

CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 14, 2000

A meeting of the Conway Planning Board was held on Thursday, September 14, 2000, beginning at 7:00 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; Robert deFeyter; John Waterman; Conrad Briggs; Alternate, Martin Frank; Town Planner, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Webster made a motion, seconded by Mr. deFeyter, to continue the Minutes of August 24, 2000, until September 28, 2000. Motion unanimously carried.

APPOINTMENT OF ALTERNATE MEMBER

Ms. Duane appointed Mr. Frank as a voting member.

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

Mark Ohlson, owner, and Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Mr. Allen stated that the applicant is proposing to construct a 7,950 square foot post office in conjunction with the existing building. Mr. Allen stated that they have eliminated Lake Street access. Mr. Irving reviewed his staff report. [The application was accepted as complete at the August 10, 2000 meeting].

Ms. Duane asked if there were any questions or concerns with the driveway or access. Ms. Duane read a waiver request for Article 123-21.G. Mr. deFeyter asked if it would make sense to reserve an area for a connecting drive to Lake Street. Mr. Irving stated that we only require connecting drives to other commercial properties. Ms. Sand stated that she doesn't see the value to connecting to another property. **Ms. Sand made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-23.G. Motion unanimously carried.**

Ms. Duane asked if there were any questions regarding the parking lot design. Mr. deFeyter stated that he didn't see any lighting in the parking lot. Mr. Allen stated that there are two pole lights in the island. Ms. Duane asked if there were any questions regarding the loading area; there was none. Ms. Duane asked if there were any questions regarding snow removal; there was none.

Mr. deFeyter stated during the conceptual review there was a suggestion for drop-off boxes. Mr. Ohlson stated that they are not indicated on the plans, but they will be there somewhere on the site. Donna Rae Kendall, Conway Post Master, stated that snorkel boxes are located in such a way that you bypass the building and then turn around. Ms. Kendall stated that they are not located so they block parking spaces. Mr. Irving stated that a plan note should be added stating that the snorkel boxes will be installed at the discretion of the U.S. Post Office consistent with the parking design.

Ms. Duane asked if there were any questions regarding pedestrian access. Ms. Sand asked if the applicant could paint lines across the parking lot to connect the sidewalks. Ms. Duane asked if there were any questions regarding lighting; there was none. Ms. Duane asked if there were any questions regarding drainage; there were none. Mr. Irving stated that the Town Engineer has approved the drainage. Ms. Duane asked if there were any questions regarding utilities. Ms. Sand asked if the propane tanks would be underground. Mr. Ohlson answered in the affirmative.

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Ms. Duane asked if there were any questions regarding landscaping. Ms. Duane read a waiver request for Article 123-30.D. (7). **Ms. Sand made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-30.D. (7). Motion unanimously carried.** Ms. Duane asked if there were any questions regarding architectural design. Ms. Duane read a waiver request for Article 123-30.1.A. (3). Ms. Sand stated that there is enough variety around the loading dock for an attractive feel. **Ms. Sand made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-30.1.A. (3) for the one side that doesn't meet the 5% requirement. Motion unanimously carried.**

Mr. deFeyter asked what is the pitch of the roof. Mr. Allen answered 4:12. Ms. Duane asked if there were any questions regarding patron restrooms. Ms. Duane read a waiver request for Article 123-31. **Ms. Sand made a motion, seconded by Mr. Waterman, to grant the waiver request for Article 123-31. Motion unanimously carried.**

Ms. Duane asked if there were any questions regarding the dumpster; there were none. Ms. Duane asked if there were any questions regarding water and sewer; there were none. Ms. Duane asked if there were any questions regarding wheelchair access; there were none. Ms. Duane asked if there were any questions regarding floodplain; there were none. Ms. Duane asked if there were any questions regarding site construction; there were none. Ms. Duane asked if there were any questions regarding public health and safety; there were none. Ms. Duane asked if there were any questions regarding outdoor display; there were none. Ms. Duane asked if there were any questions regarding the plat notes; there were none.

Ms. Duane asked if there were any other questions; there were none. Ms. Duane asked if there were any public comment; there were none. Ms. Duane opened the Subdivision Review. Ms. Duane read a waiver request for Article 131-67.C. (8)(f). **Ms. Sand made a motion, seconded by Mr. Frank, to grant the waiver request for Article 131-67.C. (8)(f). Motion unanimously carried.** Ms. Duane read a waiver request for Article 131-24.E. **Ms. Sand made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 131-24.E. Motion unanimously carried.**

Ms. Duane asked if there were any questions regarding the subdivision; there were none. Ms. Duane asked if there was any public comment; there was none. **Ms. Sand made a motion, seconded by Mr. Webster, to conditionally approve the concurrent site plan and subdivision for Ohlson Properties, Inc. conditionally upon adding the "snorkel box" note to the plans; adding painted crosswalks across the parking lot to connect the two sidewalks to the plans; indicating on the plans that the propane tanks will be underground; adding the granted waivers to the plans; obtaining a NHDOT driveway permit; obtaining a NHDES wetlands permit; adding the location of the Knox box to the plans; a performance guarantee for 50% of all site improvements; the conditional approval will expire in 90 days [December 13, 2000]; and when the conditions have been met, the plans must be signed in-session. Motion carried with Mr. deFeyter abstaining from voting.**

**FRONTIER VISION d/b/a ADELPHIA COMMUNICATIONS – FULL SITE PLAN REVIEW
(1999 TAX MAP 252, PARCEL 6/OLD TAX MAP 55, PARCEL 5) FILE #FR00-15**

Rodney King, applicant, Doug Burnell and Burr Phillips of H.E.B. Civil Engineers appeared before the Board. Mr. Burnell stated that the applicant would like to add a control building. Mr. Irving reviewed his staff report. Mr. Irving stated the applicant has made amendments to the plan to show the Special Highway Corridor District. Mr. deFeyter stated that this is something that has to be considered very carefully. Mr. deFeyter read the Master Plan. Mr. deFeyter stated that we should look at the other issues and then continue the application. **Mr. Briggs made a motion, seconded by Ms. Sand, to accept the application for Frontier vision d/b/a Adelphia Communications as complete for a full site plan review. Motion carried with Mr. deFeyter voting in the negative.**

Ms. Duane polled the Board to see if they wanted to wait to discuss the application or continue with the review this evening. Mr. Waterman, Mr. deFeyter, and Mr. Frank wanted to wait to discuss the application and Ms. Duane, Ms. Sand, Mr. Webster, and Mr. Briggs wanted to continue with the review. Mr. deFeyter asked when the back parking lot was approved. Mr. King stated that the parking lot was there when they purchased the building in 1989 or 1990. Mr. King stated that the structure was there. Mr. King stated that

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there were doors in the back and you could drive out back. Mr. deFeyter stated that you can drive anywhere and he would like to see the original site plan. Ms. Duane polled the Board to determine if the back parking lot exists. Mr. Waterman, Ms. Sand, Mr. Briggs and Mr. Webster answered in the affirmative. Mr. deFeyter answered in the negative and Mr. Frank abstaining from voting.

Ms. Duane asked if we should continue with the review with the Special Highway Corridor District. Mr. Irving stated that it appears the edge of the right-of-way is traversing across the property and asked if there has been any indication from the State that this property would be taken. Mr. Burnell stated that he spoke to Don Lyford with the NHDOT and he did not realize that there was an ordinance based on that line. Mr. Burnell stated that the line is speculative. Mr. deFeyter stated that he has reviewed the plans and it doesn't appear that this land will be taken. Mr. Irving stated then the right-of-way line is the property line.

Mr. deFeyter explained the environmental study and the corridor adopted by the NHDOT. Mr. Irving stated that he would recommend contacting the NHDOT, however, at this point in time it is the applicant's property. Mr. deFeyter stated more research needs to be done. Mr. deFeyter stated that the back parking lot might need to be removed. Ms. Duane stated that the Board determined that the back parking lot exists. It was agreed that the Mr. Irving would determine if the back parking lot and the satellite dishes existed and the applicant would contact the NHDOT. **Ms. Sand made a motion, seconded by Mr. Frank, to continue the full site plan review for Frontier vision until September 28, 2000. Motion unanimously carried.**

ROGER JONES – FULL SITE PLAN REVIEW (1999 TAX MAP 252, PARCEL 12/OLD TAX MAP 57, PARCEL 5) FILE #FR00-16

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Mr. Frank stepped down at this time. Mr. Irving stated that the applicant has shown the Special Highway Corridor District on this application and we need a ruling regarding a 5,000 square foot building. Mr. Allen stated that less than ½ of the building would be in the overlay district. Ms. Sand stated that it looks as though they are going to maintain a good tree buffer and there is not a 5,000 square foot building within the zone. Mr. deFeyter stated that the proposal is not consistent with the ordinance or the Master Plan. Mr. deFeyter stated this needs to be reviewed carefully. Mr. Irving stated that we need an interpretation of a 5,000 square foot building and whether it can be partially within the district.

Mr. Waterman stated that he is not in favor of this if it is against the Master Plan, but otherwise he would be in favor of it. Mr. Briggs stated if there is less than 5,000 square feet in the district then he is okay with the proposal. Mr. Webster stated that he would like to review the minutes of this ordinance. Mr. Webster stated that it is too big of an issue to determine right now. Mr. Irving stated that it could go to the Zoning Board of Adjustment.

Ms. Sand made a motion, seconded by Mr. Briggs, to accept the application of Roger Jones as complete for a full site plan review. Mr. Irving stated if the Planning Board cannot give him an interpretation then he is going to make one and someone can appeal to the Zoning Board of Adjustment. **Motion carried with Mr. deFeyter voting in the negative. Ms. Sand made a motion, seconded by Mr. Briggs, to continue the full site plan review for Roger Jones until September 28, 2000. Motion unanimously carried.** Ms. Meserve stated that minutes for the Special Highway Corridor District will be available on Monday, September 18, 2000. Ms. Meserve stated if Board members do not pick them up by Monday afternoon they will be mailed. [Minutes were mailed on Monday, September 18, 2000].

DOLE/BUMSTEAD REAL ESTATE TRUST – TWO-LOT SUBDIVISION (1999 TAX MAP 231, PARCEL 115/OLD TAX MAP 14, PARCEL 52) FILE #S00-11

Mr. Frank rejoined the Board at this time. Gene O'Brien appeared before the Board. Mr. O'Brien gave an overview of the project. Mr. Irving reviewed his staff report. **Ms. Sand made a motion, seconded by Mr. Briggs, to accept the application of the Dole/Bumstead Real Estate Trust as complete for subdivision review. Motion unanimously carried.**

Ms. Duane read a waiver request for Articles 131-24.O, 131-26.A. and 131-64.B. Mr. Briggs made a motion, seconded by Ms. Sand, to grant the waiver request for Article 131-24.O, 131-26.A., and 131-64.B. Motion unanimously carried.

Ms. Duane asked if there was any public comment; there was none. **Ms. Sand made a motion, seconded by Mr. Briggs, to conditionally approve the two-lot subdivision for Dole/Bumstead Real Estate Trust conditionally upon adding the granted waivers to the plans; obtaining a Town driveway permit; adding the easement to the plans; and when the conditions have been met the plans can be signed out-of-session. Motion unanimously carried.**

HARDWARE REALTY TRUST – MINOR SITE PLAN REVIEW (1999 TAX MAP 218, PARCEL 48/OLD TAX MAP 69, PARCEL 12) FILE #MR00-14

Will Bennett, applicant; and Fay Melendy, Attorney, appeared before the Board. Ms. Melendy stated the applicant is proposing to take over two current spaces, one being a coffee shop the other being retail, and convert them to deli/café with 18 seats. **Ms. Sand made a motion, seconded by Mr. Briggs, to accept the application of Hardware Realty Trust as complete for a minor site plan review. Motion unanimously carried.**

Mr. Irving reviewed his staff report. Mr. deFeyter asked if the proposed restrooms are for their facility. Mr. Bennett answered in the affirmative. Ms. Sand stated that there is a septic system indicated on the plans and asked if municipal sewer services the site. Ms. Melendy stated that municipal sewer services them. Ms. Duane read a waiver request for Article 123-21.F. **Ms. Sand made a motion, seconded by Mr. Webster, to grant the waiver request for Article 123-21.F. Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-22. **Ms. Sand made a motion, seconded by Mr. Webster, to grant the waiver request for Article 123-22.** Ms. Duane read the requirements to grant waivers. **Motion unanimously carried.** Mr. deFeyter stated that the light needs to be contained on the property. Mr. deFeyter asked if there were any proposed changes to the exterior of the building. Ms. Melendy answered in the negative.

Mr. Irving reviewed ADA compliancy. Ms. Sand stated that the Board required a hairdresser in Conway Village to make accommodations for those who could not access the building. Ms. Sand read Article 123-36. regarding wheelchair access. Ms. Melendy stated that the applicant has represented that it will be ADA compliant and under that law the applicant is not required to provide a ramp. Ms. Sand stated that the Town's ordinance says that it will be wheelchair accessible. Mr. deFeyter stated that we need to put it on the applicant and they have done that with the plat note. Ms. Sand stated that the Town's regulation goes beyond the federal government.

Mr. Waterman asked if they were not constructing a ramp because of financial constraints. Ms. Melendy answered in the affirmative and stated under the federal regulations the applicant is not required to construct a ramp. Mr. Frank stated that the real issue is to make reasonable accommodations. Ms. Sand stated that they have to provide access. Mr. Webster stated by saying they are ADA compliant they are willing to make accommodations. Ms. Sand suggested a more descriptive note. Ms. Duane polled the Board to see if a more descriptive note regarding handicap access is necessary. Mr. Waterman, Mr. deFeyter, Mr. Briggs and Mr. Webster answered in the negative. Mr. Frank and Ms. Sand answered in the affirmative.

Ms. Duane asked if there were any further questions from the Board; there were none. **Ms. Duane asked for public comment; there was none. Mr. deFeyter made a motion, seconded by Mr. Briggs, to approve the Minor Site Plan for Hardware Realty Trust with the granted waivers being affixed to the plans. Motion carried with Mr. Frank voting in the negative.** The plans were signed.

STEPHEN AND OLGA MORRILL/BRADFORD AND MARGARET MORRILL/GARY AND CAROLINE FOLLMER/DAVID AND KAREN PARKER – BOUNDARY LINE ADJUSTMENT (1999 TAX MAP 274, PARCEL 6 & 7/OLD TAX MAP 8/35, PARCEL 22-3/3A) FILE #S00-12

Steve Morrill, applicant, and Bob Tafuto of Ammoonosuc Survey appeared before the Board. Mr. Tafuto stated that the applicants are proposing to transfer 1 acre from the Morrill property to the Parker property to provide an area for a better septic system. Mr. Irving reviewed his staff report. **Mr. Briggs made a motion, seconded by Ms. Sand, to accept the application of Stephen and Olga Morrill/Bradford and Margaret Morrill/Gary and Caroline Follmer/David and Karen Parker for subdivision review as complete. Motion carried with Mr. Waterman abstaining from voting.**

Mr. Irving stated that this is a non-conforming lot because it does not have 150 feet of road frontage. Mr. Irving stated that this proposal will be making it less non-conforming proportionately, plus making the lot larger. Mr. Irving stated that we have received a letter from Randy Cooper dated September 14, 2000. Mr. deFeyter asked if the Town's attorney has reviewed Mr. Cooper's letter. Mr. Irving answered in the negative.

Ms. Sand made a motion, seconded by Mr. Briggs, to approve the Boundary Line Adjustment for Stephen and Olga Morrill/Bradford and Margaret Morrill/Gary and Caroline Follmer/David and Karen Parker. Ms. Duane asked for public comment; there was none. Mr. deFeyter asked if a right-of-way can go over a septic system. Mr. Tafuto answered in the affirmative and stated that this will improve the system. **Motion carried with Mr. deFeyter not voting.** The plans were signed.

OTHER BUSINESS

Gibson Center (1999 Tax Map 218, Parcel 137/Old Tax Map 68, Parcel 14) File #FR99-07 – As-Built Plans: George Cleveland, Director; Edgar Allen of Thaddeus Thorne Surveys; and Michael Couture, Architect, appeared before the Board. Mr. Irving stated that staff is concerned with inconsistencies with the signed plans. Mr. Irving stated that the applicant has made changes that are beyond what he can approve as a field change. Mr. Irving stated that the Board needs to determine if the changes are acceptable and, if not, require a minor site plan review. After a brief discussion, **Ms. Sand made a motion, seconded by Mr. Briggs, to require the Gibson Center to come back before the Planning Board for a minor site plan review. Motion unanimously carried.**

Dunkin Donuts (1999 Tax Map 235, Parcel 41/Old Tax Map 62, Parcel 11) – Conceptual Review: Burr Phillips from H.E. Bergeron appeared before the Board to review the attached proposed site plan.

Kidder Subdivision (1999 Tax Map 241, Parcel 3/Old Tax Map 13, Parcel 10A) – Conceptual Review: Doug Burnell of H.E. Bergeron appeared before the Board to review the attached proposed subdivision.

Meeting adjourned at 10:45 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary