

**CONWAY PLANNING BOARD**

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CONWAY PLANNING BOARD

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JANUARY 3, 2002

A meeting of the Conway Planning Board was held on Thursday, January 3, 2002, beginning at 6:35 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; Brian Glynn; Robert Drinkhall; Martha Tobin; David Robinson; Alternate, Cesare Macchionni; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

Mr. O'Brien made a motion, seconded by Mr. Drinkhall, to approve the Minutes of December 13, 2001 as written. Motion carried with Mr. O'Brien abstaining from voting.

**NOMINATION OF A VICE CHAIR**

Mr. O'Brien nominated Mr. Briggs for Vice Chair. Ms. Tobin seconded the nomination. Mr. Irving stated that Mr. Briggs already holds the secretary position. Mr. O'Brien withdrew his nomination and Ms. Tobin withdrew her second. Mr. O'Brien nominated Mr. Drinkhall for Vice Chair. Ms. Tobin seconded the nomination. Motion unanimously carried.

**PUBLIC INFORMATION MEETING – ARTICLE 123-23 – LOADING/  
STORAGE FACILITIES**

Mr. Irving stated that the Town Attorney is okay with the amendment. Ms. Duane asked if this would grandfather any storage trailers. Mr. Irving answered in the negative and stated that this is a change to the site plan regulations and not the zoning ordinance. Mr. Irving stated if a site with trailers is subject to site plan review then this regulation would come into effect.

Earl Sires stated that he thought we were having the Code Enforcement Officer take pictures of the trailers because they would be grandfathered. Mr. Irving stated that the pictures were to show what was there. Ms. Duane stated that the Board of Selectmen was not going to enforce the existing ordinance because it was too vague. Gary Webster stated that the goal was not to create a grandfathered status. Mr. Webster stated that we wanted the ordinance clarified so they would come into compliance through the site plan review process.

Ms. Duane asked for public comment; there was none. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to hold a public hearing on Article 123-23 on January 24, 2002. Motion unanimously carried.**

**APPOINTMENT OF ALTERNATE MEMBER**

Ms. Duane appointed Cesare Macchionni as a voting member for Mr. Glynn (came in late).

**LOT MERGER – JOHN AND KATHLEEN MACLEAN**

**Mr. Briggs made a motion, seconded by Mr. O'Brien, to grant the lot merger for (PID 232-164 & 167).** Ms. Duane asked for public comment; there was none. **Motion unanimously carried.**

**PUBLIC HEARING – ARTICLE 147-11.B.(9) – BUSINESS DEVELOPMENT PARK**

The public hearing was opened at 6:57 p.m. Ms. Duane asked if there were any board questions; there were none. Ms. Duane asked for public comment; Glen Saunders stated that he supports this amendment. Mr. Saunders stated that when zoning was first written it was based on what was happening and this type of project wasn't even envisioned then. Mr. Saunders stated that this could provide a road map for the Master Plan and is a needed activity for the Town. Mr. Saunders stated that we have to have the skills at hand to have an impact on the business community.

Mr. Saunders stated that we are short on service and installation technicians and they are hard to attract from the Portland or Manchester area to this area. Mr. Saunders stated that he would make the suggestion that land proposed for this type of facility be contiguous with the commercial or industrial district.

Carol Westervelt stated that she supports this amendment and stated that the Town needs to take a step forward for technology. Bayard Kennett stated that there is a concern in the community that this was for big industry, but the concept here is to have similar types of businesses that we already have all over the valley, however, there to be adjacent to a residential area. Mr. Kennett stated that he supports this amendment.

Sheryl Kovalik stated that she would like to see a future for our children that are not based solely on tourism and this provides that. Ms. Duane polled the Board if the residential lot should abut a commercial property. The board unanimously agreed.

Mr. Irving submitted and read a draft of changes to the Board (attached). Ms. Duane asked if there were any questions; Jac Cuddy referred to item #5 and stated that it should be worded so development over a certain amount warrants a second access. Ms. Duane suggested that it read the property should have the ability to have a second access and let site plan determine when it needs to be constructed. Loren Billings asked if the recreation traffic would be taken into consideration. Mr. Irving stated that it would probably be a part of the traffic study, however, both are not usually used at the same time. The Board agreed to combine items #5 and #6.

**Adopted: February 14, 2002 – As Written  
CONWAY PLANNING BOARD – JANUARY 3, 2002**

Ms. Duane left at this time. Mr. Glynn joined the Board at this time. Mr. Webster stated that it is also being assumed that the recreation trails are going to be constructed immediately. Mr. Irving stated that we do have to look at the build out of the site.

Mr. Cuddy referred to item #9 and stated that it is ludicrous to increase the density of the green area when it is not going to have an impact and not be able to waive it. Mr. Cuddy asked what if it buffers a river. Mr. Irving stated that he is concerned with putting a requirement in the zoning ordinance that the Planning Board can waive under site plan. After a brief discussion, it was agreed to by the Board to change it to "...or if disturbed planted with dense evergreens...".

Mr. Irving asked if there should be an item that addresses the timely completion. Mr. Sires stated that while the development takes place it is important to implement components of the recreational trails. Mr. Saunders stated that the recreational facility is to be open to the public, but it is up to the property owner to regulate it. Mr. Saunders stated that the public is not going to help control it.

George Epstein of Madison asked if he could speak on the amendment. Mr. Briggs answered in the affirmative. Mr. Epstein stated that he would recommend leaving the recreation trail requirement in the proposal. Mr. Epstein stated that he is concerned with item #13 and limiting the parking lot to a certain number of spaces. Mr. Epstein stated that you should want your parking in one area and have your buildings around it.

Mr. Irving stated with changes to the proposed amendment this would need another public hearing. Mr. Cuddy asked if the Board is going to continue to support this as their own amendment or should the Economic Council submit a petitioned article. Mr. Briggs polled the Board and it was unanimously agreed that they would support this as their own amendment, however, it was suggested that they should submit a petitioned article to be on the safe side.

Mr. Briggs stated that he assumed that there was no one here against the proposal. William Marvel stated that he is opposed to the general idea, but came to gather more information. Mr. O'Brien made a motion, seconded by Mr. Drinkhall, to continue the public hearing for Article 147-11.B.(9) until January 24, 2002. Motion unanimously carried.

Meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary

**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 December 19, 2001**

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

Insert new subparagraph;

- (9) Business development park – A special exception may be granted for a 501C(3) nonprofit corporation solely for the purpose of developing and constructing a business development park including roads, streets, buildings and other necessary infrastructure within the Residential/Agricultural zone providing the following conditions are met.
1. Non profit corporation. The business development park 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. The Zoning Board of Adjustment may consider the comments of the town Planner in evaluating the traffic study. A traffic study shall be completed that shows the impact of the proposed development in its entirety on the nearest signalized intersection(s). For intersections that are of an overall level of service (herein "LOS") C or better, the LOS at the nearest signalized intersection(s) shall not fall below LOS C during the a.m. and p.m. peak hours as a result of the development. If LOS C cannot be maintained, the applicant shall make such changes that are necessary to bring the intersection to LOC C, provided that such improvements are acceptable to the Zoning Board of Adjustment. The applicant may choose to reduce the development so as to produce an acceptable LOS. If the LOS is already below C (D, E or F), the project shall only be approved if the LOS is brought up to D. The applicant may choose to reduce the development so as to produce an acceptable LOS.

4. **Nuisance/hazards.** The Zoning Board of Adjustment shall review the operations of the business development park, including noise, odors and any other expected hazards associated with the development. If the Zoning Board of Adjustment determines that any hazards or nuisances cannot be overcome and are not customarily found in a residential neighborhood, the proposed use shall be denied.
5. **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.
6. **Buffer.** A perimeter buffer and setback 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.
7. **Recreation use.** The business development park 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.
8. **Conservation easement.** The business development park 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 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 <sup>shall</sup> ~~will~~ be a 501C(3) nonprofit corporation, which is a New Hampshire corporation.
2. The applicant must demonstrate that the purpose of the development park is to provide education and technical assistances well as incubation space and infrastructure for new ~~existing~~ business development.
- \* 3. The subject property must have some of its boundary within or contiguous with the boundary of the Business District.
4. 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.
- ~~5.~~ The development must front on an existing arterial road and provide at least two points of vehicular access. <sup>(in 3-6)</sup>
6. The applicant must provide a traffic study, <sup>certified</sup> 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 an appropriate level of service. This report shall be reviewed and comments will be provided by the Town Engineer.
7. 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.
8. 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. This requirement shall not be waived pursuant to the waiver provisions of Chapter 123. . . . .
9. Buffer. A perimeter buffer area adjacent to all abutting properties and streets shall be left in its <sup>undisturbed</sup> natural state or <sup>if open shall be planted with dense evergreens. w/ indigenous species</sup> if ~~open shall~~ be planted with dense evergreens. The minimum buffer depth shall be 100 feet. This requirement shall not be waived pursuant to the waiver provisions of Chapter 123.
10. The minimum front, side and rear setback from all adjacent properties and roads shall be one hundred (100) feet.
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 <sup>Park</sup> ~~village~~ and the public. ~~of the park.~~
12. Parking lots shall not exceed 30 spaces each.
13. 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.
14. Conservation easement. The business development park will dedicate a portion of the site, which lies outside of the development area as a conservation easement.