

CONWAY PLANNING BOARD

MINUTES

FEBRUARY 18, 1999

A meeting of the Conway Planning Board was held on Thursday, February 18, 1999, beginning at 7:05 p.m. at the Conway Town Office in Center Conway. Those present were: Chairman, Catherine Woodall; Vice Chairman, Charlene Browne; Sheila Duane; 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.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of January 7, 1999, should be amended as follows: page 2, paragraph 4, line 5, should read, "...definitions, they are insubstantial. Mr. Hill..."; page 5, paragraph 1, line 7, should be added, "...fire code. Ms. Woodall stated that various scenarios were discussed with Mr. Bergeron as well as possible loop holes and eliminate them with the way it is written. Ms. Duane...". Ms. Browne made a motion, seconded by Ms. Duane, to adopt the Minutes of January 7, 1999, as amended. Motion unanimously carried.

The Minutes of January 21, 1999, should be amended as follows: page 2, paragraph 1, line 1, should read, "...hopefully if all is in line..."; page 3, paragraph 3, line 1, should read, "Mr. deFeyter asked if it was a downside for the Town. Mr. Hastings stated that there wasn't. Ms. Emerson..."; and the header on all pages should read "January 21, 1999" instead of January 7, 1999. Ms. Browne made a motion, seconded by Ms. Duane, to approve the Minutes of January 21, 1999, as amended. Motion unanimously carried.

The Minutes of February 4, 1999, should be amended as follows: page 3, paragraph 3, line 1, should read, "Ms. Browne asked Mr. Hastings for conformation and clarification that the only thing the Board..."; page 3, paragraph 3, line 4, should read, "...issue. Ms. Woodall asked if there is any kind of impact...". Mr. Waterman made a motion, seconded by Ms. Duane, to approve the Minutes of February 4, 1999, as amended. Motion unanimously carried.

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

Joe Berry, applicant; and Diane Smith, Thaddeus Thorne Surveys, appeared before the Board. Ms. Emerson stated that Paul DegliAngeli, Town Engineer, reviewed the drainage plans and requested two (2) changes to the plan. Ms. Emerson stated that the applicant's engineer is working on those revisions. Ms. Emerson stated that the easement with the Conway Scenic Railroad is being worked out, but it is still outstanding. Ms. Emerson stated that the Board can still review the parking.

Ms. Emerson stated that Robert deFeyter, Planning Board member, has suggested some wording in regard to parking [noted on the staff notes]. Ms. Emerson stated that the paving of the back parking lot is proposed in two (2) phases and the Board needs to determine when phase II needs to be paved. Ms. Emerson stated that the applicant is interested in receiving a conditional approval. Ms. Emerson stated that this is over the sixty-five (65) days in which the Board needs to make a decision on the application, but there is a letter in the file from the applicant extending the time frame to as much time as necessary.

The Board and the applicant agreed to begin the discussion on shared parking. Ms. Browne stated that shared parking is a good idea, but if the parking across the street is no longer available how will it effect a change-of-use. Ms. Browne asked what is the process for a change-of-use and does it have to come back

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before the Board. Ms. Emerson stated that the parking across the street is not a part of the parking calculations. Ms. Emerson stated that a change-of-use is allowed administratively if the impact is the same or less. Ms. Emerson stated that if there is a greater impact then it has to come back before the Board.

Mr. Berry stated that there is a combination of daytime commercial use and nighttime lodging. Ms. Emerson stated that if the parking requirement is less for a change-of-use then the applicant would not be required to come before the Board. Ms. Emerson stated that the change-of-use would have to be more intensive, but in this case the Zoning Officer would have to look at the hours of operation. Ms. Woodall asked if Eastern Mountain Sports (EMS) is open nights. Mr. Berry stated that EMS is open in the summer until 9:00. Mr. Berry stated that he is willing to accept the language proposed by Mr. deFeyter because it does trigger this topic on when we have to come to the Board for a change-of-use.

Ms. Browne asked if there was any mention of the shared parking in the Minutes from previous applications. Ms. Emerson answered in the negative and stated that it will be nice to clarify this procedure. Ms. Woodall asked if the Board agreed with Mr. deFeyter's language. Ms. Browne stated that if an increase in parking is required then the applicant should be required to come back before the Board. Mr. Berry suggested changing the language to state, "...would effect the increase the parking needs..."

Ms. Browne made a motion, seconded by Ms. Duane, that the substitution is granted on the basis that the multiple businesses in the Eastern Slope Inn have parking needs at different times of the day so as to allow a smaller number of spaces to adequately meet the parking needs of the Inn. In accepting this substitution, the applicant and successors agree to consult with the Planning Board prior to changes in business use(s) that would effect increase the parking needs on the property. If the Planning Board determines that the new business use(s) will require additional parking, the applicant and successors agree to provide the additional parking before changing the business use(s). Motion unanimously carried.

Ms. Woodall asked that the wording in regard to the parking substitution be added to the plans. Ms. Smith agreed. Ms. Woodall asked when the drainage plans will be available. Ms. Smith stated that the drainage plans are approved, but Mr. DegliAngeli requested a few changes. Ms. Woodall asked about the status of the easement from the Conway Scenic Railroad. Mr. Berry stated that the Conway Scenic Railroad is on the market and it has been difficult addressing the easement, but the easement is drafted and he expects to have the easement complete very soon. Ms. Woodall asked if the old or new owner will have to sign the easement. Mr. Berry stated that there is not a delay on the subject matter, but just a matter of getting around to addressing it.

Ms. Woodall asked if the Conway Scenic Railroad has seen the drawing. Ms. Woodall stated that the problem with granting a conditional approval if the tunnel moves it will have to come back before the Board as a new application. Mr. Berry stated that the easement has been on the table since late last spring. Mr. Berry stated that he does not expect any changes, but if there is then he will have to come back before the Board. Mr. Berry stated that he would like to see this application conditionally approved. Ms. Woodall asked why Mr. Berry would like a conditional approval. Mr. Berry stated that there will be new members soon and he doesn't want to waste the Board's time.

Ms. Woodall asked for public comment; Ed McBurnery, Attorney for abutter Schrader, stated that the issues he raised have in large been addressed, however, he still does not believe access to the parking lot is sufficient to do what the applicant wants to do with this property. Mr. McBurnery referred to Article 131-67.(8) of the Subdivision Regulations. Ms. Emerson stated that the driveway cannot be any larger because that is all the applicant has. Ms. Emerson stated that the State issued a driveway permit for this use. Mr. McBurnery stated that the driveway cut is not wide enough to do what the applicant wants to do. Mr. McBurnery stated that the curbing and the retaining wall will narrow the driveway. Mr. McBurnery referred to Article 123-23.E. Mr. McBurnery stated that stacking of cars is going to be a problem.

Mr. Berry stated that the driveway is nineteen (19) feet wide and there is not going to be a retaining wall near the entrance. Ms. Emerson stated that there should be room to stack. Mr. McBurnery stated that the

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applicant should be required to provide a detail of the driveway. Ms. Woodall read the State Driveway permit that was approved on December 17, 1998. Mr. McBurney stated that the State may not control the area after the State's right-of-way. Ms. Browne asked if one (1) foot makes a difference. Mr. McBurney stated that the Town ordinance requires a twenty (20) foot driveway cut and if it does not meet the Town's requirement then a waiver should be requested. Ms. Emerson asked Mr. McBurney if he felt the nineteen (19) foot driveway cut was unsafe. Mr. McBurney answered in the affirmative and stated that there is not enough room for two (2) cars. Mr. Berry stated that he knows that Mr. McBurney has brought this subject up at previous meetings and we know that right now it is constructed narrow. Mr. Berry stated that the driveway has been inherited on the plan to make it a two-way driveway and he plans on taking advantage of the width of the land.

Mr. McBurney stated that the Board needs a detail on the driveway. Ms. Woodall stated that at this point the applicant should ask for a continuance in order for the applicant to provide a detail of the driveway and then the drainage should also be available. After a brief discussion, Ms. Emerson stated that the Board is requesting from the applicant a detail of the driveway, a waiver request for the width of the driveway, and the Mr. DegliAngeli review the driveway detail. Ms. Emerson stated that the Board needs to address the phasing of the parking lot. Ms. Emerson stated that the Board discussed previously five (5) years. Ms. Woodall stated that it should be a shorter time period. Mr. Berry suggested three (3) years. The Board agreed.

Ms. Duane made a motion, seconded by Mr. Waterman, to continue the full site plan review application for the Eastern Slope Inn Associates until March 4, 1999. Motion unanimously carried.

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

Diane Smith and Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. After a brief discussion, it was noticed that plans with the changes were not submitted. Ms. Browne made a motion, seconded by Mr. Waterman, to continue the minor site plan review for Hill's IGA Market, Inc. until March 4, 1999. Motion unanimously carried.

ROMAN CATHOLIC BISHOP OF MANCHESTER/JOHN AND MARIE BOUCHARD - CONCURRENT FULL SITE PLAN AND SUBDIVISION REVIEW (MAP 73, PARCEL 12-15 & 12A) FILE #FR99-01 & #S99-02

Marty Risley of H.E. Bergeron Civil Engineers appeared before the Board. Mr. Risley reviewed the application. Ms. Duane made a motion, seconded by Ms. Browne, to accept the application of the Roman Catholic Bishop of Manchester/John and Marie Bouchard for a Concurrent Full Site Plan and Subdivision Review. Motion unanimously carried.

Ms. Woodall stated that there is a waiver request for the scale of the plan. Ms. Woodall read the waiver request for Article 123.7.B(2) and read the requirement to grant a waiver. Ms. Duane made a motion, seconded by Ms. Browne, to grant the waiver for Article 123.7.B(2). Ms. Woodall asked for public comment on the waiver; there was none. Motion unanimously carried.

Ms. Emerson stated that traffic is an issue. Ms. Emerson referred to a memo from herself and Paul DegliAngeli, Town Engineer, dated February 12, 1999 (attached) and a letter from the New Hampshire Department of Transportation listing the off-site improvements (attached). Mr. Risley stated that the applicant came in for a preliminary application and there was a concern about traffic. Mr. Risley stated that a traffic study would not tell us anything that we don't already know. Mr. Risley stated that a driveway permit was issued by the NHDOT. Mr. Risley stated that this will take a considerable amount of congestion out of North Conway Village and Conway Village. Mr. Risley stated that this is a better site and the applicant has provided an entrance that is as safe as possible. Mr. Risley stated that Mr. DegliAngeli has also reviewed the plans.

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Ms. Emerson stated that there are documents that support that a traffic study is not necessary. Ms. Woodall asked if the applicant has to do some litigation. Mr. Risley referred to sheet SP-3 in the plan set and reviewed the changes. Ms. Woodall asked what time are the services. Mr. Risley answered 4:00 p.m. and 5:30 p.m. Ms. Woodall stated that she is concerned with the number of people leaving the site. Ms. Woodall asked how the applicant is going to deal with traffic turning left into traffic. Mr. Risley stated that vehicles exiting the church do not have the right of way and will stack up on the church's property. Ms. Duane stated that she spoke to Mr. DegliAngeli and Mr. DegliAngeli explained that the road has already failed its use and until other roads are built nothing is going to help. Ms. Duane stated that a traffic study is not going to tell us anything.

Ms. Woodall asked for public comment; James Kelly stated that it is difficult to get out of Grove Street now. Mr. Kennett stated that the River Road intersection has been improved for turning onto West Side Road which will help this situation. Mr. Kennett stated that the church has also considered using a traffic control officer at peak times and the construction of the local North/South road begins this fall. Mr. Waterman stated that the target completion date for the local North/South road is 2002. Mr. Risley stated that the church will not begin construction until approximately 2001.

The Board reviewed the parking calculations. Ms. Emerson stated that the parking is adequate for the future addition as they are not looking to construct the addition immediately. Mr. Risley stated that the outstanding items are the site specific approval and bonding. Mr. Risley stated that he would like to see a longer period on the conditional approval or, if possible, have the bonding due upon application of the building permit. Ms. Woodall stated that the Board would have to consult Town Counsel in regard to final approval with bonding provided before construction. Ms. Woodall asked if the applicant needed a waiver for the driveway width. Mr. Risley answered in the negative. Ms. Emerson stated that there is a typographical error in the ordinance; it should read thirty-six (36) feet and not twenty-six (26) feet. Ms. Meserve read a memo from Mr. DegliAngeli in regard to the typographical error.

The Board reviewed the building elevations. Ms. Woodall asked if there would be a dumpster. Mr. Risley answered in the negative. Ms. Woodall asked if there was a loading area. Mr. Risley stated that there is no need for one. Ms. Woodall asked if there is a walkway along the driveway. Mr. Risley answered in the negative, but one can be constructed on the southerly side of the driveway with a cross walk close to the building. The Board agreed. The Board discussed the possibility of a connecting driveway, but decided against it. The Board discussed snow storage and reviewed the lighting details. Ms. Woodall asked for public comment; there was none.

Ms. Emerson stated that the outstanding items are to add the sidewalk and crosswalk to the plan; obtain legal opinion from Town Counsel in regard to bonding at time of construction; and the site specific approval. Ms. Duane made a motion, seconded by Mr. Waterman, to continue the Concurrent Full Site Plan Review and Subdivision Review for the Roman Catholic Bishop of Manchester/John and Marie Bouchard until March 4, 1999. Motion unanimously carried.

HALE HIGHLANDS DEVELOPMENT CORP. - CONSTRUCTION PHASE LINES (MAP 11, PARCEL 16 & 17) FILE #S99-03

Bobby Quint, applicant, and James Kelly, Hale Highlands Association President, appeared before the Board. Mr. Kelly asked that a note be added to the plan that Grandview Road to Passaconaway Road is in Phase I. Ms. Browne made a motion, seconded by Ms. Duane, to accept the application of Hale Highlands Development Corp. for the addition of construction phase lines to the 22-lot, 85 cluster subdivision approved in December, 1988. Motion unanimously carried.

Mr. Kelly stated that the Notice of Public Hearing is confusing and stated that homeowners of the first thirty (30) lots were concerned that they were not included. Ms. Meserve stated that she did review the Notice of Public Hearing with Town Counsel and he approved the wording. Ms. Meserve stated that when this subdivision was approved in 1988, 21-lots met the one acre requirement while 85-lots were under the

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one acre requirement. Ms. Meserve stated that they were allowed to be under the requirement because the developer was providing water and sewer. Ms. Meserve stated that the first thirty (30) lots are a part of the 85-cluster lots.

After a brief review, Ms. Duane made a motion, seconded by Ms. Browne, to conditionally approve the addition of Construction phase lines application for Hale Highlands Development Corp. conditionally upon listing all common land areas that were broken by the phase lines; add a note to the plan that states Grandview Road to Passaconaway Road is a part of Phase I; and this plan can be signed out of session when all the conditions have been met. Motion unanimously carried.

There was a question of how the regulations would apply to the other phases and the Board asked Ms. Emerson to clarify this with Town Counsel.

OTHER BUSINESS

Master Plan - Wetland and Watershed Protection Chapter - Set Public Hearing Date: Ms. Duane made a motion, seconded by Ms. Browne, to set a public hearing for the Wetland and Watershed Protection Chapter of the Master Plan on March 4, 1999. Motion unanimously carried.

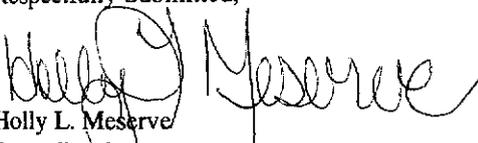
Master Plan - Transportation Policy - Set Public Hearing Date: Ms. Duane made a motion, seconded by Ms. Browne, to set a public hearing for the Transportation Policy Report #14B of the Master Plan on March 4, 1999. Motion unanimously carried.

Workshop Date: The Board set a workshop for February 25, 1999.

Lot Merger: The Board signed a lot merger for Nancy Frechette and Wilhelmus Pauw combining lots 3-7, 27/11A, B & C.

Meeting adjourned at 9:50 p.m.

Respectfully Submitted,


Holly L. Meserve
Recording Secretary