

CONWAY PLANNING BOARD

MINUTES

JULY 1, 1999

A meeting of the Conway Planning Board was held on Thursday, July 1, 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; Stacy Sand; John Waterman; Town Planner, Dawn Emerson; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Sand made a motion, seconded by Mr. Webster, to table the Minutes of June 17, 1999, until July 15, 1999. Motion unanimously carried.

NORTHERN WOODS REALTY TRUST - MINOR SITE PLAN REVIEW CONTINUED (MAP 12, PARCEL 62) FILE #MR99-04

Ms. Emerson stated that the applicant needs to modify a driveway, which they are currently working on. Ms. Emerson stated that the applicant has requested a continuance for the review of the application. Ms. Duane made a motion, seconded by Ms. Sand, to continue the Minor Site Plan Review for Northern Woods Realty Trust until July 15, 1999. Motion unanimously carried.

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

Mark Lucy, White Mountain Surveys; Roger Williams, Project Manager; Randy Cooper, Attorney for applicant; and Peter Hastings, Town Counsel, appeared before the Board. Ms. Woodall asked if the application has been accepted for completeness. Ms. Emerson answered in the negative and stated that the Board wanted a legal opinion from Town Counsel. Ms. Woodall read a letter from Peter Hastings. Mr. Hastings stated that he spoke with Mr. Cooper and he does not object to the Board denying the application without prejudice to the stipend of the zoning ordinance on the basis of the commercial uses that are proposed in the residential/agricultural district as to greenspace. Mr. Hastings stated that this would permit the applicant to seek an alternative opinion before the Zoning Board of Adjustment (ZBA) which might accelerate their review depending on the ZBA decision.

Ms. Woodall asked what happens if the land is subdivide again later. Mr. Hastings stated that if the ZBA allows the greenspace, access, loading areas in the residential/agricultural district then it would come back to the Planning Board and would be binding. Mr. Hastings stated that if the ZBA upholds the Planning Board's decision then the applicant could appeal the decision to Superior Court or present a new plan to the Planning Board.

Ms. Sand made a motion, seconded by Mr. Webster, to deny the Concurrent Full Site Plan and Subdivision for Zodiac, Inc. without prejudice to the future application of the Town Site Plan and Subdivision and, by this Board, the Planning Board initially denies the application of Zodiac, Inc. as to the proposed lot and its uses permit commercial use in the Residential/Agricultural District including loading area and facilities, access to the commercial use and greenspace for the commercial area. Ms. Woodall asked for any discussion or comments from anyone present; there was none. Motion unanimously carried.

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

Ms. Emerson stated that the applicant has requested a continuance for the review of the application because Paul Lowdy would like to be present and was unable to attend tonight. Ms. Duane made a motion,

Adopted: August 5, 1999 - As Amended

CONWAY PLANNING BOARD - JULY 1, 1999

seconded by Ms. Sand, to continue the Full Site Plan Review for the Roman Catholic Bishop of Manchester/Gibson Center until July 15, 1999. Motion unanimously carried.

BARBARA ROBINSON - 3-LOT SUBDIVISION (MAP 13, PARCEL 16) FILE #899-10

Barbara Robinson, applicant; and Edgar Allen, Thaddeus Thorne Surveys, appeared before the Board. Ms. Emerson stated that the lots meet the frontage requirement, East Conway Fire Department does not have a problem with the subdivision, and the applicant is requesting a waiver for slopes and grades. Ms. Woodall asked if slopes and grades are requirements for a completed application. Ms. Emerson answered in the affirmative, but stated that the applicant has submitted a waiver request. Ms. Sand made a motion, seconded by Ms. Duane, to accept the complete application of Barbara Robinson for Subdivision Review. Motion unanimously carried.

Mr. Allen stated that the applicant would like to subdivide ~150 acres into three (3) lots. Mr. Allen stated that lot 2 will be sold to abutter, Hayes, and lot 3 will be sold to abutter, Waugh. Mr. Allen stated that they are large lots that will remain in current use and not have any buildings located on them. Ms. Sand stated that there is a right-of-way for the Town of Conway dividing one of the parcels. Ms. Robinson stated that the right-of-way would remain with the lot. Ms. Woodall stated that the right-of-way agreement would need to be revised. Ms. Emerson stated that it would be transferred when the land is transferred.

Ms. Sand asked if the land is built upon in the future would it have to come back before the Planning Board. Ms. Sand stated that the Board has a responsibility to know the soils. Mr. Allen stated that each lot would need an approval from the State for a septic system. Ms. Woodall stated that the Board cannot allow the creation of lots if it is not known if they are buildable lots. Ms. Robinson stated that lot 2 is very wet and the abutter does not have any plans for the lot. Ms. Woodall stated that it is a requirement.

Ms. Woodall read the waiver request for Article 131-24 of the Subdivision regulations. Ms. Woodall read the requirements to grant a waiver. Ms. Sand asked if Ms. Emerson would elaborate on staff objections. Ms. Emerson stated that the waiver does not supply enough justification; in addition, we don't know if they meet the lot size requirement for a buildable lot. Ms. Sand made a motion, seconded by Ms. Duane, to approve the waiver request for Article 131-24 of the Subdivision Regulations. Motion unanimously defeated.

Mr. Allen asked if the Board wanted the information for the whole lot or just the minimum to meet lot size. Ms. Emerson stated that the applicant should supply the information for the entire lot. Ms. Sand stated that it should be for the entire property as well as benchmarks. Ms. Woodall stated that there is a lot of other information needed under Article 131-24. Ms. Sand made a motion, seconded by Ms. Duane, to continue the 3-lot Subdivision for Barbara Robinson until July 15, 1999. Motion unanimously carried.

BRYAN MCKAY - MINOR SITE PLAN REVIEW (MAP 80, PARCEL 18) FILE #MR99-07

Bryan McKay appeared before the Board. Ms. Emerson stated that on the plans submitted with the application the parking lot was not laid out correctly. Ms. Emerson stated that the applicant has submitted new plans with the correct parking lot configuration. Ms. Duane made a motion, seconded by Ms. Sand, to accept the application of Bryan McKay for a Minor Site Plan Review. Motion unanimously carried. Mr. McKay stated that this is an 1840 three story, single-family dwelling in the commercial district that he would like to convert to an 8-room seasonal bed and breakfast. Mr. McKay stated that he will live there and fully renovate the place.

Ms. Woodall asked if the Board had any concerns with the driveway. Ms. Sand asked if the driveway was twenty-four feet at the entrance. Mr. McKay answered in the affirmative. Ms. Emerson stated that the parking lot would have to meet the ten (10) foot setback. Ms. Woodall asked if this site is currently being used for residential. Ms. Emerson stated that there was a wood working shop there, but the proposed is a commercial use that is why this is a minor application. Mr. McKay stated that the parking can be moved closer to the dwelling.

**Adopted: August 5, 1999 - As Amended
CONWAY PLANNING BOARD - JULY 1, 1999**

Ms. Woodall asked about loading. Mr. McKay stated that he does not foresee any deliveries as he will take care of that himself. Ms. Woodall asked if there were any concerns regarding snow removal; there was none. Ms. Woodall asked if there were any concerns regarding pedestrian access. Ms. Woodall stated that there are no walkways indicated. Mr. McKay stated that there are some paths existing that he will dress up and add some lighting to them. Ms. Woodall asked if there were any concerns with lighting. Mr. McKay stated that the lights will be under twenty (20) feet as he is trying to keep it rustic. Ms. Woodall asked if there were any questions regarding the storm drainage. Mr. McKay stated that he would need to hire a professional surveyor, but wanted to make sure this was an acceptable use before he hired one. Ms. Emerson stated that this is a permitted use.

Ms. Woodall asked if there were any concerns with the utilities; there was none. Ms. Woodall asked if there were any concerns with the landscaping. Ms. Woodall stated that there are four (4) street trees on the plans. Mr. McKay stated that he would be landscaping quite a bit. Ms. Woodall asked if there were any questions regarding the architectural design. Ms. Woodall stated that it is a home and asked if the exterior will be remodeled. Mr. McKay answered in the negative. Ms. Woodall stated that patron restrooms were not applicable. Ms. Woodall asked if this site was on municipal sewer. Ms. Emerson answered in the negative and stated that the staff notes were incorrect. Ms. Woodall stated that the applicant would need a septic design. Ms. Woodall asked about a water supply. Mr. McKay stated that the site is serviced by municipal water. Ms. Woodall asked about solid waste facilities and if there was going to be a dumpster. Mr. McKay stated that he does not want a dumpster on the site and hopes to be able to handle waste internally. Ms. Woodall asked about historical value. Ms. Woodall stated that the staff notes state that no historical value is known.

Ms. Woodall asked about wheelchair accesses. Mr. McKay stated that it would need to be designed by a professional, but the first floor will be handicap accessible. Ms. Woodall stated that the floodplain and site construction standards are not applicable. Ms. Woodall asked if there were any concerns with nuisance; there was none. Ms. Woodall stated that there are no health or safety issues. Ms. Woodall stated that the temporary outdoor display of goods is not applicable. Ms. Woodall stated that the required plat notes should be added to the plans. Ms. Sand asked if Mr. McKay was planning to have a sign. Mr. McKay answered in the affirmative. Ms. Sand asked if the sign needed to be located on the plan. Ms. Woodall stated that signs are under zoning.

Ms. Woodall stated that she does not see a problem with the proposed project as long as the test pits work out. Ms. Woodall stated that she would propose continuing this application as there are too many items for a conditional approval. Ms. Woodall asked for public comment; there was none. Ms. Duane made a motion, seconded by Ms. Sand, to continue the minor site plan review for Bryan McKay until August 5, 1999. Motion unanimously carried.

PEARL GOLDBERG TRUST - FULL SITE PLAN REVIEW (MAP 66, PARCEL 2) FILE #ER99-08

Ryan Burke and Marty Risley of H.E.B. Civil Engineers appeared before the Board. Ms. Woodall asked if the application was complete. Ms. Emerson answered in the affirmative. Ms. Sand made a motion, seconded by Ms. Duane, to accept the application of Pearl Goldberg for Full Site Plan Review. Motion unanimously carried.

Mr. Burke stated that there are two (2) existing driveways and the applicant is proposing to remove one (1) driveway. Ms. Sand asked the width of the driveway. Mr. Burke stated that there is thirty (30) feet between the buildings and twenty-two (22) feet at the entrance. Ms. Emerson stated that the applicant would need a State driveway permit. Ms. Emerson stated that the Town Engineer, Paul DegliAngeli, has approved the drainage and has asked the applicant to extend the granite curbing to the property line. Mr. Burke stated that the State put in the curbing and the applicant should not have to extend the curbing to the property line. Mr. Burke stated that the curbing should be dealt with if the abutters property, Agnes Birch, changes its use.

Adopted: August 5, 1999 - As Amended
CONWAY PLANNING BOARD - JULY 1, 1999

Ms. Sand asked if twenty-two (22) feet is adequate for a 2-way traffic. Ms. Woodall stated that twenty-four (24) feet is the minimum width requirement. Ms. Emerson stated that the applicant is limited by existing conditions. Ms. Sand stated that a waiver would need to be submitted. Mr. Risley stated that the Board should review this application as retail because it is the more intense use as the applicant does not know who will be renting the buildings. Ms. Emerson stated that twenty-four (24) feet is the requirement in the parking lot, but the minimum requirement for the driveway width is twenty (20) feet. Ms. Emerson stated that the applicant would not need a waiver.

Ms. Woodall stated that the applicant has submitted a waiver request for Article 131-67.C(3) in regard to the material of the sidewalk. Ms. Sand made a motion, seconded by Ms. Duane, to approve the waiver request for Article 131-67.C(3). Motion carried with Ms. Woodall abstaining from voting.

Ms. Woodall asked for comments from the Board in regard to extending the granite curbing to the property line. Mr. Webster stated that the Board required the Gibson Center [Map 68, Parcel 14] to add curbing along the property line. Mr. Webster stated that the Board has set a precedent. Ms. Woodall stated that it is a bituminous sidewalk. Mr. Webster stated that the sidewalk should have protection. Ms. Sand stated that the sidewalk is protected. Mr. Risley stated that there is existing granite curbing along Route 16 that was installed by the State. Mr. Risley stated that there are two (2) curb cuts for the Birch property and twenty (20) feet of one curb cut is into the applicant's property. Mr. Risley stated that it is unfair to narrow a driveway approach for the neighboring property. Mr. Risley stated that the applicant has agreed to close one driveway entrance and narrow another. Mr. Risley stated that this would require taking up the sidewalk and there is no curb there now as is it level with the road.

Ms. Woodall asked if there was granite curbing in front of the driveway closer. Mr. Risley answered in the affirmative. Ms. Woodall asked what were Mr. DegliAngeli's thoughts. Ms. Emerson stated that it was suggested, but it is not a requirement. Ms. Woodall asked how much it would cost. Mr. Risley answered approximately \$1,000. Ms. Woodall asked if the State is proposing any construction in this area. Mr. Risley answered in the negative. Mr. Waterman asked if there was curbing in front of Midas. Mr. Risley answered in the affirmative.

Ms. Woodall polled the Board. Mr. Webster stated that he is not concerned with the curbing. Ms. Duane stated that she was not concerned with the curbing. Mr. Waterman stated that he would like to see the curbing added. Ms. Sand stated that she couldn't understand why the applicant is not proposing the curbing. Ms. Sand stated that she would like to see it, but can see why the curbing is not there. Ms. Woodall stated that she can see why the curbing is not there, but it would be nice to have it to complete the whole section. Ms. Woodall stated that the Board did make the Gibson Center add curbing, but it was on their property.

Mr. Risley stated that as long as it is the same situation, but he doesn't know if it will carry a hardship for the abutter. Ms. Sand stated that the abutter should be contacted. Mr. Webster stated that he would like to review it.

Ms. Woodall read the waiver request for Article 123-23.B for a gravel parking lot. Ms. Woodall stated that she does not understand how it would be less non-conforming. Mr. Burke stated that the applicant is providing parking for two (2) existing buildings where there is currently no parking. Ms. Emerson stated that by providing the parking it is making it less non-conforming and the applicant is asking for a waiver to not pave the parking. Ms. Woodall stated that it is not really a justification. Ms. Sand stated that that is for the Board to decide. Ms. Woodall read the requirements to grant a waiver. Ms. Sand made a motion, seconded by Ms. Duane, to approve the waiver request for Article 123-23.B. Motion unanimously defeated.

Ms. Woodall stated that since the applicant does not know what type of business will be going in there were not sure what will be needed for a loading area. Mr. Burke agreed. Ms. Woodall asked if there were any questions regarding snow removal. Ms. Sand stated that the five (5) required plat notes need to be

Adopted: August 5, 1999 - As Amended
CONWAY PLANNING BOARD - JULY 1, 1999

added to the plans. Ms. Woodall asked if there were any questions regarding pedestrian access; there was none. Ms. Woodall stated that there is no additional lighting proposed. Ms. Sand stated that it would be a safety hazard if there is no lighting in the parking. Mr. Burke stated that there is no lighting proposed. Mr. Burke stated that additional lighting can be provided, but he would need to speak to the applicant. Ms. Woodall stated that there needs to be some type of lighting.

Ms. Woodall asked if the Town has approved the storm drainage calculations. Ms. Emerson answered in the affirmative. Ms. Woodall asked if the utilities would be underground. Mr. Burke stated that the utilities are overhead. Ms. Woodall stated that they are supposed to be underground. Mr. Burke and Ms. Emerson both stated that the utilities were existing. Ms. Woodall asked if there were any questions landscaping. Ms. Sand stated that the property is nice and asked if the applicant needed a waiver because the street trees were not fifty feet on center. Ms. Emerson answered in the negative and stated that the Board just needs to determine if the intent of the ordinance was met. Ms. Sand stated that she does not have a problem with the intent.

Ms. Woodall asked if there were any questions regarding architectural design and asked if the exterior of the buildings were changing. Mr. Burke answered in the negative. Ms. Woodall stated that patron restrooms were not applicable. Ms. Woodall asked if there were any questions regarding solid waste and stated that there is no dumpster shown on the plans. Mr. Burke stated that solid waste would be handled internally. Ms. Emerson stated that that is one of the five notes that need to be added to the plans. Ms. Woodall stated that there is no historic value. Ms. Woodall stated that the property is located on municipal water and sewer and asked if North Conway Water Precinct had approved the project. Ms. Emerson answered in the affirmative.

Ms. Woodall asked about a wheelchair access. Mr. Risley answered that he did not know, but it would be under the building permit when it is converted. Ms. Woodall stated that the ramp needs to be shown on the plan. The Board and the applicant discussed the possible location of the wheelchair access ramp. Ms. Woodall stated that this site is not in the floodplain. Ms. Woodall asked about the site construction standards. Ms. Emerson stated that the applicant meets the standards. Ms. Woodall asked if there was any concerns regarding nuisance; there was none. Ms. Woodall asked if there were any concerns regarding public health and safety; there was none. Ms. Woodall asked if there was any outdoor display of goods. Mr. Burke answered in the negative.

Ms. Woodall asked for any other comments; there were none. Ms. Duane made a motion, seconded by Mr. Webster, to continue the Full Site Plan Review for Pearl Goldberg until July 8, 1999 to discuss the extension of the curb only. Motion unanimously carried.

OTHER BUSINESS

Frechette Tire and Repair (Map 7, Parcel 20) - Conceptual Review: Shawn G. Bergeron appeared before the board for a conceptual review for Frechette Tire and Repair on the Passaconaway Road.

Lot Merger: The Board signed a lot merger for Eric and Sandra J. Westerberg (Map 11, Parcel 78 & 79).

Respectfully Submitted,


Holly L. Meserve
Recording Secretary