

CONWAY PLANNING BOARD

MINUTES

DECEMBER 20, 2001

A meeting of the Conway Planning Board was held on Thursday, December 20, 2001, beginning at 7:06 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Selectmen's Representative, Dick O'Brien; Secretary, Conrad Briggs; Robert Drinkhall; Martha Tobin; David Robinson; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

ARTICLE 131-3 – DEFINITIONS FOR SUBDIVISION, MINOR SUBDIVISION AND BOUNDARY LINE ADJUSTMENTS

131-3 Subdivision/Minor Subdivision/Boundary Line Adjustment definitions: Mr. Irving stated that the proposed amendment would bring the definitions in-line with the State RSA. Mr. Irving stated that he does not know the reason behind part B under the definition of a subdivision. **Mr. Briggs made a motion, seconded by Ms. Tobin, to hold a public hearing on January 24, 2002 on the proposed amendments to the definitions of Subdivision/Minor Subdivision/Boundary Line Adjustment. Motion unanimously carried.**

PHYLLIS WAGSTAFF – REQUEST FOR A FIELD CHANGE (TAX MAP 219, PARCEL 202) FILE #FR01-09

Ms. Duane stated that this project showed underground utilities, however, we have received a letter from the utility company stating underground utilities at this site cannot be done. Ms. Duane asked the Board if changing from underground utilities to overhead utilities is an acceptable field change. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, that the change from underground utilities on the approved site plan to overhead utilities is an acceptable field change. Motion carried with Mr. Drinkhall voting in the negative.**

TECHNOLOGY VILLAGE – DISCUSSION

Jac Cuddy of the Economic Council appeared before the Board. Mr. Briggs stated that he has been asked why not use property that is already zoned commercially. Mr. Cuddy stated that the feasibility study shows that at least 50 acres is necessary to create this park and the land they are looking at meets all the requirements for this type of village.

Ms. Duane stated that you are trying to create a campus style setting. Mr. Cuddy agreed. Mr. Cuddy stated that they also want to create recreation trails and a village atmosphere. Mr. Briggs stated that businesses in this complex would have an unfair tax advantage over other businesses. Mr. Cuddy stated that the only tax advantage would be for the Economic Council building.

Mr. O'Brien asked how many facilities are being proposed. Mr. Cuddy stated that they hope to employ up to 1,500 people over the next ten (10) years. Mr. Irving stated that this is proposed as a special exception, so anyone in the residential/agricultural district who meets the standards can do a similar project. Ms. Duane stated that this is to allow projects similar to theirs to come

CONWAY PLANNING BOARD – DECEMBER 20, 2001

into Town. Mr. Cuddy stated that commercial property would make this type of project more expensive. Mr. Cuddy stated that a private developer would do this type of project.

Mr. Irving asked what if this project dissolves. Mr. Cuddy stated that he cannot predict the future, but if it does you've already created a facility under the regulations and it can be something people can live with. Mr. Irving stated that it could be some type of business no matter what the management. Mr. Cuddy agreed. Mr. Irving stated that some component of it is an incubator and the other is people who will stay. Mr. O'Brien asked after the incubation period where do these businesses go. Mr. Cuddy stated hopefully in Conway, but they can go where they want to.

Roger Grenier who was in the audience stated that 80% of businesses that start in incubators succeed. Mr. Irving stated after the three-year incubation period and they go on their own, they can build on this property. Mr. Cuddy answered in the affirmative and stated that it would be taxable.

Ms. Duane polled the Board to see if this should be a Planning Board sponsored article. Ms. Duane, Mr. O'Brien, Mr. Briggs and Mr. Robinson agreed that this should be a Planning Board sponsored article and Mr. Drinkhall and Ms. Tobin opposed to it being a Planning Board sponsored article.

Mr. Robinson made a motion, seconded by Mr. Briggs, to hold a public information meeting on January 3, 2002. Motion carried with Ms. Tobin voting in the negative. After a brief discussion on whether this should be a public information meeting or a public hearing, Mr. Robinson withdrew his motion and Mr. Briggs withdrew his second. **Mr. Briggs made a motion, seconded by Mr. Robinson, to hold a public hearing on proposed Article 147-11.B.(9) – Business Development Park on January 3, 2002. Motion unanimously carried.**

CREATION OF A HISTORIC COMMISSION

Ms. Duane stated that representatives from the State would meet with the Board and discuss the process and the benefits of a Historic Commission. Mr. Irving stated that a Town meeting would have to develop a commission, the commission would develop the historic areas and then the commission's recommendations would need to be adopted at a Town meeting. Ms. Duane stated that it would be good to have a workshop with the State in order to explain the process and answer any questions. The Board agreed to meet with the State.

APPOINTMENT OF ALTERNATE MEMBER

The Board agreed that Cesare Macchioni had met the requirements to become an alternate member of the Planning Board. **Mr. Briggs made a motion, seconded by Ms. Tobin, to appoint Cesare Macchioni as an alternate member of the Planning Board. Motion unanimously carried.**

Meeting adjourned at 8:30 p.m.
Respectfully Submitted,

Holly L. Meserve, Recording Secretary

Amendment to §131-3 SUBDIVISION

SUBDIVISION --

- ~~A. The division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a "subdivision."~~
- ~~B. The development of two (2) or more units on a single lot constitutes a "subdivision" and will require application of the subdivision regulation. Each building used for commercial/ industrial purposes without dwelling units shall be considered a single unit. In a building containing both commercial, industrial and dwelling units, each dwelling unit shall be counted as one (1) unit and all of the commercial/industrial occupants shall be counted as one (1) unit.~~

Summary of Proposed Amendment

The Problem

Paragraph B. serves no useful purpose and requires the application of a formal subdivision procedure to situations not defined in the RSA (§672:14). This requires a formal subdivision process for units (such as apartments) where the ownership of land is not intended to be conveyed. This added requirement provides no benefit to the Town. Rather, it adds unproductive burdens on developers and the Planning Board.

The Solution

The amended definition is consistent with the Definition of Subdivision represented in RSA §672:14. Removing Paragraph B. eliminates the redundant and unproductive requirement. The density restrictions represented in the Zoning Ordinance are already administered through the building permit process and site plan reviews for nonresidential and multi-family developments.

Fiscal impact

The proposed amendment will likely reduce the fiscal burden on the Town and the PB by reducing the incidence of unproductive bureaucratic process.

Amendment to §131-3 MINOR SUBDIVISION

MINOR SUBDIVISION -- ~~Any subdivision involving:~~

- A. Any subdivision involving ~~Three~~ three (3) lots or less with no potential for re-subdivision and fronting on an existing street, not involving any new street or road or extension of municipal or precinct facilities and not adversely affecting the development of the remainder of the parcel or adjoining property; or
- B. Boundary (Lot) Line Adjustments.~~The creation of lots for nonbuilding development purposes; or~~
- C. ~~Minor lot line adjustments or boundary line agreements which do not create buildable lots; or~~
- D. ~~A sale, conveyance or exchange of adjacent land among two (2) or more owners which does not increase the number of owners or parcels of land.~~

Summary of Proposed Amendment

The Problem

The definition is too complicated, subjects Boundary Line Agreements to Subdivision review where they are not required by State law and refers to subdivisions that are not permitted under the Zoning ordinances (unqualified lots).

The Solution

Remove unsatisfactory language.

Fiscal impact

The proposed amendment will likely reduce the fiscal burden on the Town and the PB by reducing the incidence of unproductive bureaucratic process.

Amendment to §131-3 BOUNDARY (LOT) LINE ADJUSTMENTS.

Boundary (Lot) Line Adjustments. The exchange of abutting land among two or more owners which does not increase the number of owners or the number of lots and does not create a nonconforming lot or add to the degree of non-conformity of existing lots.

Summary of Proposed Amendment

The Problem

Boundary (Lot) Line Adjustments are not defined.

The Solution

Define Boundary (Lot) Line Adjustments.

Fiscal impact

The proposed amendment will likely reduce the fiscal burden on the Town and PB by reducing the incidence of unproductive bureaucratic process.



**Proposed Special Exception
To
Town of Conway Zoning Ordinance
For
Section 147-11 Residential/Agricultural District
Presented by
Mt. Washington Valley Economic Council
November 21, 2001
Revised November 23, 2001**

Revise Paragraph ***B. Special Exceptions*** as follows:

Insert new subparagraph;

- (9) Technology Village – A special exception may be granted for a 501C(3) nonprofit corporation solely for the purpose of developing and constructing a technology village including roads, streets, buildings and other necessary infrastructure within the Residential/Agricultural zone providing the following conditions are met.
1. Non profit corporation. The technology village will be developed by a 501C(3) nonprofit corporation, which is a New Hampshire corporation, whose charter and purpose is development of a technology park within the Town of Conway.
 2. Property values. The applicant shall present information by an appraiser indicating that there will be no negative impact on abutting properties.
 3. Traffic. No traffic hazard will be created and traffic will not alter the traffic access or character of existing neighborhoods. The main access point shall be from an arterial or collector street and not from neighborhood streets.....(see ordinance 0
 4. Nuisance/hazards. The Zoning Board of Adjustment shall review the operations of the technology village, including noise, odors and any other expected hazards associated with the development.....(see ordinance)
 5. Utilities. The technology village shall have municipal water and sewer available at the street adjacent to the property. If both water and sewer are not available, they must be available within ___ years according to the approved master plan of the providing precinct.

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6. High rise buildings. The technology village may construct high rise office towers up to 12 stories or 130 feet in height as long as the buildings are not taller than the surrounding vegetation, protect tall trees adjacent to the buildings, are compatible within the surrounding environment, are not significantly visible from off site, do not obstruct the mountain view shed and is approved by the precinct fire chief. . The Planning Board, as part of the site plan review process, will review the design and architecture of the proposed buildings and will determine the building's compatibility with abutting residential structures and.
7. Lighting. A lighting plan shall be submitted to the Planning Board as part of the site plan review which keeps all light within the property and does not produce night time glare.
8. Buffer. A perimeter buffer area adjacent to all abutting properties shall be left in its undisturbed natural state or if open shall be planted with dense evergreens. The minimum buffer depth shall be 100 feet.
9. Recreation use. The technology village will construct a passive and active recreation trail system within the project for use by tenants of the village and the general public. The recreation trail may be within the buffer with the approval of the ZBA.
10. Conservation easement. The technology village will dedicate a portion of the site, which lies outside of the development area as a conservation easement.

Proposed amendment to §147-11 Residential Agricultural District of the Town of Conway Zoning Ordinance

Revise Paragraph B. Special Exceptions by inserting the following:

- (9) Business Development Park – A special exception may be granted for a business development park that provides education and technical assistance as well as incubation space and infrastructure for new and existing business development, including roads, buildings, and other necessary infrastructure within the Residential Agricultural District, provided the following conditions are satisfied:
1. Nonprofit Corporation. The business development park will be a 501C(3) nonprofit corporation, which is a New Hampshire corporation.
 2. The subject property must have some of its boundary within or contiguous with the boundary of the Business District.
 3. The business development park must front on and access an existing arterial road.
 4. The minimum front, side and rear setback from all adjacent properties and roads shall be one hundred (100) feet.
 5. Parking lots shall not exceed 30 spaces each.
 6. Nuisance/hazards. The applicant must demonstrate that the operations of the business development park, including noise, odors and any other expected hazards associated with the development are consistent with that of a residential neighborhood.
 7. Property values. The applicant shall provide a comprehensive report, by an appraiser licensed by the State of New Hampshire, which demonstrates that there will be no negative impact on abutting properties. This report shall be reviewed and comments will be provided by the Town Assessor.
 8. The applicant must provide a traffic study, certified by a qualified engineer licensed by the State of New Hampshire, which clearly indicates the traffic impacts that would result from the project and improvements to the existing transportation infrastructure that would be necessary to ensure appropriate access and level of service. This report shall be reviewed and comments will be provided by the Town Engineer.
 9. Lighting. A lighting (photometric) plan shall be submitted to the Planning Board as part of the site plan review which keeps all light within the property and does not produce night time glare. This requirement shall not be waived pursuant to the waiver provisions of Chapter 123.
 10. Buffer. A perimeter buffer area adjacent to all abutting properties and streets shall be left in its undisturbed natural state or if disturbed shall be replanted with indigenous species. The minimum buffer depth shall be 100 feet. This requirement shall not be waived pursuant to the waiver provisions of Chapter 123.
 11. Recreation use. The business development park will construct a passive and active recreation trail system within the project for use by tenants of the business development park and the public.
 12. The recreation trails may cross the buffer only to connect with existing or proposed trails on adjacent properties and if they do not impair the effectiveness of the buffer.
 13. Conservation easement. The business development park will dedicate a portion of the site, which lies outside of the development area as a conservation easement.

May 1, 2001

Dear Planning Board,

My name is Cesare Macchioni, I'm writing today. Because I am interested in an appointment with the Ordinance Review Committee.

I am newly retired after 30 years of service with an utility company and have been a permanent resident of N. H. for one year.

My wife and I

Dear Sheila,

I'm letting you know that,
I'm very interested in a
position on the Planning Board.

Whether full time position
or a alternate.

Sincerely yours,
Cesar Maschoni
356-6308