

CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 12, 2002

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CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 12, 2002

A meeting of the Conway Planning Board was held on Thursday, September 12, 2002 beginning at 7:03 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Vice Chair, Robert Drinkhall; Martha Tobin; David Robinson; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Drinkhall made a motion, seconded by Ms. Tobin, to approve the Minutes of August 22, 2002 of the Planning Board and the Joint Board of Selectmen and Planning Board Minutes of August 22, 2002 as written. Motion unanimously carried.

**STUART TULCHINSKY/DEERWOOD HOLLOW, LLC – HEADLINES (PID 219-232)
SMALL UNDERTAKING**

Stuart Tulchinsky appeared before the Board. Mr. Irving stated at one time the entire building was retail. Mr. Irving stated that Glen Builders converted it from retail space to office space and the applicant would like to revert back to retail. Mr. Irving stated that there was no permit to change from retail to office. Mr. Irving asked if the Planning Board would accept this as a small undertaking.

Mr. Tulchinsky stated that he purchased the property in July of this year and would like to use approximately 1,500 s.f. of the lower level as retail. Mr. Tulchinsky stated that most of the changes have been to the interior and there haven't been any major changes to the site. Mr. Tulchinsky stated that they have been cleaning up the site, painting it and making the parking more usable. Mr. Tulchinsky stated that the gravel section on the south side will accommodate three or four parking spaces. Mr. Tulchinsky stated that he will be adding greenspace to the front of the property.

Ms. Duane stated that some of the windows have been removed and asked if they were going to be replaced. Mr. Tulchinsky answered in the negative. Ms. Duane asked if the 5% window requirement will be maintained. Mr. Tulchinsky stated he did not know and would have to measure. Ms. Duane asked if the gravel area to the south of the building was going to be paved. Mr. Tulchinsky stated that he did not want to create a problem with drainage.

Ms. Duane asked if this is considered a sexually oriented business. Mr. Irving answered in the negative. Mr. Tulchinsky stated that they will be under the percentage that is allowed. Ms. Duane asked if it is under 15% of the floor space than it is not considered a sexually oriented business. Mr. Irving answered in the affirmative.

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Ms. Duane stated that she would like to look at the parking layout again. Mr. Tulchinsky stated that the traffic to Glen Builders was much greater than this retail store will ever have. Mr. Tulchinsky stated that there will be a reduction in traffic and parking. Ms. Duane read the criteria for a small undertaking.

Mr. Robinson asked about landscaping. Mr. Tulchinsky stated that he has had a landscaping plan done for this site. Mr. Robinson stated that an improvement in the landscaping will help that site a lot. Mr. Tulchinsky stated that he wants to fit in with the neighborhood and the community and look like the surrounding property.

The Board agreed to meet with Mr. Tulchinsky again on Thursday, September 19, 2002 at 5:30 p.m. in order to review the parking layout, determine the window space calculation and find out if the Board can grant a non-applicable application with conditions.

OTHER BUSINESS

Wal-Mart Real Estate Business Trust – Full Site Plan Review – Conditional Approval (PID 246-62) File #FR02-07: Phil Hastings, Eric Barnes and Justin Hagar appeared before the Board. After a review of the conditions, **Mr. Drinkhall made a motion, seconded by Ms. Tobin, that the conditions for Wal-Mart Real Estate Business Trust have been satisfied and the plan can be signed. Motion unanimously carried.** The plans were signed and Mr. Hastings was given a signed copy.

Old Mill Estates – As Built Plan Signing (PID 268-105/106/107) File #S01-16: Mr. Robinson made a motion, seconded by Ms. Tobin, to sign the as-built plans for Old Mill Estates. **Motion unanimously carried.**

William Ingalls/Ingelwood Subdivision: Mr. Drinkhall made a motion, seconded by Ms. Tobin, to continue the discussion regarding the status of Ingelwood Subdivision until October 24, 2002. **Motion unanimously carried.**

Lot Merger – Robert and Roberta McClellan (PID 233-5 & 6): Ms. Tobin made a motion, seconded by Mr. Drinkhall, to sign the lot merger for Robert and Roberta McClellan. **Motion unanimously carried.**

Create a Master Zoning Amendment Schedule: Ms. Duane stated that the Board should determine a schedule to review zoning changes for the Town Warrant. The Board agreed to bring any suggested changes to the Board by October. They agreed that lighting for signs and A-frames in general will be on the list to discuss.

COUNTRY NEWS CLUB, INC. – REVIEW OF FINAL LANDSCAPING PLAN (PID 219-66) FILE #MR98-01

Mark Guerringue appeared before the Board. The Board reviewed some minor changes to the landscaping. The changes being partly due to the North South Road and taking by the State. Ms. Duane stated that the dumpster is required to be screened. It was determined that the

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dumpster could remain as indicated on the plans or under the overhang as long as it is screened.
Ms. Tobin made a motion, seconded by Mr. Drinkhall, to accept the changes to the landscaping as a field change. Motion unanimously carried.

Meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary

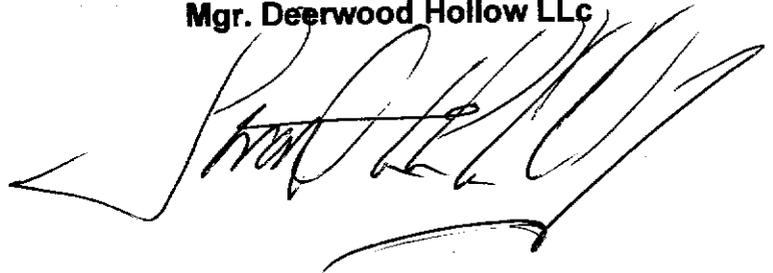
Planning Board
Town of Conway NH
Atten: Tom Irving
Re: Deerwood Hollow LLC

August 16, 2002

Mr. Irving,

I request to be placed on the Planning board agenda for additional business on September 12 th. I would like to address the planning board in regard to occupying the building formerly owned by Glen Builders. The purpose of my meeting will be to ask that the planning board consider my renovation of the building to be a "small undertaking " and to recognize that there is no change in usage. I would appreciate being informed of the scheduling at your earliest convenience. I can be reached at 603-490-2657.

Thank you
Stuart Tulchinsky
Mgr. Deerwood Hollow LLC

A handwritten signature in black ink, appearing to read 'Stuart Tulchinsky', written over a large, stylized scribble or flourish.

MAP 66
PARCEL ZOA

Sept 6, 2002

To - Mr. Thomas Irving - Planning Director

As you requested; This FAX will confirm our phone conversation on Sept 6, 2002.

Unexpected personal medical reasons make it not possible for me to be at the Planning Board meeting on Sept. 26, 2002 as had been scheduled.

Your suggestion of Oct. 24, 2002 as an alternative date should be alright barring any further medical surprises.

Thank you.

M. Ingalls

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PHILIP S. RADER (1952-1999)

ADMITTED IN
*NH AND MAINE
†NH AND MA
**NH AND OHIO

E-MAIL: rccooper@cdc-law.com

September 5, 2002

Town of Conway Planning Board
P. O. Box 70
Center Conway, NH 03813

Re: A-Frame Signs, Conway Code Section 147-19, B, (I) (Mall F)

Dear Ladies and Gentlemen:

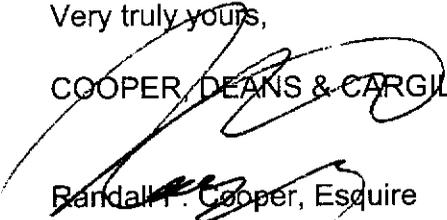
Mike Bush of the State Line Store came in to see me with respect to being cited recently for using an A-Frame portable sign at their store location on Route 302, just at the boundary of the State of New Hampshire and the State of Maine. That business has been using that sign for a number of years, with the cognizance of the previous Code Enforcement Officer, and just recently it has come to his attention that the above provision of the Conway Code applies only to "Business Districts."

Purely out of an issue of fairness, we would ask that the Planning Board consider amending this provision of the zoning ordinance by striking out the words "in the Business Districts" and insert instead, "used for business purposes." After 22 years of having a zoning ordinance in the Town, I think it is fair to say that experience is now such that preexisting or grandfathered businesses are not going to go out of business, but the ordinance has served its purpose by eliminating further growth of commercial businesses in areas that had been zoned residential. While the master planning process may result in changes to the zoning ordinance, and the expansion of commercial areas, this does not mean that those who do have preexisting businesses within the residential zone shouldn't be treated equally with respect to signage for businesses, as permitted for other businesses within the Town.

In any event, I appreciate your considering this at your meeting of September 12, 2002.

Very truly yours,

COOPER, DEANS & CARGILL, P.A.


Randall F. Cooper, Esquire

RFC:kds

cc: Michael Bush

The Conway Daily Sun

Mt. Washington Valley's DAILY Newspaper

September 2, 2002

Tom Irving
Town Planner
Town of Conway
Center Conway, NH 03813

Dear Tom,

Please accept this letter as a request to schedule a meeting with the Conway Planning Board September 12, 2002, to review the final landscaping plan of The Conway Daily Sun.

As you know the completion of our plan has been on hold awaiting the completion of the North-South Road.

The proposed landscaping plan is a little different, and I think improved, from the plan approved with the construction of the building.

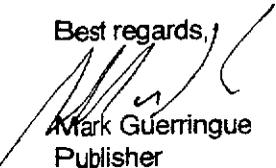
I've including black and white photos showing our existing conditions and one color photo which depicts the proposed changes.

Replacing the bushes depicted on the original plan we:

- placed two beds of flowers anchored by evergreens located under the pergola
- propose to plant a group of evergreens at the left (west) corner of the front of the building
- propose to plant a maple tree the trunk to be at least three inches in diameter at the right (east) corner of the front of the building
- have started to re-sod the lawn area in the front of the building

There is some green space (see photos) in back of the building. That space is used to store snow and we are not proposing plantings there.

Best regards,



Mark Gueringue
Publisher