

CONWAY PLANNING BOARD

MINUTES

APRIL 12, 2001

A meeting of the Conway Planning Board was held on Thursday, April 12, 2001, beginning at 6:05 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Selectmen's Representative, Gary Webster; Secretary, Conrad Briggs; Martin Frank; Robert Drinkhall; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Webster made a motion, seconded by Mr. Briggs, to adopt the Minutes of March 8, 2001, as written. Motion unanimously carried.

LOT MERGERS

Christopher C. & Patricia H. Jones (Tax Map 275, Parcels 70 & 71): **Mr. Webster made a motion, seconded by Mr. Briggs, to approve the lot merger for Christopher and Patricia Jones. Motion unanimously carried.**

Northern Building Supply, Inc. (Tax Map 219, Parcel 209 & 210): **Mr. Briggs made a motion, seconded by Mr. Webster, to approve the lot merger for Northern Building Supply, Inc. Motion unanimously carried.**

C.N. BROWN (TAX MAP 215, PARCEL 13) – PLAN SIGNING – FILE #MR00-19

Mr. Briggs made a motion, seconded by Mr. Frank, to approve and sign the plans for C.N. Brown. Ms. Duane asked for public comment; there was none. Motion unanimously carried. The plans were signed. Diane Smith was given the applicant's signed copy of the plan.

HAROLD WHITAKER/THOMAS FADDEN – CONCEPTUAL REVIEW

Jon Howe appeared before the Board and reviewed a proposed subdivision on Tax Map 258, Parcels 58, 76 & 77.

EASTERN SLOPE INN – CONCEPTUAL REVIEW

Joe Berry, Dan Hickman and Diane Smith appeared before the Board and reviewed a proposed ten, 2-bedroom complex on Tax Map 218, Parcel 51.01. The Board discussed the paving of that lot that was supposed to be complete in 1999. The Board agreed not to pursue enforcement in light of the pending application.

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The public hearings were opened at 7:05 p.m.

MT. WASHINGTON OBSERVATORY – MINOR SITE PLAN REVIEW (TAX MAP 219, PARCEL 1 & 2) FILE #MR01-02

Shawn Bergeron of Bergeron Technical Services appeared before the Board. Mr. Bergeron reviewed the changes to the plans. Ms. Duane asked if the abutter's concern regarding the easement had been resolved. Mr. Bergeron answered in the affirmative and stated that it was on the another parcel, however, he did find an easement granted to the State of New Hampshire. Mr. Bergeron stated that that easement has been added to the plans.

Mr. Irving stated that staff supports all waiver requests. Ms. Duane read the requirements to grant a waiver. Ms. Duane read a waiver request for Articles 131-67.C.(8)(a) and 123-28; 131-67.C.(8)(b); 131-67.C.(8)(f); 123-22; 123-30.B; 123-30.D.(1); 123-30.D.(6); and 123-30.D.(8). Ms. Duane asked for public comment on all waiver requests; there was none. **Mr. Briggs made a motion, seconded by Mr. Webster, to grant the waiver requests for Articles 131-67.C.(8)(a) and 123-28; 131-67.C.(8)(b); 131-67.C.(8)(f); 123-22; 123-30.B; 123-30.D.(1); 123-30.D.(6); and 123-30.D.(8). Motion unanimously carried.**

Mr. Briggs made a motion, seconded by Mr. Frank, to conditionally approve the application for the Mt. Washington Observatory conditionally upon adding the granted waivers to the plans; obtaining North Conway Water Precinct approval; 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 in 60-days. Ms. Duane asked for public comment; there was none. **Motion unanimously carried.**

ALVIN MILLER – 3-UNIT SUBDIVISION (TAX MAP 214, PARCEL 79) FILE #S01-02

Jon Howe of Ammonoosuc Survey appeared before the Board. Mr. Howe stated that he has received approval from Kearsarge Lighting Precinct. **Mr. Briggs made a motion, seconded by Mr. Frank, to approve the waiver request for Article 131-43.E. as long as it is built by the approved plan and a note stating “Any subdivision road which has had construction standards waived by this Planning Board at any time may not be used as access for any additional residential units until such road has been reconstructed to comply with the then-applicable road construction standards of this Planning Board”.**

Ms. Duane read the requirements to grant a waiver. Ms. Duane asked for public comment; Arnold Blethen asked how they were going to take the road over the brook. Mr. Irving stated that the applicant is no longer putting the driveway over the brook. Mr. Blethen stated that they do not want any equipment on their road, especially Kandhar Lane. Mr. Howe stated that the applicant knows that is a private road. Mr. Blethen asked

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if the buffer was going to be maintained. Mr. Howe stated that the Kearsarge Lighting Precinct requires a 50-foot setback. Ms. Duane asked for any other public comment; there was none. **Motion unanimously carried.**

There being no other concerns, **Mr. Frank made a motion, seconded by Mr. Briggs, to conditionally approve the 3-unit subdivision for Alvin Miller conditionally upon adding the granted waivers to the plans; adding the plan note regarding Article 131-43.E.; a performance guarantee for 100% of all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire in 60-days. Motion unanimously carried.**

After a brief discussion, the Board determined that the Kearsarge Lighting Precinct Boundaries should be added to the plans. **Mr. Frank made a motion, seconded by Mr. Webster, to add that the Kearsarge Lighting Precinct boundaries should be included in the conditional approval. Motion unanimously carried.**

**MTN. RIVER VILLAGE CONDOMINIUM ASSOCIATION – MINOR SITE
PLAN REVIEW (TAX MAP 265, PARCEL 151) FILE #MR01-04**

Shawn Bergeron of Bergeron Technical Services appeared before the Board. Mr. Bergeron reviewed the change-of-use. Mr. Irving recommended that the application be accepted as complete. **Mr. Briggs made a motion, seconded by Mr. Webster, to accept the application for Mtn. River Village Condominium Association for a minor site plan review as complete. Motion unanimously carried.**

Ms. Duane asked how do they get to the dumpster to have it emptied. Mr. Bergeron stated that they probably back over the grass. Ms. Duane stated that it is not a good idea to back a dump truck over the leach fields. Mr. Bergeron stated that the dumpster can be moved. Mr. Irving stated that the dumpster should also be screened to keep rodents out. Mr. Bergeron withdrew the waiver request for Article 123-32.

Ms. Duane read a waiver request for Article 123-21.C.; 123-21.E & 123-23.B.; 123-21.G.; 123-21.I.; 123-23.C.; 123-28; 131-67.C.(8)(a); 131-67.C.(8)(b); 131-67.C.(8)(f); 123-30.D.(8); and 123-30.1. Ms. Duane asked for public comment; there was none. **Mr. Briggs made a motion, seconded by Mr. Webster, to grant the waiver requests for Articles 123-21.C.; 123-21.E & 123-23.B.; 123-21.G.; 123-21.I.; 123-23.C.; 123-28; 131-67.C.(8)(a); 131-67.C.(8)(b); 131-67.C.(8)(f); 123-30.D.(8); and 123-30.1. and to check the numbers as a housekeeping issue to be confirmed [the site plan review regulations recently had the sections renumbered]. Motion unanimously carried.**

The Board reviewed the items that still need to be addressed: granted waivers to be added to plans; Fire Chief approval; Water & Sewer Superintendent approval; bonding; relocation of the dumpster; dumpster enclosure; and indicate a walkway to abutter's property. Mr. Bergeron asked to continue the review of the application until the next meeting. **Mr. Frank made a motion, seconded by Mr. Webster, to continue the**

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application for Mtn. River Village Condominium Association until April 26, 2001.
Motion unanimously carried.

PETER DONOHOE AND M. LYNN LYMAN/DAN POWERS AND SHARON WARD – BOUNDARY LINE ADJUSTMENT (TAX MAP 203, PARCELS 20, 21 & 22) FILE #S01-05

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Mr. Allen stated that they are eliminating one lot and adding it to two existing lots. Mr. Irving stated that the application is complete. **Mr. Briggs made a motion, seconded by Mr. Webster, to accept the application of Peter Donohoe And M. Lynn Lyman/Dan Powers and Sharon Ward for a boundary line adjustment as complete. Motion unanimously carried.**

Mr. Irving stated that staff supports the waiver requests. Ms. Duane read the waiver requests for Articles 131-24.E.; 131-24.J.; 131-24.K.; 131-24.N.; 131-24.O.; 131-24.R.; 131-24.S. & 131-35.M.; 131-24.T, U, & V.; 131-25.D; and 131-26.A, B, & C. Ms. Duane asked for public comment; there was none. **Mr. Briggs made a motion, seconded by Mr. Webster, to approve the waiver requests for Articles 131-24.E.; 131-24.J.; 131-24.K.; 131-24.N.; 131-24.O.; 131-24.R.; 131-24.S. & 131-35.M.; 131-24.T, U, & V.; 131-25.D; and 131-26.A, B, & C. Motion unanimously carried.**

Mr. Frank made a motion, seconded by Mr. Briggs, to conditionally approve the boundary line adjustment for Peter Donohoe And M. Lynn Lyman/Dan Powers and Sharon Ward conditionally upon adding the granted waivers to the plans; obtaining a letter of approval from the Kearsarge Lighting Precinct; when the conditions have been met, the plans can be signed out-of-session; and the conditional approval will expire in 60 days. Ms. Duane asked for public comment; there was none. **Motion unanimously carried.**

SETTLER'S TENNIS INC & THE STATE OF NEW HAMPSHIRE – BOUNDARY LINE ADJUSTMENT (TAX MAP 235, PARCEL 92 & 93) FILE #S01-03

Mark Lucy of White Mountain Survey and Roger Williams, Settler's Green Project Manager, appeared before the Board. Mr. Lucy stated that they are not changing anything on the face of the earth, just moving boundaries. **Mr. Briggs made a motion, seconded by Mr. Webster, to accept the application of Settler's Tennis, Inc. and the State of New Hampshire for a boundary line adjustment as complete. Motion unanimously carried.**

Ms. Duane read the waiver requests for Articles 131-24.L. and N through R; 131-26.A.(3) through (11); 131-26.B. and C.; and 131-24.K., T., U. & V. Ms. Duane asked for public comment; Eric Hanson of the North Conway Grand Hotel stated that the plan notes the "remains" of a swimming pool. Mr. Hanson stated that the pool does exist and it will be used this summer. Mr. Hanson stated that there are also bathroom facilities in

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the building, which is labeled “abandoned” on the plans. Mr. Williams stated that the building is in rough shape and the pipes have frozen. Mr. Lucy agreed to remove the words “remains” and “abandoned” from the plans.

Mr. Frank made a motion, seconded by Mr. Briggs, to grant the waiver requests for Articles 131-24.L. and N through R; 131-26.A.(3) through (11); 131-26.B. and C.; and 131-24.K., T., U. & V. Motion unanimously carried.

Mr. Frank made a motion, seconded by Mr. Briggs, to conditionally approve the boundary line adjustment for Settler’s Tennis Inc. & the State of New Hampshire conditionally upon adding the granted waivers to the plans; removing the word “remains” from the swimming pool note; removing the word “abandoned” from the building note; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire in 60 days. Ms. Duane asked for public comment; there was none. Motion unanimously carried.

**SETTLERS’ R2, INC. – 4-UNIT SUBDIVISION (TAX MAP 235, PARCEL 89)
FILE #S01-04**

Mark Lucy of White Mountain Survey and Roger Williams, Settler’s Green Project Manager, appeared before the Board. Mr. Lucy stated that there are four retail buildings in which they are creating a unit around each. Mr. Irving stated that the application is complete. **Mr. Briggs made a motion, seconded by Mr. Webster, to accept the application for Settler’s R2, Inc. for a 4-unit subdivision as complete. Motion unanimously carried.**

Mr. Irving stated that the application is fine, except the applicant owes a \$100 Attorney fee for reviewing documents. Ms. Duane read the waiver requests for Articles 131-24.L. and N through R; 131-26.A.(3) through (11); 131-26.B. and C.; and 131-24.K., T., U. & V. Ms. Duane asked for public comment; there was none. **Mr. Frank made a motion, seconded by Mr. Webster, to grant the waiver requests for Articles 131-24.L. and N through R; 131-26.A.(3) through (11); 131-26.B. and C.; and 131-24.K., T., U. & V. Ms. Duane asked for public comment; there was none. Motion unanimously carried.**

Mr. Frank made a motion, seconded by Mr. Webster, to conditionally approve the 4-unit subdivision for Settler’s R2, Inc. conditionally upon adding the granted waivers to the plans; submitting a \$100 check to the Town of Conway to cover Attorney fees; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire in 60 days. Ms. Duane stated that the trees along MacMillan Lane don’t look healthy. Mr. Williams agreed and stated that they will see how they make out. Motion unanimously carried.

OTHER BUSINESS

Ordinance Review Committee: Mr. Irving stated that he has received some concerns that Randy Cooper is not a resident in Conway, but is a taxpayer, and should not be on the

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Committee. Mr. Irving stated that the Board needs to establish if they need to be Conway voters or taxpayers. Mr. Briggs stated that they should be a voter in the Town of Conway. Mr. Briggs stated that Mr. Cooper should be able to attend the meetings, but in a non-voting role. Mr. Webster stated that he should be able to sit as a non-voting member. **Mr. Webster made a motion, seconded by Mr. Frank, to allow Randy Cooper to remain on the Committee from a participation stand point, but not as a voting member. Motion unanimously carried.**

Vice Chair election: **Mr. Briggs made a motion, seconded by Mr. Webster, to nominate Mr. Frank as Vice Chair. Motion unanimously carried.**

Meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary