

CONWAY PLANNING BOARD

MINUTES

AUGUST 5, 1999

A meeting of the Conway Planning Board was held on Thursday, August 5, 1999, beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chairman, Catherine Woodall; Selectmen's Representative, Gary Webster; Vice Chairman, Sheila Duane; Robert deFeyter; Stacy Sand; Town Planner, Dawn Emerson; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of July 1, 1999, were amended as follows: page 1, paragraph 3, line 1, should read, "...land is subdivided again..."; page 2, paragraph 1, line 9, should be added, "...permitted use. Ms. Woodall asked why this was not a conceptual review. Mr. McKay stated that he has done as he was advised."; page 3, paragraph 5, line 6, should read, "...it was along their property."; page 5, paragraph 6, line 2, should be added, "...Road. Ms. Woodall asked if there was a conflict of interest because Mr. Bergeron is still an employee. Mr. Bergeron answered that his contract allowed him to do so."

Mr. deFeyter made a motion, seconded by Ms. Duane, to approve the Minutes of July 1, 1999, as amended. Motion unanimously carried.

The Minutes of July 8, 1999, were amended as follows: page 1, paragraph 3, line 3, should read, "...driveway entrance for a 176 phased parking lot. Mr. Burke..."; page 2, paragraph 3, line 3, should be added, "...carried. Ms. Sand offered to write a letter to Town Manager, Jim Somerville."

Ms. Sand made a motion, seconded by Ms. Duane, to approve the Minutes of July 8, 1999, as amended. Motion unanimously carried.

The Minutes of July 15, 1999, were amended as follows: page 2, paragraph 1, line 2, should read, "...to meet all of the requirements, but the applicant should try to add some greenspace..."; page 2, paragraph 1, line 5, should read, "...parking pushed back, and a space eliminated if necessary and some..."; page 3, paragraph 2, line 4, should read, "...another business. Mr. deFeyter stated that there would have to be a sign indicating parking in the back and the applicant..."; page 4, paragraph 5, throughout the Gibson Center discussion the director's name is Paul Lodi; page 4, paragraph 5, line 8, should be added, "...Department. Mr. deFeyter stated that it is his impression that the Police Chief supported the existing use of the pass through since his letter indicated few problems with the current situation. Ms. Sand stated that the Police Chief did not speak to the issue."; page 5, paragraph 3, line 8, should be added, "...tried. Mr. Allen stated that no alternatives had been considered."; page 5, paragraph 6, line 1, should read, "Ms. Sand questioned if the senior population will remain the same and if they foresee an increase in the population and an increase in the use."

Mr. deFeyter made a motion, seconded by Ms. Duane, to approve the Minutes of July 15, 1999, as amended. Motion unanimously carried.

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

Ms. Woodall stated that the applicant has requested a continuance. Ms. Emerson stated that the sixty-five day time period will be an issue and the application should not be continued beyond September 3, 1999. Ms. Duane made a motion, seconded by Ms. Sand, to continue the Minor Site Plan Review for Bryan McKay until September 2, 1999. Motion unanimously carried. Mr. deFeyter asked that the applicant be made aware of the sixty-five day requirement.

**PEARL GOLDBERG TRUST - FULL SITE PLAN REVIEW CONTINUED (MAP 66, PARCEL 2)
FILE #FR99-08**

Ryan Burke of H.E.B. Civil Engineers appeared before the Board. Ms. Emerson stated that the five plat notes have been added to the plans; lighting has been added to the plans; and the handicap access ramp has been added to the plans. Mr. Burke stated that the driveway has been labeled twenty-two feet. Mr. Burke stated that the driveway was redesigned, submitted to the State of New Hampshire and has been approved. Ms. Woodall read a letter from Marty Risley to the State of New Hampshire. Mr. deFeyter asked if the State has responded. Ms. Emerson stated that we still need to receive a written response.

Ms. Sand asked the location of the handicap ramp. Mr. Burke answered on the front of the building. Ms. Sand asked if the front door is wide enough. Mr. Burke stated that the landing, ramp and door will be ADA compliant. Mr. deFeyter asked if it was still the existing lighting. Mr. Burke stated that two poles have been added in the back and it is existing lighting in the front. Mr. deFeyter asked if there is a lighting detail in the file. Ms. Emerson stated that there is a note on the plan. Mr. Burke submitted a lighting detail for the file.

Ms. Sand asked if the Town Engineer, Paul DegliAngeli, had reviewed the drainage again. Ms. Emerson stated that the drainage was designed for pavement. Ms. Sand made a motion, seconded by Ms. Duane, to conditionally approve the Full Site Plan Review for Pearl Goldberg conditionally upon a NHDOT Driveway permit; a performance guarantee for 50% of all site improvements; when the conditions have been met the plans can be signed out of session; and the conditional approval will expire on September 2, 1999. Motion unanimously carried.

**JOHN DUROCHER/GREAT AMERICAN SKI - DAVID MCDERMOTT - MINOR SITE PLAN
REVIEW CONTINUED (MAP 69, PARCEL 32) FILE #MR99-06**

Dave McDermott appeared before the Board. Mr. McDermott stated that he has added 500 square feet of greenspace, but still needs a waiver for the parking spaces. Mr. McDermott stated that either he can provide five regular parking spaces or four regular parking spaces and one handicap parking space. Mr. McDermott stated that the driveway permit has been sent to the State and Wayne Derouin, Fire Chief, will be writing a letter of approval. Ms. Emerson stated that greenspace was a concern. Ms. Emerson stated that the owner of the property is not willing to reconfigure the sign, but is willing to add a planter.

Ms. Emerson stated that there are a few other waiver requests. Ms. Emerson stated that the parking falls within the five (5) foot setback and the applicant is asking for a waiver for three (3) parking spaces. Ms. Emerson stated that the roof pitch for the proposed building will match the existing roof pitch which does not meet the 3:12. Ms. Emerson stated that a waiver has been submitted for the roof pitch. Ms. Emerson stated that we have received the Fire Chief's approval and the State driveway permit is still outstanding.

Mr. deFeyter stated that there needs to be a waiver for the architectural guidelines. Ms. Emerson stated that that is the waiver request for the roof pitch. Ms. Emerson stated that there has to be a waiver request for a street tree. Mr. deFeyter asked if the gravel in the back was for parking. Mr. McDermott stated that it will be for snow storage. Mr. deFeyter asked how will you get it there. Mr. McDermott answered over the grass. Mr. deFeyter asked what will we have to do to define the perennial plantings. Ms. Emerson stated that it could be grassed for greenspace. Mr. deFeyter asked how will she know if they've met the requirement. Mr. deFeyter asked what does perennial plantings mean. Mr. deFeyter asked administratively how do you determine if it is met. Ms. Emerson stated that the area is currently paved so it has been met if the pavement is removed and there are plantings.

Ms. Duane stated that the property is not owned by the applicant and they are only a winter tenant. Ms. Duane stated that the applicant is going to be responsible for plantings when they are not even there. Ms. Duane stated that day lilies will make it look nice and be easy to maintain. Ms. Emerson stated that the plans could be labeled day lilies. Mr. McDermott asked if it could just be labeled greenspace. Ms. Sand stated that she has no problem with it being labeled perennial plantings. Mr. deFeyter stated that the

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standard note that if anything dies needs to be replaced should be added to the plans. The Board and the applicant agreed.

Mr. deFeyter stated that the plans have greatly improved since they were started. Ms. Sand stated that she appreciates the applicant re-looking at some items and asked if there is any letter of agreement from Steve Hoffman in regard to the parking. Mr. McDermott stated that Mr. Hoffman does not want an easement. Ms. Sand asked if he would be willing to grant a letter of approval stating that they can park on his lot. Mr. deFeyter stated that anything short of an easement is really meaningless. Ms. Sand stated that it was discussed for overflow and being out of the right-of-way. Mr. McDermott stated that he did not pursue it any further. Ms. Emerson stated that we would have to determine if Mr. Hoffman has spaces available. Ms. Sand stated that the abutter was concerned with parking in the right-of-way.

Mr. deFeyter stated that the parking and the display area are against the right-of-way and asked if that is a problem. Ms. Woodall stated that if the spaces are striped people will have a tendency to park correctly. After a brief discussion, the Board and the applicant agreed that a stripe down the property line and the right-of-way should be painted.

Mr. deFeyter stated that the outdoor display area cannot be more than 5% of the floor area and it looks as though it exceeds the amount of space allowed. Mr. deFeyter stated that the trailer for canoes are longer than five feet. Mr. McDermott stated that the trailer is approximately six feet. Mr. deFeyter stated that the Board can give the applicant some display area, but it cannot go into the right-of-way. Mr. McDermott asked if the whole trailer is considered display. Mr. deFeyter stated that the applicant is allowed 100 square feet of display area. Ms. Woodall asked if the canoes are left out all night. Mr. McDermott stated that he did not know. Mr. deFeyter stated that when they are rented they are out.

Ms. Woodall asked what is the solution. Ms. Sand stated that the applicant can ask for a waiver. Ms. Woodall agreed, but they could also reduce their display area. Ms. Sand stated that by reducing the display area you are inhibiting the business itself if you don't allow a larger display area. Mr. deFeyter stated that the Board needs to make sure there is enough space without going into the right-of-way. Mr. McDermott stated that the canoes are not displayed in the right-of-way now, but they are within the setback. Mr. deFeyter stated that he would like to get more information. Ms. Duane stated that she would prefer to see the Board act on a waiver. Ms. Woodall stated that she would rather see a waiver. Ms. Sand stated that in a sense it acts as a buffer.

Mr. deFeyter stated that the sign is grandfathered, but there are banners currently up. Ms. Woodall stated that it is an enforcement issue. Ms. Emerson stated that it is a zoning issue. Ms. Woodall read a waiver request for Article 123-30.1.A.1, the roof pitch. 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 123.30.1.A.1. Motion unanimously carried. Ms. Woodall read a waiver request for Article 123-22.A, parking spaces. Ms. Woodall read the requirements to grant a waiver. Ms. Sand made a motion, seconded by Ms. Duane, to grant the waiver request for Article 123-22.A. Motion unanimously carried.

Ms. Woodall read a waiver request for Article 123-30.A.3, parking within the setback. Ms. Woodall read the requirements to grant a waiver. Ms. Sand made a motion, seconded by Ms. Duane, to approve the waiver for Article 123-30.A.3. Motion unanimously carried. Ms. Woodall read a waiver request for Article 123-30.D., street trees. Ms. Woodall read the requirements to grant a waiver. Ms. Duane made a motion, seconded by Ms. Sand, to approve the waiver for Article 123-30.D. Motion unanimously carried.

The Board and the applicant discussed the display area and agreed on 140 square feet. Ms. Woodall read a waiver request for Article 123-40.1.B., outdoor display area. 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 123-40.1.B. Motion unanimously carried.

Ms. Woodall asked for public comment; there was none. Ms. Duane made a motion, seconded by Ms. Sand, to conditionally approve the Minor Site Plan Review for John Durocher/Great American Ski - David

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McDermott conditionally upon a NHDOT Driveway permit; add plat note regarding greenspace to the plan; add stripe along right-of-way to the plans; a performance guarantee for 50% of all site improvements; and this conditional approval will expire on September 2, 1999. Motion unanimously carried.

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

Al Landano and Ken Tremblay appeared before the Board. Ms. Emerson stated that the eastern access was revised to meet the WB50 template for entering and exiting. Ms. Emerson stated that the handicap ramp was reconfigured and a waiver request submitted for the curbing. Ms. Emerson read staff input on the waiver request. Ms. Emerson stated that the sign on the eastern property line needs to be relocated onto the applicants property and bonding is required.

Mr. deFeyter stated that the Town roads were concerned with, but this is a State road so were not concerned. Ms. Emerson stated that the State does not have a concern with the curbing. Mr. deFeyter stated that if the curbing gets broken up it doesn't look nice. Ms. Emerson stated that physical features already exist and are controlled by natural infrastructure. Ms. Emerson stated that the State does not have a concern and it does not conflict with the six statements. Ms. Sand stated that there are no sidewalks. Ms. Duane stated that if Mr. DegliAngeli felt it would break up the road then he would not have recommended the waiver. Ms. Duane stated that there are natural features.

Ms. Woodall asked for public comment; there was none. Ms. Woodall read a waiver request for article 123-23.I. Ms. Woodall read the requirements to grant a waiver. Ms. Duane made a motion, seconded by Ms. Sand, to approve the waiver request for article 123-23.I. Motion carried with Ms. Woodall abstaining from voting. Ms. Duane made a motion, seconded by Ms. Sand, to conditionally approve the Minor Site Plan Review for Northern Woods Realty Trust conditionally upon adding a note to the plan that the sign at the easterly entrance will be located on the owner's property; a performance guarantee for 50% of all site improvements; and this conditional approval will expire on September 2, 1999. Motion carried with Ms. Woodall abstaining from voting.

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

Paul Lodi of the Gibson Center; Edgar Allen of Thaddeus Thorne Surveys; Fay Melendy, attorney for the Gibson Center; and Peter Hastings, Town Counsel, appeared before the Board. Ms. Woodall read an opinion letter of Article 123-23 from Peter Hastings. Ms. Duane asked if there were any other outstanding issues. Ms. Emerson stated that access to the municipal parking lot is the only outstanding item. Ms. Duane asked about lighting. Mr. Allen stated that there is a note on the plan.

Mr. Hastings stated that the Board can require a right-of-way laid out over this area so the applicant will not be able to build over it or be able to count it as greenspace. Mr. deFeyter stated that it is already there. Mr. Hastings stated that that does not matter; if they have a building there doesn't mean they have to keep it up. Mr. deFeyter asked how did the access get there. Mr. Hastings stated that he does not know. Mr. deFeyter asked if there is an easement. Mr. Hastings stated that he has checked and there are no easements.

Ms. Sand asked if the Board does not grant a waiver would the Town, through eminent domain, purchase an agreement. Mr. Hastings stated that the Town cannot force the construction, but can require an access to be laid out on the plans, but if the Board does not grant the waiver then they do not need to show the layout. Mr. deFeyter read Article 123-41.A(4). Mr. Hastings stated that he disagrees as it would be a condition conflicting with the condition. Mr. Hastings stated that you cannot take someone's property by just saying do this, but you can say that this has to be interconnected by a layout. Ms. Woodall stated that if an access road is laid out then the applicant cannot build within it. Mr. Hastings stated that it would have to be available for that potential use and they would not be allowed to build in it.

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Ms. Melendy stated that if it is laid out it could still be there and gated. Ms. Melendy stated that all the applicant is asking for is a barrier in the middle of the pass through. Ms. Melendy stated that it will remain as it is and will be used, but the applicant is entitled to put up a barrier. Mr. Hastings stated that the applicant can do that. Ms. Melendy stated that the applicant just wants to block it off as a pass through and they have the right to block it off. Mr. Hastings stated that it can be maintained as it is now, but the applicant is allowed to gate it. Ms. Melendy stated that that is all the applicant is asking for. Ms. Sand stated that if it is a post in the middle rather than a gate the Board would have to act on the waiver.

Ms. Melendy stated that the Board is requiring the applicant, without compensation, to provide a public use on private property. Ms. Melendy stated that the applicant sees this as a safety issue. Mr. deFeyter stated that the Board also has safety concerns. Mr. deFeyter stated that visitors may have to back out onto Grove Street as well as tractor trailers. Ms. Melendy stated that the plans were revised to address that issue. Mr. deFeyter asked if the Board could make a requirement that tractor trailers cannot back out onto Grove Street if the access to the municipal parking lot is not available. Mr. deFeyter asked how does the Board address safety concerns for tractor trailers. Mr. Hastings stated that Conway Police Chief, Bob Mullen, has addressed those issues and they are non-issues as far as he is concerned. Ms. Woodall read a letter from Chief Mullen.

Mr. Allen stated that the loading area was originally on the east side of the building. Ms. Woodall asked if Town Engineer, Paul DegliAngeli, reviewed this plan. Ms. Emerson stated that Mr. DegliAngeli has reviewed the drainage. Ms. Sand stated that she spoke to Mr. DegliAngeli and he stated that there was an acceptable amount of room to turn around. Mr. Allen stated that they have added two (2) more parking spaces to their property, therefore, they do not have to use the municipal parking lot. Ms. Woodall asked if the Board has the applicant plat out a right-of-way to the municipal parking lot how wide does it have to be. Mr. Hastings stated that it cannot be any wider than it is now. Mr. deFeyter asked if it would have to meet road standards. Mr. Hastings stated that the difficulty is that there are existing buildings.

Ms. Woodall asked if it would be a right-of-way between the two (2) lots. Mr. Hastings stated that it would be platted for twenty feet. Ms. Melendy stated that it does not have to be built. Mr. Hastings agreed. Ms. Sand stated that the intent is so that people do not have to go onto Route 16. Ms. Sand stated that the applicants parking is now all on their site and they are not going to utilize the municipal parking lot. Ms. Sand stated that it is existing and should be left as it is. Ms. Woodall stated that if the lots are sold there would still be a platted access. Mr. deFeyter stated that he would like to see it remain, but legally the Board cannot require them to do that, but at least it will be platted.

Mr. Hastings stated that it prohibits the applicant from building there, but it is already within the setback so it is a moot issue. Mr. deFeyter stated that the Board cannot require the applicant to keep it open, but the Board can require for it to be platted. Ms. Woodall stated that for future planning these two (2) lots will always be connected. Mr. Hastings stated that it is simply a paper lay out. Mr. Lodi stated that the municipal parking lot is only leased to the Town until 2011 so the Board cannot count on the municipal parking lot to always being there. Ms. Woodall stated that she does not have a problem with closing the access as long as there is a platted access. Ms. Woodall polled the Board. Mr. Webster, Ms. Duane and Mr. deFeyter agreed to the 20 foot platted access. Ms. Sand stated that she does not see the need.

Ms. Woodall read the waiver request for Article 123-21. Ms. Woodall read the requirements to grant a waiver. Ms. Duane made a motion, seconded by Ms. Sand, to approve the waiver request for Article 123-21. Motion carried with Ms. Sand voting in the negative. Ms. Duane made a motion, seconded by Mr. Webster, to conditionally approve the Full Site Plan for the Roman Catholic Bishop of Manchester/Gibson Center conditionally upon adding to the plans a 20' platted right-of-way but not to be constructed at the existing driveway connecting to the abutter to the north (municipal parking lot); a performance guarantee for 50% of all site improvements; and this conditional approval will expire on August 19, 1999. Motion unanimously carried.

EDWARD AND KATHLEEN GARLAND - MINOR SITE PLAN REVIEW (MAP 55, PARCEL 3-1) FILE #MR99-09

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Ed Garland, applicant; and Gene O'Brien of E.R. O'Brien Land Surveyors appeared before the Board. Ms. Woodall stated that there was a legal question of whether or not this was one lot. Ms. Woodall read a letter from Peter Hastings. It was determined that this application would be reviewed as one lot. Ms. Sand made a motion, seconded by Ms. Duane, to accept the Minor Site Plan Review application of Edward and Kathleen Garland as complete. Motion unanimously carried.

Mr. deFeyter asked if there were any questions or concerns regarding the driveway. Mr. O'Brien stated that the driveway was approved by the State in 1986. Mr. deFeyter asked if there were any questions or concerns regarding the parking. Mr. O'Brien stated that the applicant is requesting a waiver from the granite curbing. Mr. Garland stated that he does not have a problem with the curbing, but he doesn't know what the State is going to do with that road. Mr. O'Brien stated that he has reviewed the upgrade plans and there is no change in the grade, but a lot of change in the drainage. Mr. deFeyter stated that it will improve the area. Ms. Duane stated that she cannot see spending money if the State is going to rebuild it. Mr. deFeyter stated that it is easy enough to have Ms. Emerson contact the State.

Ms. Woodall stated that in the past applicants have shown the State's improvements on the plans. Mr. O'Brien asked if that was for a 400 square foot addition or a major project. Ms. Sand stated that the goal of the Planning Board is to have sites brought up to Town standards. Ms. Sand suggested the applicant installing the curbing after the road changes are made. Kirk Saunders stated that the sidewalk in front of his business, White Mountain oil, was replaced by the State. Mr. Saunders stated that if it exists, the State is required to repair and replace it. Mr. O'Brien asked if it was Mr. Saunders property. Mr. Saunders answered in the affirmative. Mr. O'Brien asked if there was a taking. Mr. Saunders answered in the affirmative and stated that there was some. Ms. Woodall asked the use. Mr. O'Brien stated that it is less intensive as it is going from retail to office space.

Mr. deFeyter stated that we should find out from the State if they will make good on it if they have to move it or have the applicant add curbing after the State is complete with there work. Mr. Garland stated that that makes more sense. Ms. Woodall stated that it would have to be bonded. Mr. Garland stated that that would not be a problem. Ms. Woodall asked if there were any questions or concerns regarding the parking lot design. Mr. deFeyter stated that it should be paved. Mr. deFeyter stated that it is a very visible location and a public area. Ms. Woodall read the justification for the waiver request of Article 123-23.B.

Ms. Woodall stated that loading is not applicable. Ms. Woodall stated that snow storage is not delineated on the plans and should be shown on the plans. Ms. Woodall asked if there were any questions or concerns on pedestrian access; there was none. Ms. Woodall asked if there were any questions or concerns regarding lighting. Mr. O'Brien stated that there is a note on the plan that the lights will be shielded and will not leave the property. Ms. Emerson stated that the maximum height for a light is twenty feet. Mr. O'Brien asked if that should be on the plan. Ms. Emerson answered in the affirmative.

Ms. Woodall asked if there were any questions or concerns on the drainage. Mr. O'Brien stated that the drainage was approved in 1986 and stated that there are eight (8) drainage rings already installed. Ms. Woodall stated that the applicant should submit the ones you have for this plans as the drainage has to meet the current standards. Ms. Woodall asked if there were any questions or concerns regarding utilities. Mr. Garland stated that they are underground. Ms. Woodall asked if there were any questions or concerns regarding landscaping. Ms. Woodall stated that the applicant is planting four (4) additional trees. Mr. Garland answered in the affirmative. Ms. Woodall asked if there were any questions or concerns regarding the architectural design. Mr. Garland stated that it will be vinyl sided. Ms. Sand asked if that is the same as the existing building. Mr. Garland answered in the negative and stated that the whole building will be redone in vinyl siding. Mr. deFeyter stated that there should be two (2) windows facing Route 16. After a brief discussion, it was determined that the applicant met the window requirement and the applicant agreed to put a window facing the parking lot.

Ms. Woodall asked if there were any questions or concerns regarding the solid waste; there were none. Ms. Woodall stated that there is no historical value known. Ms. Woodall stated that the sewer and water

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supply is shown on the plan. Ms. Woodall stated that the plans indicate wheelchair access. Ms. Woodall stated that this site is not within the floodplain. Ms. Woodall stated the site construction standards complies with the Town code. Ms. Woodall stated that there does not appear to a problem with nuisance. Ms. Woodall stated that the applicant needs to obtain Fire Chief approval. Mr. O'Brien submitted a letter from Matthew Bryant, Redstone Fire Chief.

Ms. Woodall asked if there would be any outdoor display of goods. Mr. Garland answered in the negative. Ms. Woodall asked if this parcel is in the overlay district. Ms. Emerson answered in the negative. Mr. O'Brien submitted a waiver request for the scale of the plans. Ms. Woodall read a waiver request for Article 123-7.B.(2). 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 123-7.B.(2). Motion unanimously carried.

Ms. Woodall read a waiver request for Article 123-21.I. Ms. Duane made a motion, seconded by Ms. Sand, to approve the waiver request for Article 123-21.I. Motion was defeated with Ms. Sand, Mr. deFeyter, and Ms. Woodall voting in the negative and Mr. Webster abstaining from voting. Ms. Woodall stated that there should be a note on the plan that curbing will be complete when the State finishes the upgrade of the road. Ms. Woodall read a waiver request for Article 123-23.B. Ms. Sand made a motion, seconded by Ms. Duane, to approve the waiver request for Article 123-23.B. Motion defeated unanimously. Ms. Woodall asked for public comment; there was none.

Mr. O'Brien asked for a recap on the waiver requests. It was determined that the paving waiver and curbing waiver were denied and the scale waiver was approved. It was determined that the drainage waiver was moot as it now needed to be reviewed. Ms. Duane made a motion, seconded by Ms. Sand, to continue the Minor Site Plan Review for Edward and Kathleen Garland be continued until August 19, 1999. Motion unanimously carried.

TK PROPERTIES, INC. - FULL SITE PLAN REVIEW CONTINUED (MAP 65, PARCEL 2) FILE #FR99-09

Kevin King of TK Properties, Inc. and Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Mr. Allen stated that lighting was added to the sign. It was determined that the lighting symbol should be a part of the legend. Mr. deFeyter asked if a one-way sign to the back of the property could be added. The applicant agreed. Ms. Woodall asked the status of the drainage. Ms. Emerson stated that the drainage has been approved. Ms. Woodall stated that we have received a letter from the North Conway Water Precinct and there are no concerns. Ms. Woodall stated that Wayne Derouin, North Conway Fire Chief, stated that the fuel storage needs to be protected. Ms. Woodall asked about the green space calculations. Ms. Sand stated that there is a note on the plans.

Ms. Duane made a motion, seconded by Ms. Sand, to conditionally approve the Full Site Plan for TK Properties, Inc. conditionally upon a NHDOT driveway permit; add a one-way sign to the plans; sign lighting to be depicted in the legend on the plans; North Conway Fire Department Fire Chief approval for the location of the LP tank; a performance guarantee for 50% of all site improvements; the plans can be signed out-of-session when the conditions have been met; and the conditional approval will expire September 2, 1999. Motion unanimously carried.

MT. WASHINGTON LODGE OF FREE MASONS/SMOKE AND MIRRORS - MINOR SITE PLAN REVIEW (MAP 68, PARCEL 31) FILE #MR99-10

Rick and Laura Joslin, applicants, appeared before the Board. Mr. Joslin stated that they purchased the business in December and put tables and chairs outside this summer. Mr. Joslin stated that most of there customers are walking down the strip. Ms. Emerson stated that the biggest issue is parking. Mr. deFeyter asked if seating was ever approved for this site before. Ms. Emerson stated that the use changed, the sign

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changed, but there was no mention of seating. Ms. Emerson stated that the Fire Department and North Conway Water Precinct approved this use.

Mr. deFeyter stated that it was previously retail and it has never gone to site plan review. Ms. Emerson answered in the negative. Mr. deFeyter asked what this is classified. Ms. Woodall asked what the parking calculations are based on. Ms. Emerson stated that the parking calculations are based on a restaurant which is one per three seats. Ms. Sand asked how many customers specifically go into Town to go to your shop. Ms. Joslin answered approximately five people. Ms. Joslin stated that most is foot traffic. Mr. Webster stated that there is a State issue where beer and wine are restricted to the inside. Ms. Joslin stated that they are not looking to do that now.

Ms. Duane made a motion, seconded by Ms. Sand, to accept the Minor Site Plan Review application of the Mt. Washington Valley Free Masons/Smoke and Mirrors as complete. Motion unanimously carried. Ms. Woodall stated that the main consideration is parking. Mr. Joslin stated that they have submitted a waiver request. **Ms. Duane made a motion, seconded by Mr. Webster, to approve the waiver request of Article 123-22.A.** Mr. deFeyter stated that he would like to approach this as two separate items. Ms. Duane stated that parking is parking. Ms. Joslin stated that they are required by the State to have twenty (20) seats. Ms. Joslin stated that they are allowed a maximum of twenty-four (24) seats by the Fire Department. The Board agreed that they are looking at 14 parking spaces.

Mr. deFeyter stated that the applicant is turning greenspace into commercial area. Ms. Woodall stated that she does not have a problem with the tables out front, but she can understand about the greenspace. Ms. Joslin stated that the area by the sidewalk is gravel. Ms. Woodall stated that personally she does not see a problem with waiving the parking. Ms. Woodall stated that she can poll the Board regarding parking. Ms. Sand stated that they have made the area attractive. Mr. deFeyter stated that the issue is not parking, but turning greenspace into commercial space. Ms. Woodall stated that she will go along with the waiver. Ms. Duane stated that she will grant the waiver. Mr. Webster stated that this is a Town wide matter and is happy with the waiver.

The Board requested a detailed landscaping plan. Ms. Sand made a motion, seconded by Mr. Webster, to continue the Minor Site Plan Review for the Mt. Washington Valley Free Masons/Smoke and Mirrors until August 19, 1999. Motion unanimously carried.

OTHER BUSINESS

White Mountain Oil and Propane (Map 12, Parcel 4-4) Extension of Conditional Approval (File #FR99-10): Kirk Saunders appeared before the Board and asked the Board to extend the expiration of the conditional approval because the State Fire Marshall's office is still in the process of reviewing the application. Ms. Duane made a motion, seconded by Mr. Webster, to extend the expiration of the conditional approval for White Mountain Oil and Propane until September 16, 1999. Motion unanimously carried.

Gary Chandler/North Conway Water Precinct - Informational Discussion: Gary Chandler gave an overview of the 20 year Master Plan for the infrastructure for the North Conway Precinct.

Eastern Slope Inn Associates (Map 69, Parcel 15) Plan Signing (File #FR98-12): The Board agreed that all the conditions had been met and the Board signed the plans.

Scheduling Seafarer for a conceptual Review: Ms. Duane made a motion, seconded by Mr. Webster, to place Seafarer on the September 16, 1999 agenda. Motion unanimously carried.

Building Committee: The Board unanimously carried that Ms. Sand would be the Planning Board representative on the Building Committee.

Zoning Board of Adjustment Decision for Zodiac, Inc.: The Board discussed the Zoning Board of Adjustments Decision to allow access to a commercial use in a residential district. It was a consensus of

Adopted: As Amended - August 19, 1999

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the Board that there was not a legal non-conforming use on the residential lot. Mr. deFeyter made a motion, seconded by Ms. Sand, to appeal the Zoning Board of Adjustment's decision and have Town Counsel, Peter Hastings, write a motion for Rehearing. Motion carried with Ms. Duane voting in the negative.

Meeting adjourned at 12:47 a.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary