

CONWAY PLANNING BOARD

MINUTES

AUGUST 24, 2000

A meeting of the Conway Planning Board was held on Thursday, August 24, 2000, beginning at 7:02 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Selectmen's Representative, Gary Webster; Vice Chair, Stacy Sand; Secretary, Conrad Briggs; John Waterman; Alternate, Martin Frank; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

The Minutes of August 10, 2000, should be amended as follows: page 1, under Poopsy, paragraph 2, line 6, should read, "...applicant will bond it until...; and page 4, paragraph 3, line 7, should read, "...that exist that are not...". Mr. Briggs made a motion, seconded by Ms. Sand, to approve the Minutes of August 10, 2000 as amended. Motion unanimously carried.

**OHLSON PROPERTIES, INC. – CONCURRENT FULL SITE PLAN AND SUBDIVISION REVIEW CONTINUED (1999 TAX MAP 276, PARCEL 294/ OLD TAX MAP 33, PARCEL 34) FILE #FR00-13 and #S00-09**

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Mr. Irving stated that the Board needs to address the issue of the transportation study. Mr. Irving stated that staff was looking for a transportation study on Lake Street, however, the applicant has redrafted the plans and has eliminated that Lake Street access. Mr. Irving stated that staff is no longer requiring a traffic study. Mr. Irving stated that the applicant has submitted plans showing the striping on Route 16 consistent with the Town's request. Mr. Irving stated that Town staff sees no need for technical review for the need of a traffic study. Mr. Irving stated that the Board was looking for a village study, but staff sees no reason for it. Mr. Irving stated that he reviewed the ITE study and it there will be approximately 350 trips per day. Mr. Irving asked if the Board is still of the opinion that they need a traffic study.

Ms. Duane stated when the Board reviewed the Catholic Church it was not required because we already knew the road could not handle the traffic that it has today. Ms. Duane stated that this is running along the same idea, plus the post office is already up the street. Ms. Duane asked how much more is it going to add and what is the study going to tell you. Ms. Duane stated that it is going to tell you that the road is full. Ms. Sand stated there needs to be a lot of thought to pedestrian access. Ms. Sand stated that the best thing would be for the post office to remain in its present location and build larger, but it is not possible. Ms. Sand stated that this is a downtown entity and people do walk to it. Ms. Sand stated that there is a letter in the file stating that they will consider satellite boxes. Mr. Irving read a memorandum from Paul DegliAngeli dated August 21, 2000.

Mr. Frank stated that there is certainly some general concern from the Town's people. Mr. Frank stated that he would agree that the present location is better, but the traffic on Route 16 is not a good situation. Mr. Frank stated that the high school is across the street and it will be jammed up. Mr. Frank stated that he is sorry to see the Lake Street access eliminated, as that would have been a plus. Mr. Frank stated if staff doesn't see the need and the State has made their requirements, then it is his understanding that they are there to consider this location and not another.

Mark Ohlson joined the meeting at this time. Mr. Waterman stated at the last meeting he asked if there was a signed agreement and he has heard several answers from several people. Ms. Sand stated that Mr. Ohlson has stated that he has a signed lease. Ms. Sand stated that they have a commitment. Mr. Waterman stated that deadlines have passed. Mr. Irving stated whether they do or not doesn't have any bearing on the approval of the site plan. Mr. Ohlson stated that they do have a lease. Mr. Waterman stated that he thought the time had run out. Mr. Ohlson stated that that is not the issue at hand. Ms. Duane stated that that is correct.

Ms. Duane appointed Mr. Frank as a voting member at this time. Ms. Duane polled the Board to determine if a traffic study was necessary. The Board unanimously agreed that a traffic study was not necessary. **Ms. Sand made a motion, seconded by Mr. Webster, that a traffic study requested by the Board [on August 10, 2000] is no longer necessary due to the closure of the Lake Street access. Motion unanimously carried.**

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Mr. Irving stated that plans were submitted on August 21, 2000, however, they couldn't get the engineer to appropriately stamp and deliver the drainage plans. Mr. Irving stated that the new plans were received at 3:00 p.m. today. Mr. Irving stated that staff has not been able to review the plans, except to confirm the removal of the Lake Street access and the Route 16 striping. **Ms. Sand made a motion to continue the concurrent site plan and subdivision review for Ohlson Properties, Inc., until August 24, 2000.** Mr. Ohlson stated that the removal of pavement would be a reduction of the engineering. Ms. Sand stated that staff has no recommendations at this time. Ms. Sand stated that she would be more comfortable when staff has had a chance to review the plans. **Mr. Frank seconded the motion. The motion carried with Ms. Duane voting in the negative and Mr. Briggs not voting.**

**RICHARD CHAPLICK – CONCURRENT SITE PLAN AND SUBDIVISION REVIEW (1999 TAX MAP 235, PARCEL 61/OLD TAX MAP 15, PARCEL 23-1) FILE #FR00-14 and #S00-10**

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. Ms. Smith stated that the applicant is looking to add a third unit to an existing two-unit building. Mr. Irving reviewed his staff report. **Ms. Sand made a motion, seconded by Mr. Webster, to accept the application of Richard Chaplick as complete for a concurrent site plan and subdivision review. Motion unanimously carried.**

Ms. Duane read the requirements to grant a waiver. Ms. Duane read a waiver request for Article 123-21.I. and 131-67.C.(8)(d). Mr. Irving read a memorandum from Paul DegliAngeli dated August 21, 2000. Mr. Frank asked about the safety issue with the driveway. Ms. Smith stated that it is such a minimum amount of use and it has been used this way for quite some time. Ms. Smith stated that she can see it both ways, but there has never been any problems. **Ms. Sand made a motion, seconded by Mr. Waterman, to approve the waiver request for Article 123-21.I. and 131-67.C.(8)(d). Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-23.B. Mr. Irving stated that this would be positive as it would assist the drainage of the site. Mr. Waterman asked if there was any likelihood of the local north/south road connecting to Pudding Pond Drive. Mr. Irving stated that he would have to review the plans. Mr. Webster stated that there is a large grade separation. Mr. Briggs stated that the Citizen Design Review Committee and the NHDOT are reluctant to add any more connector roads. **Ms. Sand made a motion, seconded by Mr. Webster, to grant the waiver request for Article 123-23.B. Motion unanimously carried.**

Ms. Duane read a waiver request for Articles 123-28. and 131-67.C.(8)(a). Ms. Sand stated that abutter, Nanci Neenan, doesn't seem to have had any problems or she would not have agreed to the boundary line adjustment [File #S00-07]. **Ms. Sand made a motion, seconded by Mr. Frank, to grant the waiver request for Article 123-28. Motion unanimously carried.** Ms. Duane read a waiver request for Article 123-32. Ms. Duane asked if the tenant would have to take care of their own trash. Ms. Smith stated that it will have to be kept inside. **Ms. Sand made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-28. Motion unanimously carried.**

Ms. Duane asked for public comment; there was none. **Ms. Sand made a motion, seconded by Mr. Webster, to conditionally approve the concurrent site plan and subdivision application for Richard Chaplick conditionally upon adding the granted waivers to the plans; when the condition has been met, the plans can be signed out-of-session; and the conditional approval will expire in thirty (30) days [September 23, 2000]. Motion unanimously carried.**

**PUBLIC HEARING – SITE PLAN REVIEW – ARTICLE 123-7.B.(2)**

A public hearing was opened at 7:44 p.m. Ms. Duane read the attached change. Ms. Duane asked for public comment; there was none. Ms. Duane asked for comments from the Board; there was none. Ms. Sand made a motion, seconded by Mr. Briggs, to accept the amendment to Article 123-7.B.(2) as written and post for a second public hearing [See amendment to motion below]. Motion unanimously carried. The public hearing was closed at 7:46 p.m.

**PUBLIC HEARING – SITE PLAN REVIEW – ARTICLE 123-9.B.(1)**

A public hearing opened at 7:46 p.m. Ms. Duane read the attached change. Ms. Duane asked for public comment; there was none. Ms. Duane asked for comments from the Board; there was none. Ms. Sand made a motion,

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seconded by Mr. Waterman, to accept the amendment to Article 123-9.B.(2) as written and post for a second public hearing [See amendment to motion below]. Motion unanimously carried. The public hearing was closed at 7:47 p.m.

**PUBLIC HEARING – SITE PLAN REVIEW – ARTICLE 123-4.A.(2). AND AMENDMENTS TO MOTIONS FOR ARTICLES 123-7.B.(2) AND 123-9.B.(1)**

A public hearing was opened at 7:47 p.m. Ms. Duane read the attached change. Ms. Duane asked for public comment; there was none. Ms. Duane asked for comments from the Board; there was none. Ms. Sand made a motion, seconded by Mr. Waterman, to accept the amendment to Article 123-4.A.(2) as written and post for a second public hearing [See amendment to motion below]. Motion unanimously carried.

After a brief discussion, it was determined that these amendments do not need a second public hearing. Ms. Sand made a motion, seconded by Mr. Briggs, to amend the motion regarding **Article 123-7.B.(2)** to adopt it as read. Motion unanimously carried.

Ms. Sand made a motion, seconded by Mr. Waterman, to amend the motion regarding **Article 123-9.B.(1)** to adopt it as read. Motion unanimously carried.

Ms. Sand made a motion, seconded by Mr. Waterman, to amend the motion regarding **Article 123-4.A.(2)** to adopt it as read. Motion unanimously carried.

**OTHER BUSINESS**

Signage Interpretation/Article 147-19.B.(1)(g): Mr. Irving referred to the attached memo and stated that every window should be functionable as a window. Mr. Irving asked the Board for a clarification. Ms. Sand made a motion, seconded by Mr. Frank, to support that Article 147-19.B.(1)(g) means 50% of a window and not windows. Motion unanimously carried.

C.N. Brown/File #FR99-03: Mr. Irving stated that the development of the site is not consistent with the plan approved by this Board. Mr. Irving stated that there are too many inconsistencies for staff to accept as field changes. Mr. Irving stated that some of the changes take them out of compliance. Mr. Irving reviewed his letter to C.N. Brown dated June 13, 2000.

Ms. Sand stated that the as-builts are not even accurate. Ms. Duane stated that there are at least three employees at a time. Ms. Duane stated that there is a parking problem as well as a problem with the entrance onto River Road. Mr. Irving asked if it is the pleasure of the Board that they submit a minor site plan to address these issues. **Ms. Sand made a motion, seconded by Mr. Frank, to require C.N. Brown to submit a Minor Site Plan Review application to address the existing conditions not consistent with the approved plans.**

Mr. Webster stated that this is not the first time we are going see this and we are now setting a precedent. Mr. Webster stated that we need to do this right the first time. Mr. Irving agreed that the Board will see more of this. Ms. Sand stated that she thinks this Board and the planning staff work very hard to ensure plans can meet with approval. Ms. Sand stated that we cannot let these things slide or there is no point. Mr. Frank stated that it almost seems that they couldn't have built the original plan. Mr. Irving stated that that is between the applicant and their agent. **Motion unanimously carried.**

Hardware Realty Trust: Mr. Irving read a letter from Melendy and Lee dated (see attached). Ms. Sand stated that we need to be consistent. Ms. Sand stated that this requires a minor site plan review, which should be easy as they can utilize what was used before. Mr. Irving stated if the Board is satisfied with a minor all waivers for the existing approval would remain enforced. Ms. Duane stated that she does not see a problem with a minor, as you would have to grant those waivers anyway. Ms. Duane stated in fairness, it is a change-of-use and we should have an updated plan. Ms. Duane stated that that is being consistent. Mr. Webster stated that we don't know where they are entering. The Board unanimously agreed that a minor site plan review is necessary.

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Next Meeting: The next meeting will be a joint meeting with the Planning Board and the Board of Selectmen on Thursday, August 31, 2000 at 7:00 p.m. The agenda will be enforcement and the master plan.

Meeting adjourned at 8:21 p.m.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary