

CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 28, 2000

A meeting of the Conway Planning Board was held on Thursday, September 28, 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; Robert deFeyer; John Waterman; Conrad Briggs; Alternate, Martin Frank; Planning Director, Thomas Irving; and Recording Secretary, Holly L. Meserve.

APPOINTMENT OF ALTERNATE MEMBER

Ms. Duane appointed Mr. Frank as a voting member for this evening.

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Sand made a motion, seconded by Mr. Briggs, to adopt the Minutes of August 24, 2000 as written. Motion carried with Mr. deFeyer abstaining from voting.

The Minutes of August 31, 2000 should be amended as follows: page 1, paragraph 2, line 3, should read, "...Mr. O'Brien disagreed and stated..."; page 2, paragraph 3, should read, "...plans. Ms. Sand..."; page 3, paragraph 8, line 1, should read, "...change Planning Board approval, which..."; page 3, paragraph 8, line 2, should read, "...another, expedited manner..."; page 4, paragraph 3, line 4, should read, "...Mr. deFeyer stated that town staff could have this committee meet on..."; and page 4, paragraph 5, line 2, should read, "...and the staff...". **Mr. Briggs made a motion, seconded by Ms. Sand, to adopt the Minutes of August 31, 2000, as amended. Motion unanimously carried.**

Ms. Sand made a motion, seconded by Mr. Briggs, to adopt the Minutes of September 14, 2000, as written. Motion unanimously carried.

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

Ms. Duane read a letter from Doug Burnell dated September 27, 2000 asking that the application be continued until the October 12, 2000 meeting. **Ms. Sand made a motion, seconded by Mr. Briggs, to continue the full site plan review for Frontier Vision until October 12, 2000.** After a brief discussion regarding adding a period when new materials need to be submitted to the motion, **the motion carried with Mr. deFeyer voting in the negative and Mr. Frank abstaining from voting.**

NEW HAMPSHIRE FISHERIES – GARAGE (1999 TAX MAP 264, PARCEL 32/OLD TAX MAP 7, PARCEL 35A)

Brian Abrams appeared before the Board. Mr. Abrams stated that they would like approval to construct a storage garage at their facility off the Kancamagus Highway. Mr. Irving referred to RSA 674:54. Mr. Irving stated that this would be similar to a 2-car residential garage. Mr. Irving stated that it meets all setbacks and everything conforms. Mr. Irving stated the Board should determine if this needs a public hearing or can this be dealt with through the building permit process. **Mr. deFeyer made a motion, seconded by Ms. Sand, to not hold a public hearing for the proposed garage and let Town staff work out the appropriate design. Motion unanimously carried.**

ROGER JONES – FULL SITE PLAN REVIEW CONTINUED (1999 TAX MAP 252, PARCEL 12/OLD TAX MAP 57, PARCEL 3) FILE #FR00-16

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Mr. Irving stated that the question the Board needs to deal with is how the Special Highway Corridor District is suppose to be applied to this application. Mr. deFeyter stated that he reviewed the record and spoke to people who worked on this ordinance and we should interpret it as it reads, “in the district”. Mr. Waterman, Mr. Frank and Ms. Sand agreed. Mr. Webster stated if that is the interpretation of the ordinance then it should be amended so it is clear. Mr. deFeyter stated if you read it literally it means “in the district”. Mr. deFeyter stated that this is a reasonable interpretation. The Board agreed with the interpretation and continued with the hearing.

Mr. Allen stated that the applicant is proposing a 6,000 square foot building to house J & J Floor Covering. Mr. Allen stated the one-bedroom apartment over the garage is being abandoned and will be used for storage. Mr. Irving reviewed his staff report. Mr. Irving referred to a letter received from the Center of Hope, an abutter, supporting the waiver request for a connecting drive. [This application was accepted as complete on September 14, 2000].

Mr. deFeyter stated that the Special Highway Corridor District (SHCD) limits the number of parking spaces to thirty and the applicant is proposing thirty-one (31). Mr. Allen stated the number of parking spaces provided is in excess of what is needed so they will remove one parking space. Mr. deFeyter stated that the SHCD only allows 65% of lot coverage and asked how much of this lot is covered. Mr. Allen stated that he would figure that out.

Ms. Duane asked if there were any questions regarding driveways and vehicular access. Ms. Sand stated that she is in favor of not having a connecting drive, but there is currently a connecting drive. Mr. Allen stated that it would be closed. Ms. Duane read a waiver request for Article 123-21.G. Ms. Duane read the requirements to grant a waiver. **Mr. Briggs made a motion, seconded by Ms. Sand, to grant the waiver request for Article 123-21.G. with the requirement that the existing connecting drive be closed. Motion carried with Mr. Frank abstaining from voting.**

Ms. Duane asked if there were any questions regarding the parking lot design. Mr. deFeyter stated based on lot coverage the parking lot may need to be redesigned. Ms. Duane asked if there were any questions regarding loading; there was none. Ms. Duane asked if there were any questions regarding snow removal; there was none. Ms. Duane asked if there were any questions regarding pedestrian access; there was none. Ms. Duane asked if there were any questions regarding lighting. Mr. deFeyter asked if there is a light in the SHCD. Mr. Allen answered in the affirmative. Mr. deFeyter asked how high is the light. Mr. Allen answered sixteen (16) feet. Mr. deFeyter stated that the light could not exceed twenty (20) feet.

Ms. Duane asked if there were any questions regarding drainage; there was none. Ms. Duane asked if there were any questions regarding utilities; there were none. Ms. Duane asked if there were any questions regarding landscaping. There was a brief discussion regarding screening the neighboring garage. Ms. Duane asked if there were any questions regarding architectural design. Mr. deFeyter asked the pitch of the roof. Mr. Allen stated that he would check the pitch of the roof. Ms. Duane read a waiver request for Article 123-30.1.A.(3). **Ms. Sand made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-30.1.A.(3). Motion unanimously carried.**

Ms. Duane asked if there were any questions regarding restrooms; there were none. Ms. Duane asked if there were any questions regarding a dumpster; there were none. Ms. Duane asked if there were any questions regarding temporary outdoor display of goods. Mr. Allen stated that outdoor display is not planned. Ms. Duane stated if the applicant wants to continue his display then it should be marked on the plans. Ms. Duane asked if there were any questions regarding the plat notes; there were none. Ms. Duane asked if there were any other questions from the Board; there were none. Ms. Duane asked for public comment; there were none.

The Board agreed the following items needs to be addressed:

1. the removal of one parking space;
2. review the lot coverage;
3. add plan note regarding that existing connecting drive to be closed and landscaping added;
4. the lighting on the back of the building cannot exceed twenty (20) feet;
5. review the pitch of the roof;
6. check with the applicant about an outdoor display area;
7. add more vegetation to screen neighboring garage; and
8. add the waivers granted to the plan.

Ms. Sand made a motion, seconded by Mr. Webster, to continue the full site plan review for Roger Jones until October 12, 2000. Motion unanimously carried.

GARRETT AND NATALIE BLAKE – MINOR SITE PLAN REVIEW (1999 TAX MAP 202, PARCEL 16/OLD TAX MAP 80, PARCEL 4) FILE #MR00-15

Garrett Blake appeared before the Board. Mr. Blake stated that he came before the Planning Board a year ago to add a deck around the rear side of the Inn. Mr. Blake stated that he would like to enclose 296 square feet of the deck for storage and office space. Mr. Irving reviewed his staff report. Mr. deFeyter asked if there will be a foundation or if it will be set on the deck. Mr. Blake stated that it will be on the deck, but it will be framed in underneath for support. Mr. deFeyter asked since this is a commercial building would the building codes apply. Mr. Irving answered in the affirmative. Mr. Blake stated that this is non-public space and it will have two exit doors.

Ms. Sand made a motion, seconded by Mr. Webster, to accept the application of Garrett and Natalie Blake for a minor site plan review as complete. Motion unanimously carried. Ms. Duane asked if there were any questions regarding the driveway and vehicular access. Ms. Duane read a waiver request for Article 123-21.G. **Ms. Sand made a motion, seconded by Mr. Frank, to grant the waiver for Article 123-21.G. Motion unanimously carried.** Ms. Duane asked if there were any questions regarding parking.

Ms. Sand stated that the Board should discuss if they will accept waivers that were addressed in the review over a year ago. Mr. Irving stated that there have been no changes to the ordinance affecting the granted waivers. Mr. deFeyter stated that with each site plan you are starting at ground zero. Mr. Irving stated if there had been any changes in the ordinance that would have affected the waivers granted those waivers would have been revisited. Ms. Duane polled the Board to see if this was a new application or an amendment to an existing application. Mr. Waterman, Mr. Briggs and Mr. Webster stated that this is an amendment; and Mr. deFeyter, Mr. Frank, Ms. Sand and Ms. Duane stated that this is a new application.

Ms. Sand stated that this site is different from what was presented overall at the last hearing. Mr. Blake stated that they did have a fire there this past year and they have been meeting Town regulations regarding sprinkler systems and other life safety items. Mr. Blake stated that they are doing everything they can to keep beautifying this property. Ms. Sand stated that she is concerned when a property is significantly different from a year ago. Mr. Blake stated that it is in the best interest of an Inn Keeper to preserve, maintain and protect old buildings. Mr. Blake stated that the interior of the Inn became a priority and now the exterior will become a priority.

Ms. Duane stated that the waivers granted a year ago should be reaffirmed. Mr. Irving asked if we would be addressing every waiver ever granted for every application. Ms. Duane polled the Board to see if projects that are coming back to change if staff could determine if waivers granted under previous applications need to be reconsidered. Mr. Webster, Mr. Briggs and Mr. Waterman answered in the affirmative and Ms. Sand, Mr. Frank, Mr. deFeyter, and Ms. Duane voted in the negative.

The Board reviewed the previously granted waivers under File #MR99-05. **Ms. Sand made a motion, seconded by Mr. Frank, to grant a waiver for Article 123-30.D.(8). Motion unanimously carried. Mr. Frank made a motion, seconded by Ms. Sand, to grant a waiver for Article 123-23.B. Motion**

carried with Mr. Waterman abstaining from voting. Ms. Sand made a motion, seconded by Mr. Frank, to grant a waiver for Article 123-30.D.(6) and (8). Motion unanimously carried.

Ms. Duane asked if there were any questions regarding loading; there was none. Ms. Duane asked if there were any questions regarding snow removal; there were none. Ms. Duane asked if there were any questions regarding pedestrian access; there were none. Ms. Duane asked if there were any questions regarding lighting; there were none. Ms. Duane asked if there were any questions regarding drainage; there were none. Ms. Duane asked if there were any questions regarding utilities; there were none. Ms. Duane asked if there were any questions regarding landscaping there were none. Ms. Duane asked if there were any questions regarding green space; there were none.

Ms. Duane asked if there were any questions regarding architectural design. Mr. deFeyter stated that the latticework from the 1999 approval has not been complete. Mr. Blake stated that his intent has remained the same and stated that they want this to be a stand out property. Ms. Duane asked if there were any questions regarding patron restrooms; there were none. Ms. Duane asked if there were any questions regarding a 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. Mr. Blake stated that this is not handicap accessible. Ms. Duane asked if there were any questions regarding floodplain construction; there were none. Ms. Duane asked if there were any questions regarding outdoor display of goods; there were none. Ms. Duane asked if there were any questions regarding the plat notes; there were none.

Mr. Frank stated that the Board has been waiving curb radius a lot and asked what is the rationale for the requirement. Mr. Irving stated that a larger curb radius would accommodate larger vehicles and traffic that is more frequent. Mr. Frank stated at the very least all curb radius should meet the residential standard. Ms. Sand asked what is the existing curb radius. Mr. Irving stated that that it is adequate to the State, the Town Engineer and the last approval. Mr. Blake stated that he would assume that it is close to the requirement. **Ms. Sand made a motion, seconded by Mr. Briggs, to grant a waiver for Article 131-67.C.(8)(f). Motion unanimously carried.**

Ms. Duane asked for public comment; there were none. Mr. Blake added the granted waivers and a note regarding the latticework to be completed per File #MR99-05 to the plans. **Ms. Sand made a motion, seconded by Mr. deFeyter, to grant the minor site plan for Garrett and Natalie Blake. The motion unanimously carried. The plans were signed.**

STEPHEN AND PAULA SMITH – MINOR SITE PLAN REVIEW (1999 TAX MAP 215, PARCEL 41/OLD TAX MAP 77, PARCEL 5) FILE #MR00-16

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. Ms. Smith stated that the applicant is proposing to change the use from retail to office space. Mr. Irving reviewed his staff review. **Ms. Sand made a motion, seconded by Mr. Webster, to accept the application of Stephen and Paula Smith for a minor site plan review as complete. Motion unanimously carried.**

Ms. Duane asked if there were any questions regarding driveways and vehicular access. Mr. deFeyter asked the radius of the driveway. Ms. Smith answered approximately 8 feet. Ms. Duane read a waiver request for Article 123-21.F. Mr. Frank stated that the minimum radius for a residential driveway is fifteen (15) feet and the Board should stick to that standard. Ms. Smith stated that it has been there and it works. Ms. Smith stated that it was a residence before. Mr. Irving stated that the Town Engineer and himself do not have a concern with the existing radius. **Mr. Briggs made a motion, seconded by Mr. Waterman, to grant the waiver request for Articles 123-21.F. and 131-67.C.(8)(f).**

Ms. Sand asked what would it require to increase the radius. Mr. Irving answered a NHDOT permit. Ms. Sand stated that all driveways along that stretch have smaller radii. Mr. Frank stated if we do not start somewhere it will never be done. **Motion carried with Mr. deFeyter and Mr. Frank voting in the negative.** Ms. Duane asked if there were any questions regarding parking; there were none. Ms. Duane asked if there were any questions regarding parking lot design; there were none. Ms. Duane asked if there

were any questions regarding loading. Ms. Duane read a waiver request for Article 123-21.I. **Ms. Sand made a motion, seconded by Mr. Briggs, to grant a waiver for Article 123-21.I. Motion unanimously carried.**

Ms. Duane asked if there were any questions regarding lighting; there were none. Ms. Duane asked if there were any questions regarding drainage; there were none. Ms. Duane asked if there were any questions regarding utilities; there were none. Ms. Duane asked if there were any questions regarding landscaping; there were none. Ms. Duane asked if there were any questions regarding architectural design; there were none. Ms. Duane asked if there were any questions regarding recycling; there were none. Ms. Duane asked if there were any questions regarding the plat notes; there were none.

Ms. Duane read a waiver request for Article 123-30.D.(8). **Mr. Briggs made a motion, seconded by Ms. Sand, to grant the waiver request for Article 123-30.D.(8). Motion unanimously carried.** Ms. Duane asked for public comment; there were none. **Ms. Sand made a motion, seconded by Mr. Briggs, to conditionally approve the application for Stephen and Paula Smith conditionally upon obtaining an approved NHDOT Driveway Permit; obtaining an approved NHDES Septic permit; add the granted waivers to the plans; and when the conditions have been met the plans can be signed out-of-session. The motion unanimously carried.**

OTHER BUSINESS

School House Motel – Conceptual Review (1999 Tax Map 230, Parcel 7/Old Tax Map 65, Parcel 4): William Barry, owner; and Shawn Bergeron, Shawn Bergeron Technical Services, appeared before the Board for a conceptual review.

Poopsy Investments/99 Restaurant – Field Change (1999 Tax Map 235, Parcel 19/Old Tax Map 64, Parcel 1-2) File #MR00-13: Ray Johnson for the 99 Restaurant appeared before the Board. Mr. Irving stated that the existing building could not provide snow loading and it was impractical to try to amend the old building. Ms. Duane stated the only change is the pitched roof, which actually brings it into more conformity. Ms. Sand asked if there were any other changes to the site plan beyond the elevations. Mr. Johnson answered in the negative. There was a brief discussion regarding the internally lit signs. Mr. deFeyter asked if there were any waivers granted for the building. Mr. Irving answered in the negative.

Ms. Duane stated that the applicant went forward in good faith, but when they got into the building, it was not structurally sound. Ms. Duane stated that we should determine if this is an acceptable field change. **Mr. Briggs made a motion, seconded by Mr. Webster, that this is an acceptable field change. Motion carried with Mr. deFeyter voting in the negative.**

NHDOT – Scenic Vista: Mr. Irving stated that the State has requested to be put on the October 26, 2000 agenda to hold a public hearing for some items they want to do at the scenic vista. The Board agreed to put the State on the October 26, 2000 agenda.

Conway Daily Sun – File #MR99-13: Mr. Irving stated that the Conway Daily Sun would like to renovate an existing dock, but the Town is still holding a bond for landscaping that has not been completed. Mr. Irving read a letter from Mark Guerringue dated September 21, 2000. After a brief discussion, the Board agreed to give the Conway Daily Sun until September 1, 2001, to either comply with the site plan or submit a minor site plan review.

Meeting adjourned at 10:16 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary