

CONWAY PLANNING BOARD

MINUTES

FEBRUARY 4, 1999

A meeting of the Conway Planning Board was held on Thursday, February 4, 1999, beginning at 7:03 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; David Fitch; Robert deFeyter; Arthur Bergmann; Sheila Duane; Town Planner, Dawn Emerson; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of December 17, 1998, should be amended as follows: page 1, paragraph 3, line 7, should read, "... (8) feet. Mr. deFeyter stated that they are low like that. Ms. Browne...". Mr. Fitch made a motion, seconded by Ms. Duane, to approve the Minutes of December 17, 1998, as amended. Motion unanimously carried.

Mr. Fitch made a motion, seconded by Ms. Duane, to approve the Minutes of January 7, 1999, as written. After a brief discussion due to confusion in the headings of the January 7, 1999 and January 21, 1999 Minutes, the Board decided to table both sets. Mr. Fitch withdrew his motion. Ms. Duane made a motion, seconded by Mr. Fitch, to table the Minutes of January 7, 1999, and January 21, 1999, until February 18, 1999. Motion unanimously carried.

HILL'S IGA MARKET, INC. - MINOR SITE PLAN REVIEW (MAP 7, PARCEL 73A) FILE #MR99-01

Jim Keenan of Keenan & Associates appeared before the Board. Mr. Keenan stated that the bank would like to construct an additional island to the drive-up and extend the canopy. Mr. Fitch stated that there are no greenspace calculations on the plan. Mr. Keenan stated that this is a minor application and he didn't think the greenspace calculations were required, but he will submit them. Mr. Fitch made a motion to not accept this application for review as it is not complete.

Mr. deFeyter stated that under the new law, the Board has to accept the application for review or deny it for being incomplete. Ms. Emerson stated that she does not know what the greenspace calculations are as the applicant is adding pavement. Mr. Keenan stated that pavement is not being added. Ms. Emerson stated that the plans show new pavement. Mr. deFeyter seconded the motion.

Ms. Duane stated that she doesn't think the Board needs to reject the application. Ms. Duane stated that the Board should accept the application and review it and have the applicant add the greenspace calculations to the plans. Mr. deFeyter stated that the Board has to act on this application within thirty (30) days of receiving it. Ms. Emerson stated that the February 18, 1999, meeting still falls within the thirty (30) days. Mr. Keenan stated that he cannot be here on February 18, 1999, but he will waive the thirty (30) days. After a brief discussion with Town Counsel, Peter Hastings (who was in attendance for the next hearing), the Board agreed that they could conceptually review the application and continue the consideration of acceptance until the next meeting. Mr. Fitch withdrew his motion.

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. Mr. Keenan stated that there is no additional pavement being added and he will have that corrected on the plans. Mr. deFeyter asked if the access road to Eastside Road was ever approved by the Town. Mr. Cuddy stated that it is for loading and it is a driveway. Ms. Browne joined the Board at this time. Mr. deFeyter stated that people use it as a cut through. Mr. Bergmann stated that it is a driveway. Mr. Keenan stated that the island will compact the traffic closer to the building.

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Ms. Duane stated that service area for the IGA is a concern especially if there are eighteen wheelers. Mr. Keenan agreed and stated that in the winter time it is difficult because the blacktop decreases. Mr. deFeyter stated that if it was intended for a loading area then it should not be used as a cut-through. Mr. Keenan stated that he can only recommend "Do not Enter" signs. Mr. Fitch asked if the applicant knew of any accidents occurring in that area. Mr. Keenan stated that he did not know of any accidents. Mr. Cuddy recommended having Ms. Emerson contact the Conway Police Department and find out how many accidents this area has caused.

Mr. deFeyter stated that there was a concern with the gas tanks at the back of the building and asked if there has been a response from Conway Village Fire District. Ms. Emerson stated that the applicant has requested a review by Conway Village Fire District, but there has not been a response. Mr. Keenan stated that Conway Village Fire District was going to respond and he will contact them again. Ms. Woodall stated that the dumpster(s) need to be screened. Ms. Emerson stated that the handicap parking spaces need to be signed and painted.

Mr. Fitch asked if there is anything else the Board wants so there are no surprises at the next meeting. Mr. deFeyter stated that he doesn't have anything else at this time, but something else might come up at the next meeting. Mr. Keenan stated that in regard to the traffic issue, the back driveway should be considered a pass through. Ms. Woodall stated that legally the Board cannot look at it as a pass through as it is a safety issue. Ms. Woodall asked for public comment; there was none. Ms. Duane made a motion, seconded by Mr. Cuddy, to continue the consideration of the Hill's IGA Market, Inc. application until February 18, 1999. Motion carried with Mr. deFeyter abstaining from voting.

ROBERT CARLETON/HALES LOCATION - FILE #S99-01

Peter Hastings, Town Counsel; Earl McLetchie, Attorney for Robert Carleton; Paul King, Surveyor; and Stewart Heath, contractor, appeared before the Board. Mr. McLetchie gave a brief overview of the previous projects in Hales Location. Mr. McLetchie stated that Mr. Heath has constructed all of the roads and the access road into Hales Location. Mr. McLetchie stated that Hales Location is currently proposing a sixteen (16) lot subdivision. Mr. McLetchie stated that the County Commissioners approved the plan on January 21, 1998, but the plan was reconfigured and it was re-approved on October 14, 1998.

Mr. McLetchie stated that the Town of Conway received federal funding to improve West Side Road and there are no problems with the access road. Mr. McLetchie stated that the average trips per day is eight (8) cars per single-family home. Mr. McLetchie stated that these are mostly second homes and we will have a minimal impact on the West Side Road. Mr. McLetchie stated that the only jurisdiction this Board has is the access road. Mr. Hastings stated that the subdivision is not before the Board and stated that the Board can only consider the access road. Mr. Hastings stated that the Board must determine if the access road through the Town of Conway to West Side Road is safe. Mr. Hastings stated that the Court agreed that Hales Location did have to come before the Conway Planning Board in regard to the access road. Mr. Hastings stated that the Town Engineer, Paul DegliAngeli, did review the plan and wrote a memo that he basically agreed with the access road.

Mr. deFeyter asked Mr. Hastings to give his opinion as to the effective date of the current subdivision. Mr. deFeyter stated that the subdivision was originally approved in January, 1998 and the again in October, 1998. Mr. deFeyter stated that a new law went into effect in July, 1998 and referred to RSA 674:53. Mr. Hastings stated that only RSA 674:53-4 was applicable. Mr. deFeyter disagreed and referred to RSA 674:41. Mr. Hastings stated that the road has to be built to the Town of Conway standards. Ms. Duane asked which road. Mr. deFeyter answered all the roads in Hales Location. Mr. Hastings disagreed and stated that just the road in Conway needs to be built to Town of Conway standards. Mr. Hastings referred to RSA 674:53-4 and stated that he does not see how the Board can go beyond that scope. Mr. Hastings stated that between Hales Location and the West Side Road is what is under review.

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Mr. deFeyter stated that the Town of Conway requires a second access when you go over a certain number of lots. Mr. Hastings stated that were dealing with a single access and it doesn't say you can require a second access. Mr. Hastings stated that the Board has to review the safety of the road and stated that the Board can deny the application based upon not having a second access, but he wouldn't recommend doing that. Mr. deFeyter stated that RSA 674:53-2 would be applicable. Mr. Hastings disagreed. Mr. McLetchie stated that if Hales Location had two (2) accesses then they would not be before the Board this evening. Mr. deFeyter stated that they still would have to be here.

Mr. Cuddy asked the purpose of this discussion and asked what Mr. deFeyter was trying to accomplish. Mr. deFeyter stated that he thinks the Town of Conway has jurisdiction over the roads within Hales Location. Mr. deFeyter stated that they should have to meet the same standard as an owner in the Town of Conway. Mr. Cuddy made a motion, seconded by Ms. Duane, to accept the application of Robert Carleton/Hales Location for the purpose of reviewing the access road. Motion carried with Mr. deFeyter voting in the negative. Ms. Woodall asked for public comment; there was none.

Ms. Browne stated that the only thing the Board is concerned about is the impact on the West Side Road in regard to safety. Ms. Browne asked if this is the only access and cars started to back up, then we would have a safety issue. Mr. Hastings agreed and stated that this Board would have jurisdiction over that. Mr. Cuddy referred to a memo from Mr. DegliAngeli and stated that he speaks to that issue. Ms. Woodall stated that there is no kind of impact fee. Mr. Hastings answered in the negative.

Mr. deFeyter referred RSA 28:7B. Mr. Hastings stated that it has to go to the Commissioners. Mr. deFeyter stated that we asked what the Commissioners did and they have no regulations. Mr. Hastings stated that the Town of Conway does not have to have ordinances. Mr. Hastings stated that the County Commissioners can choose to not have regulations. Mr. Cuddy made a motion, seconded by Ms. Duane, to approve the Phase II subdivision based on the access road in accordance with the RSA and Town ordinances. Motion carried with Mr. deFeyter voting in the negative.

OTHER BUSINESS

C.N. Brown - Conceptual Review: Diane Smith of Thaddeus Thorne Surveys appeared before the Board and reviewed a proposed site plan for C.N. Brown on the corner of River Road and White Mountain Highway.

Hale Highland Development Corp. - Conceptual Review: Bobby Quint appeared before the Board and reviewed the proposed phase lines for the subdivision approved in 1988.

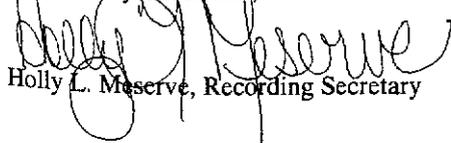
Northern Woods Property Management - Conceptual Review: Ms. Woodall read a letter from Al Landano canceling the conceptual review.

Proposed Wetlands Ordinance and Special Highway Corridor District - Clarification: Ms. Woodall read the attached document. Mr. Cuddy made a motion, seconded by Mr. deFeyter, that the intent of both ordinances was to apply to "new" applications. Motion unanimously carried. Ms. Woodall signed the attached document.

Building Permit Issuance vs. Renewal: There was a brief discussion in regard to renewing a building permit. Ms. Emerson submitted a memo from building Inspector, Shawn Bergeron (attached). It was the consensus of the Board that they did not have jurisdiction over Chapter 88 of the Conway Code.

Meeting adjourned at 9:30 p.m.

Respectfully Submitted,


Holly L. Meserve, Recording Secretary