. Woodall read the letter. Ms. Woodall asked who owns the land. Mr. Lucy answered Clementine Realty Trust and Lisa Barsamian is the Trustee.

Ms. Woodall asked who owns the tennis courts and the pool. Mr. Williams answered Clementine Realty Trust. Mr. Williams stated that there was a Recreation Association that could use those facilities. Ms. Woodall asked when it changed. Mr. Williams stated that he does not know if it did. Mr. Williams stated that the State owns the condominiums, but that won't effect those people from using the facilities. Mr. Richards stated that the Recreation Association is still active. Mr. Richards stated that the hotel maintains

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the tennis courts and the pool. Mr. Lucy stated that the Association was notified, but the hotel is not a direct abutter. Mr. Williams stated that the bath houses have not been used in approximately three (3) years and the tennis courts are overgrown. Mr. deFeyer discussed the local North/South Road and the expanding of Barnes Road.

Ms. Browne asked what is going to be stored in the building and how will it be accessed. Mr. Williams stated that they will access the building from the existing driveway and through the parking lot. Mr. Williams stated that they will store picnic tables and the barrels for the sand, but mainly it will store sand. Ms. Woodall asked if it will be pure sand or salt and sand. Mr. Williams stated that at times salt may be mixed it depending on the weather. Ms. Duane asked if this will be a temporary structure. Mr. Williams stated that the building will probably only be there for a couple of years. Mr. Fitch stated that a new driveway is already constructed and asked if it will be brought back to its original condition. Mr. Williams answered in the affirmative and stated that a berm will be constructed.

Mr. Fitch asked if there were any trees cut. Mr. Williams answered in the negative and stated that originally it was a driveway. Mr. Fitch stated that the plan shows the building 55 feet from Barnes Road, but it looks closer. Mr. Williams stated that he stepped it off today and it comes to about 53 feet. Mr. Fitch asked if it will be all enclosed. Mr. Williams answered in the negative and stated that the South side will be open. Ms. Woodall asked if it will be on concrete pad. Mr. Williams answered in the negative. Ms. Woodall asked how the Town stores sand. Ms. Emerson stated that there is no requirement from the Town or the State that requires a concrete pad. Ms. Woodall asked if this is on an aquifer. Mr. Lucy answered in the affirmative.

Mr. deFeyer asked if Ms. Emerson knows of any wells or protected water sources in this area. Ms. Emerson stated that it is public water and an enclosed water system. Ms. Emerson stated that she does not know if there are any wells. Ms. Browne asked if any chemicals will be stored in the building. Mr. Williams answered in the negative. Ms. Browne asked if there will be any landscaping. Mr. Williams stated that landscaping wasn't proposed, but he is not opposed to it. Mr. Waterman asked if they would be willing to construct a concrete floor. Mr. Williams stated that he is not going to argue with that. Ms. Browne stated that the existing traffic flow is close to the recreational facilities. Mr. Williams stated that the majority of the traffic flow will be in the winter and there will be very little in the summer.

Mr. Richards stated that this is a deviation from the original site plan to be used for recreation. Mr. Richards stated that he would like to see it more aesthetically pleasing or preferably in a new location. Ms. Woodall asked if the applicant is willing to add a concrete pad. Mr. Williams answered in the affirmative. Ms. Woodall stated that the applicant should delineate a driveway area and add landscape to be more visually pleasing. Ms. Browne suggested a hedge row of evergreens. Ms. Duane asked the purpose of the concrete pad. Ms. Woodall stated that it is for the salt. Mr. Fitch stated that the concrete pad will be useless because unless it is contained on all four sides it will run-off the concrete. Ms. Duane asked how the building will be finished off. Mr. Williams stated that it will be metal siding that is taken off the old hanger building.

Mr. Richards stated that they are also concerned with aesthetics. Ms. Browne stated that there should be landscaping on the West and South side. Mr. Barriault asked how tall is the building. Mr. Lucy answered approximately 16 feet. Mr. deFeyer stated that this is not to become a gasoline storage facility. Mr. Lucy stated that the Town dumps more salt on Common Court in one winter than this storage shed will ever hold. Ms. Woodall asked for public comment; there was none. Mr. deFeyer asked if Ms. Emerson would check into wells. Ms. Browne made a motion, seconded by Mr. deFeyer, to continue the Minor Site Plan Review for Clementine Realty Trust until November 19, 1998. Motion unanimously carried.

ARBORVIEW COMPANIES-FULL SITE PLAN REVIEW (MAP 65, PARCEL 33) FILE #FR98-13

Jon Howe, Ammonoosuc Survey Company; Michael Couture, Architect; Robert Roy, applicant; and Edward Labonville, applicant, appeared before the Board. Mr. Howe stated that the applicant is proposing

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to change retail space to an 84-seat restaurant. Mr. Howe stated that the main concern was parking and they are removing the existing retaining wall and moving it back 30 feet. Ms. Emerson stated that the application is complete. Mr. Fitch made a motion, seconded by Ms. Duane, to accept the application for Arborview Companies for a Full Site Plan Review. Motion unanimously carried.

Mr. Fitch asked what the material will be for the retaining wall. Mr. Howe answered pressure treated lumber. Ms. Emerson asked if the slope was determined. Mr. Howe answered 30%. Ms. Emerson stated that the greenspace calculation will be less. The Board discussed street trees. Ms. Emerson stated that the plan shows a 22 foot curb cut, but the State has approved a 20 foot curb cut. Ms. Emerson stated that the curb cut needs to be amended or the driveway permit needs to be amended.

Mr. Fitch stated that the parking calculations do not include the two parking spaces in front of the deck. Mr. Fitch asked if there could be a curb in between the two spaces in the front to prevent cutting through. Mr. Howe stated that he doesn't think you can get through with the deck there. Mr. Fitch stated that he would prefer if you couldn't drive through. The Board reviewed the elevation. Mr. deFeyter asked the height of the building. Mr. Couture answered approximately 29 feet. Ms. Browne asked the location of the mechanicals. Mr. Couture stated that they are inside in the basement. Mr. Barriault asked the height of the retention wall. Mr. Couture answered approximately seven (7) feet.

Ms. Woodall asked if there is a drainage plan. Ms. Emerson stated that there is a waiver request. Ms. Emerson stated that the Town Engineer, Paul DegliAngeli, did walk the site and he supports the waiver. Ms. Woodall asked if there is anything in writing from Mr. DegliAngeli. Ms. Emerson answered in the negative. Mr. Howe stated that Roger Dionne from the State of New Hampshire did not have a problem with the drainage either. Mr. Barriault asked if the deck will have tables or will it be a waiting area. Mr. Barriault stated that if they add tables they will have to modify the seats. Mr. Couture stated that they will have 84-seats whether they are inside or outside.

Mr. deFeyter asked about lighting. Mr. Howe stated that there is existing lighting which is shown on the plan. Ms. Woodall asked about snow storage. Mr. Howe stated that it is indicated on the plans. Mr. Barriault asked Ms. Emerson if she checked on the sign. Ms. Emerson stated that it is a grandfathered, non-conforming sign. Mr. Barriault stated that in fairness to other applicants they should bring the sign into conformance. Mr. Couture asked if they could exchange it for greenspace. Ms. Woodall asked if they would be willing to reduce the sign to 35 square feet. Mr. Roy answered in the affirmative.

Ms. Woodall read a waiver request for Article 123-28. Ms. Woodall read the requirements to grant a waiver. **Ms. Duane made a motion to approve the waiver request for Article 123-28.** Mr. Couture stated that the greenspace is less than 25%. Mr. deFeyter suggested the sign being reduced to 30 square feet in exchange for greenspace. Mr. Roy agreed. Ms. Duane stated that in fairness to the applicant they should calculate the greenspace before they agree to reduce the size of the sign. **Ms. Browne seconded the motion. Motion carried with Mr. deFeyter voting in the negative.**

Ms. Woodall asked for public comment; Paul Ronty of the Red Jacket stated that he has met with the applicant and most of his concerns have been addressed. Mr. Ronty stated that he is concerned with the retaining wall from a safety stand point coming down from up above and asked if the retaining wall could be shorter. Mr. Couture stated that it is almost impossible to walk back there and the retaining wall steps back as it goes up. Ms. Woodall stated that a note should be added to the plan with the height of the retaining wall.

Ms. Duane made a motion, seconded by Mr. Fitch, to continue the Full Site Plan Review for Arborview Companies until November 19, 1998. Motion unanimously carried.

OTHER BUSINESS

Capital Improvements Program (CIP): The Board reviewed the CIP. It was the consensus of the Board to rate the Whitaker Property Project a Class 3/desirable project. It was the consensus of the Board to rate the

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Public Restrooms a Class 2/necessary project. It was the consensus of the Board to implement this in the year 1999.

Overlay District: Ms. Woodall read a memo from the Conway Conservation District. Ms. Browne made a motion, seconded by Mr. deFeyter, to hold a public hearing on November 18, 1998 in regard to the Overlay District. Motion unanimously carried.

Hale Highlands Estates: Ms. Emerson stated that both Attorneys have asked the public hearing to be continued until December 17, 1998. After a brief discussion, Ms. Duane made a motion, seconded by Mr. deFeyter, to hold the public hearing for Hale Highlands Estate on December 3, 1998. Motion unanimously carried.

Memorial Hospital/Signing of Plans (Map 19, Parcel 71) File #FR98-11: Mr. Fitch stepped down at this time. Mr. Fitch appeared before the Board and asked if the plans could be signed out of session. Mr. deFeyter made a motion, seconded by Ms. Duane, to sign the plans for Memorial Hospital out of session. Motion unanimously carried.

Meeting adjourned at 11:50 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary