

CONWAY PLANNING BOARD

MINUTES

DECEMBER 14, 2000

A meeting of the Conway Planning Board was held on December 14, 2000 beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Acting Selectmen's Representative, Dick O'Brien; Vice Chair, Stacy Sand; John Waterman; Robert deFeyter; Conrad Briggs; Alternate, Martin Frank; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of November 30, 2000 should be amended as follows: page 3, paragraph 4, line 5, should read, "...intent is to have it consistent for everyone."; page 4, paragraph 7, line 1, should read, "...legal counsel thinks..."; page 6, paragraph 7, line 3, should read, "...potential problem in that applications must be considered within 30 days of delivery. Mr. Irving stated..."; and page 7, paragraph 5, line 3, should read, "...disagreeing with Mr. Bergmann's beliefs, but for...".

Ms. Sand made a motion, seconded by Mr. Waterman, to approve the Minutes of November 30, 2000 as amended. Motion carried with Mr. O'Brien abstaining from voting.

APPOINTMENT OF ALTERNATE MEMBER

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

JOHN & ELEANOR SCHIAVI/MOUNTAINVALE VILLAGE MHP – BOUNDARY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS CONTINUED

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. Mr. Irving reviewed the additions to the plans. **Ms. Sand made a motion, seconded by Mr. Briggs, to finally approve the boundary line adjustments and lot consolidations for John and Eleanor Schiavi/Mountainvale Village MHP.** Ms. Duane asked for public comment; there was none. **Motion carried with Mr. O'Brien abstaining.** The plans were signed.

PUBLIC HEARING – SEXUALLY-ORIENTED BUSINESSES

The public hearing was opened at 7:19 p.m. Ms. Duane asked for public comment; Carl Harmon asked if the Board had clarified what types of businesses would be allowed in the Industrial District. Mr. Irving answered in the negative and stated that it would be a part of the Master Plan process. Mr. Harmon asked if the Board obtained Town Attorney advice on this ordinance. Mr. Irving answered in the affirmative. Mr. Harmon asked if you could restrict it to the Highway Commercial District only. Mr. Irving answered in the affirmative. Mr. Harmon asked if there was any protection for the Industrial-2 district different from the last meeting. Mr. Irving answered in the negative.

Mr. Harmon asked if there could be a difference in buffers. Mr. Irving stated that it would probably have to be challenged in court. Mr. Harmon asked what is the Board's opinion of increasing the buffer in the Industrial-2 zone. Ms. Sand stated that we need consistent protection from the secondary effects on the entire Town. Mr. Harmon stated that the real body of the property is in the Industrial-2 zone and stated that there is no protection for the area. Mr. Irving stated that that is correct. Glen Saunders stated that the township is allowed to declare a moratorium and asked if that was appropriate while working on the Master Plan. Mr. Irving stated that a moratorium is limited to one-year and he does not know if it can be completed in one-year. The public hearing was closed at 7:33 p.m.

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Mr. deFeyter asked if the Town Attorney had an opinion on if the Industrial-2 district was excluded was the space left in the Highway Commercial District adequate. Mr. Irving stated that he could not pin down an answer to that question. Mr. Irving stated that they would have to subdivide where no other businesses have to do that. Mr. Irving stated that it is too restrictive. Mr. deFeyter stated that we have to provide some opportunity.

Mr. Irving stated that he has drafted a change to be 1,000 feet from property line being protected to the structure. Ms. Sand asked if this is still in the zoning for a variance. Mr. Irving stated that it was determined that it would be next to impossible to obtain a variance so it is unreasonable. Mr. Irving reviewed the changes. **Ms. Sand made a motion, seconded by Mr. deFeyter, to post to a second public hearing on January 11, 2001 as amended. Motion unanimously carried.**

PUBLIC HEARING – SEXUALLY-ORIENTED BUSINESSES – DEFINITIONS

The public hearing was opened at 7:51 p.m. Ms. Duane asked for public comment; there was none. The public hearing was closed at 7:52 p.m. **Ms. Sand made a motion, seconded by Mr. Briggs, to post the definitions for sexually oriented businesses to the warrant as written.** Mr. O'Brien asked about grandfathering. Mr. Irving stated any business that currently meets this definition would be grandfathered if this passes. **Motion unanimously carried.**

PUBLIC HEARING – ARTICLE 147-6 – DEFINITION OF STRUCTURE

The public hearing was opened at 7:59 p.m. Ms. Duane asked for public comment; there was none. The public hearing was closed at 7:59 p.m. After a brief discussion, **Mr. Briggs made a motion, seconded by Ms. Sand, to pass over amendment to Article 147-6 – definition of a structure. Motion carried with Mr. deFeyter voting in the negative.**

PUBLIC HEARING – ARTICLE 147-6 – DEFINITION OF A CARETAKERS RESIDENCE

The public hearing was opened at 8:21 p.m. Ms. Duane asked if there were any public comment; Thomas Dewhurst asked that there be public comment after the Board discussion. There being no discussion, **Ms. Sand made a motion, seconded by Mr. O'Brien, to post Article 147-6 definition of a caretakers residence to the warrant.** Ms. Duane asked for public comment; there was none. **Motion unanimously carried.** The hearing ended at 8:24 p.m.

PUBLIC HEARING – ARTICLE 147-12.2.A. – INDUSTRIAL-2 DISTRICT

The public hearing was opened at 8:25 p.m. Mr. Irving stated that this is to provide flexibility for a 24-hour caretaker to reside on site. Ms. Duane asked for public comment; Earl Sires stated that the Board should look at this in a positive light. Mr. Sires stated with the shortage of housing in the Valley this is a good way for employers to provide housing on their business sites. Ms. Sand stated that it should be broader to include other businesses and not just self-serve storage facilities.

Ms. Sand made a motion, seconded by Mr. O'Brien to amend the wording back to the original proposal. Mr. Frank asked if residential was excluded from the Industrial district to preserve land for industrial uses. Mr. Irving stated that that is correct, but this would be accessory. Mr. deFeyter asked if this is accessory then if there is no industrial building there is any residential building. Mr. Irving answered in the affirmative. **Motion carried with Mr. deFeyter voting in the negative.**

Ms. Sand made a motion, seconded by Mr. O'Brien, to post Article 147-12.2.A. as amended to a public hearing on January 11, 2001. Ms. Duane asked for public comment; there was none. **Motion carried with Mr. deFeyter voting in the negative.** The public hearing ended at 8:38 p.m.

C.N. BROWN – MINOR SITE PLAN REVIEW (1999 TAX MAP 215, PARCEL 13/OLD TAX MAP 69, PARCEL 19) FILE #MR00-19

Diane Smith of Thaddeus Thorne Surveys and Charles Sheehan of C.N. Brown appeared before the Board. Mr. Irving gave an overview and reviewed staff's concerns with parking spaces 1, 2, 3 and 5. **Mr. Briggs made a motion, seconded by Mr. O'Brien, to accept the application for C.N. Brown as complete for a Minor Site Plan Review. Motion carried with Mr. deFeyter voting in the negative.** Mr. Smith stated that this property is being used as it always has been, but during reconstruction they improved some things. Ms. Smith stated that this could not be built from scratch today. Ms. Duane read a letter from the State. Mr. Sheehan stated that he has spoken to the State and has agreed to meet with them, but they have not set up a time.

Ms. Duane asked if there were any questions or concerns regarding driveways and vehicular access. Ms. Duane read a waiver request for Article 123-21.C. Ms. Duane read the requirements to grant a waiver. **Ms. Sand made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-21.C. Motion unanimously carried.** Ms. Duane read a waiver request for Articles 123-21.F., 131-67.C.8.(a) and 123-28. **Ms. Sand made a motion, seconded by Mr. Briggs, to approve the waiver request for Articles 123-21.F., 131-67.C.8.(a) and 123-28. Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-21.F. and 131-67.C.8.(b). **Ms. Sand made a motion, seconded by Mr. Briggs, to approve the waiver request for Article 123-21.F and 131-67.C.8.(b) for one curb cut. Motion unanimously carried.** Ms. Duane read a waiver request for Article 123-21.F. and 131-67.C.8.(f). **Ms. Sand made a motion, seconded by Mr. Briggs, to approve the waiver request for Article 123-21.F. and 131-67.C.(8)(f). Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-21.H. **Mr. Waterman made a motion, seconded by Mr. Briggs, to approve the waiver request for Article 123-21.H.** Ms. Sand asked what is the gentlemen's agreement. Mr. Sheehan stated that they have agreed to share the driveway. Mr. Frank asked if the intention was to continue this indefinitely. Glen Saunders stated that this is for the time being and stated that the removal is not out of the question, but for now he doesn't see it being removed. **Motion carried with Mr. deFeyter and Mr. Frank voting in the negative.**

Ms. Duane read a waiver request for Article 123-21.I. Mr. Irving stated that this can be resolved by adding curbing and landscaping. After a brief discussion, Mr. Sheehan withdrew the waiver request for Article 123-21.I. Ms. Duane asked if there were any questions regarding parking. Ms. Duane reviewed the parking layout as proposed in 1999 and what was constructed. Mr. Frank asked if there was any way this could work with six parking spaces. Mr. Irving answered in the negative and suggested a waiver request. Mr. O'Brien stated that most patrons are getting gas. Ms. Duane stated that you have to have parking for employees. Ms. Sand suggested angle parking. Ms. Duane polled the Board to see if they wanted to revisit the waiver request for Article 123-30.A. (3) after the applicant has redesigned the parking layout. The Board unanimously agreed.

Ms. Duane asked if there were any questions regarding loading. Mr. Sheehan stated that nothing is brought in through the back door. Ms. Duane stated that there is stuff left out back that can be seen from River Road. Mr. deFeyter stated that it is unsightly. Mr. Irving suggested planting a hedgerow. Ms. Duane asked if there were any questions regarding snow storage; 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 sidewalks. Ms. Duane stated that the plans should indicate the outdoor display of goods. Ms. Duane stated that the lighting needs to be contained on the property. Ms. Duane asked if there any questions regarding utilities. Ms. Duane stated that the Board needs to revisit the waiver request for the underground utilities.

Ms. Duane read a waiver request for Article 123-30.B. Ms. Sand stated that there is more room for green space. Ms. Duane polled the Board on whether the applicant should provide more green space. The Board unanimously agreed. The Board postponed action on the waiver request for Article 123-30.B. Ms. Duane

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read a waiver request for Article 123-30.D.(6). Ms. Sand made a motion, seconded by Mr. Briggs, to approve the waiver request for Article 123-30.D.(6). Motion unanimously carried. Ms. Duane read a waiver request for Article 123-30.D.(8). **Ms. Sand made a motion, seconded by Mr. Frank, to approve the waiver request for Article 123-30.D.(8). Motion unanimously carried.**

Ms. Duane asked if there were any questions regarding architectural design. Ms. Duane read a waiver request for Article 123-30.A.1.(3). **Ms. Sand made a motion, seconded by Mr. Briggs, to approve the waiver request for Article 123-30.A.1.(3). Motion unanimously carried.** There was a brief discussion regarding the window to the South and the applicant agreed that it was not an internally lit sign. The Board agreed that the following items still need to be addressed: granite curbing; revised parking layout; hedge row along back of dumpster; lights to be contained on the property; redesign the green space; estimate cost of the site work and bonding; underground utilities; and the temporary display of goods.

Ms. Sand made a motion, seconded by Mr. Briggs, to continue the minor site plan review for C.N. Brown until January 25, 2000. Motion unanimously carried.

OHLSON PROPERTIES, INC. – MINOR SITE PLAN REVIEW (1999 Tax Map 276, Parcel 294/Old Tax Map 33, Parcel 34) File #MR00-

Mark Ohlson appeared before the Board. **Ms. Sand made a motion, seconded by Mr. Briggs, to accept the application of Ohlson Properties, Inc. as complete for a minor site plan review. Motion unanimously carried.** Ms. Duane stated that there was a reduction in square footage; they have added more green space; and there was a change in the architectural design.

Ms. Sand made a motion, seconded by Mr. Briggs, to reaffirm all the waivers granted under File#FR00-13. Motion carried with Mr. O'Brien abstaining. Ms. Duane asked for public comment; Walter Henderson asked that the lake street access be restored. After a brief discussion, it was determined that it would be up to the applicant. **Ms. Sand made a motion, seconded by Mr. Briggs, to finally approve the Minor Site Plan for Ohlson Properties, Inc. Motion carried with Mr. deFeyer abstaining. The plans were signed.**

OTHER BUSINESS

Irene and David Cahill – Lot Merger: The Board signed a lot merger to combine 1999 Tax Map 299, Parcels 53 and 54.

Petitioned Article – Senior Housing Unit: Ms. Sand made a motion, seconded by Mr. Briggs, to hold a public hearing on the petitioned article for Senior Housing units on January 11, 2000. Motion unanimously carried.

Chapter 88 and 89 – Public Hearing: Mr. Briggs made a motion, seconded by Mr. O'Brien, to hold a public hearing on the changes to Chapter 88 and 89 on January 2, 2000. Motion carried with Ms. Sand voting in the negative.

Impact Fee Ordinance: Mr. Briggs made a motion, seconded by Mr. Frank, to hold a public hearing on an Impact Fee Ordinance on January 2, 2000. Motion carried with Ms. Sand voting in the negative.

Meeting adjourned at 11:12 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary