

CONWAY PLANNING BOARD

MINUTES

NOVEMBER 14, 2002

PAGES

- 1 Review and Acceptance of Minutes
- October 17, 2002 – Adopted as Written
 - October 24, 2002 – Adopted as Written
- 1 Cutting on a Scenic Road – Greeley Road
- 1 Bradford Oil Co./Beep Beep Deli – Full Site Plan Review
Continued (PID 227-221) File #FR02-12
- Continued until November 21, 2002 at 4:00 p.m.
- 2 Other Business
- Joe Berry – Internet Café
 - T. Paul and Loretta Matsubura – Extension of
Conditional Approval
 - Historical Society – Field Change
 - North Conway Country Club
 - December 5, 2002 Meeting
 - Joint Planning Board and Board of Selectmen Meeting
 - Conway Daily Sun

CONWAY PLANNING BOARD

MINUTES

NOVEMBER 14, 2002

A meeting of the Conway Planning Board was held on Thursday, November 14, 2002 beginning at 7:01 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Selectmen's Representative, Gary Webster; Vice Chair, Robert Drinkhall; Secretary, Conrad Briggs; Brian Glynn; Martha Tobin; David Robinson; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of October 17, 2002 should be amended as follow: page one, paragraph 1, should read, "...him. Mr. Briggs joined the meeting at this time. Mr. Irving...". **Mr. Drinkhall made a motion, seconded by Mr. Glynn, to approve the Minutes of October 17, 2002 as written. Motion carried with Mr. Webster abstaining from voting.**

Mr. Briggs made a motion, seconded by Ms. Tobin, to approve the Minutes of October 24, 2002 as written. Motion carried with Mr. Webster abstaining from voting.

CUTTING ON A SCENIC ROAD – GREELEY ROAD

Brian Abrams appeared before the Board. Mr. Irving stated under RSA 231:58 we need to hold a public hearing to cut trees on a scenic road. Ms. Duane asked for public comment; there was none. Mr. Glynn stated that he doesn't see that it will cause any problems, but actually help those trees around the ones being cut. Bob Drouin of Verizon stated that he is hoping the Board will allow the cutting in order to provide service to this customer without any destruction to the road. Mr. Drouin stated that there was an oak tree that the Town was concerned with as well.

Mr. Webster made a motion, seconded by Ms. Tobin, that pursuant to RSA 231:58 approve the tree cutting including the large oak tree. Motion unanimously carried.

**BRADFORD OIL CO./BEEP BEEP DELI – FULL SITE PLAN REVIEW CONTINUED
(PID 227-221) FILE #FR02-12**

Rick Rostin of Bradford Oil; Bob Mathieu, owner of Beep Beep Deli; and Andrew Manning of H.E. Bergeron Civil Engineers appeared before the Board. Mr. Manning stated that they fixed a drainage issue; received a NHDOT driveway permit; and submitted a photometric plan to the Board. Mr. Manning stated that the Conway Village Fire District Fire Chief approval is still outstanding. Mr. Manning stated that a snowmobile access as been added to the plans and there are no additional trees being removed. Mr. Manning stated that the Town of Conway asked for a building elevation, which has been submitted. Mr. Manning stated as a clarification in the October 10, 2002 minutes, the Town of Albany allows a 4x8 sign, not a 48 square foot sign.

**Adopted: January 9, 2003 – As Amended
CONWAY PLANNING BOARD – NOVEMBER 14, 2002**

Mr. Irving stated that the Board needs to act on a waiver request for Article 123-29.A.2 & 3; receive fire chief approval; and bonding. Ms. Duane stated that she is concerned with parking in the break down lane. Mr. Manning stated that they are getting all the abutters together to address the problem with the Police. Mr. Glynn stated that the more distinct islands should help. Mr. Manning stated hopefully with the improved layout it will improve the situation.

Ms. Duane asked for public comment; Frank Wolf of the Albany Planning Board stated that he is also a member of the Route 16 Corridor Study. Mr. Wolf stated that his concern is also the parking on the shoulder and looking at a way to prevent it. Mr. Wolf stated that the abutters going as a group would have more of an impact than individual letters. Mr. Rostin stated right now you don't know where to park, but with the improvements it should be better. Mr. Glynn asked about the sign height. Mr. Mathieu stated that it definitely would not block the visibility.

Ms. Duane read a waiver request for Article 123-29.A.2. and 3. **Mr. Drinkhall made a motion, seconded by Mr. Glynn, to grant the waiver request for Article 123-29.A.2. & 3. Motion unanimously carried.** After a brief discussion regarding Fire Chief approval, the applicant agreed to continue the application. **Mr. Briggs made a motion, seconded by Ms. Tobin, to continue the full site plan review for Bradford Oil Co./Beep Beep Deli until November 21, 2002 at 4:00 p.m. Motion unanimously carried.**

OTHER BUSINESS

Joe Berry/Internet Café (PID 218-42) – Small Undertaking: Mr. Berry stated that he would like to convert 800 square feet on the ground floor of the former Annalee Doll building into an internet café. Ms. Duane asked if the art gallery would be moving. Mr. Berry stated that the Art Gallery would occupy the western half of the back floor with three rooms being for the Art Gallery. Mr. Irving asked how many seats would there be. Mr. Berry answered 22 seats.

Mr. Irving asked the Board if this could be considered a small undertaking. Mr. Irving read the requirements under Article 123-4. Mr. Irving stated that it boils down to parking. Ms. Duane stated that the site is maxed out to its capacity and there is no space for parking. Ms. Duane stated when we did the last phase of the Carriage House Suites we discussed the parking arrangement with the train station and the parking below. Ms. Duane asked if Russ Seybold of the Conway Scenic Railroad has come forward and done anything with the parking.

Mr. Berry answered in the affirmative and stated that there is going to be a connection to the parking lot by a pedestrian walkway along the driveway. Mr. Berry stated that Norcross Place once owned the old bank, but it was sold ten years ago to Annalee Dolls. Mr. Berry stated that they provided septic and parking easements to this property.

Mr. Glynn asked if this was going to be an Art Gallery and an Internet Café. Mr. Irving stated that the Art Gallery would be an allowed change-of-use, but for the Internet Café it is a question of whether a site plan is necessary. Mr. Robinson stated that the Internet Café is going to be more of a local thing rather than for tourists. Mr. Glynn stated that he is concerned with it turning into a restaurant and the parking in the village. Mr. Briggs stated that RKG Associates showed us how to change the parking on Norcross Street in order to gain 65 new spaces.

**Adopted: January 9, 2003 – As Amended
CONWAY PLANNING BOARD – NOVEMBER 14, 2002**

Ms. Duane stated that there should be a sign at the Randall House and at the intersection indicating public parking. Ms. Duane stated that that should alleviate some of the concern and create parking for the village. Ms. Duane stated that the only hindrance in this proposal is the parking and it would require a waiver. Mr. Irving agreed. Mr. Berry stated that he is putting in the lease that staff is required to park below. Mr. Irving stated that the only reason it is not qualifying for a small undertaking is because of the parking and if the Board determines that they would grant a waiver for the parking, then you have convinced yourselves that the on-site infrastructure is adequate.

Mr. Berry stated he is willing to pursue the signs if the approval is granted. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to approve the change-of-use for the Internet Café as a small undertaking.** Mr. Glynn stated that he can see this growing and we should be concerned. Mr. Glynn asked about bathrooms. Mr. Berry stated there are currently two bathrooms in the building and we are adding a third bathroom. Mr. Berry stated that he now provides seven public bathrooms.

Ms. Duane asked for public comment; there was none. **Mr. Drinkhall, Mr. Briggs and Mr. Webster voted in favor and Mr. Glynn, Ms. Tobin and Mr. Robinson voted in the negative.** Ms. Duane stated that she works for Mr. Berry and doesn't seem right for her to vote. Mr. Berry stated that Ms. Duane is an independent consultant that works for Attitash Realty in which he is a stockholder, but she does not work for River Run Company. **Motion defeated with Ms. Duane abstaining.**

Mr. Glynn stated that he is concerned with what will happen down the road. Mr. Robinson stated that it boils down to the site plan review process and having to give waivers for parking. Mr. Briggs stated that the Master Plan process has said not to look at individual parking for each business. Mr. Berry stated that he doesn't see a relationship between Ms. Duane and River Run Company. Ms. Duane stated if this was my lease it would be a reason.

Mr. Glynn made a motion, seconded by Mr. Webster, to reconsider the motion disapproving the small undertaking. Motion carried with Ms. Duane abstaining from voting. Ms. Duane stated that this would serve a benefit to the Town by gaining 200 parking spaces. Mr. Irving stated that they have provided more parking than was required and this will show people where it is. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to approve the change-of-use for the Internet Café as a small undertaking. Motion carried with Mr. Glynn and Mr. Robinson abstaining from voting.**

T. Paul And Loretta Matsubura – Car Wash (PID 277-287) File #Fr02-08 – Extension Of Conditional Approval: Andrew Manning of H.E. Bergeron Civil Engineers appeared before the Board and asked for an extension. **Mr. Robinson made a motion, seconded by Mr. Glynn, to extend the conditional approval for T. Paul and Loretta Matsubura until February 27, 2003. Motion carried with Ms. Tobin abstaining from voting.**

Historical Society (PID 265-33) File #FR02-01 – Field Change: Mr. Robinson stepped down and appeared before the Board. Mr. Robinson reviewed the attached changes to the Historical

**Adopted: January 9, 2003 – As Amended
CONWAY PLANNING BOARD – NOVEMBER 14, 2002**

Society site plan. Mr. Irving asked if the granite curbing would still remain. Mr. Robinson answered in the affirmative and stated it is already done. **Mr. Briggs made a motion, seconded by Mr. Glynn, to accept the changes to the sidewalk as a field change for the Historical Society. Motion unanimously carried.**

North Conway Country Club (PID 218-32): Andrew Manning of H.E. Bergeron Civil Engineers appeared before the Board. Mr. Manning stated that the North Conway Country Club would like to pave their existing gravel parking lot and add drainage. Mr. Manning asked what would be required from the Town to do that. Mr. Irving asked if the parking lot existed prior to site plan review regulations. Mr. Manning answered in the affirmative. Mr. Irving asked if the parking lot would be expanded. Mr. Manning answered in the negative. Mr. Irving asked if a portion of the parking is located on the Community Center land. Mr. Manning answered in the affirmative. The Board decided that they needed some more information as well as the easements that are in place that allow parking on the Community Center property.

December 5, 2002 Meeting: The meeting for December 5, 2002 will be at 7:00 p.m. for a Master Plan Update and 8:00 p.m. for ordinance amendments.

Joint Planning Board and Board of Selectmen meeting: It was agreed to ask the Board of Selectmen to meet on December 3, 2002 at 3:00 p.m.

Conway Daily Sun (PID 219-66): Ms. Duane stated that the dumpsters have yet to be screened and the doors are not finished. The Board agreed to send a letter asking the owners to attend the December 12, 2002 meeting.

Meeting adjourned at 8:40 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary

sent 10/29/02 km

**TOWN OF CONWAY
PLANNING BOARD
TREE REMOVAL ON A SCENIC ROAD**

Notice is hereby given that a public hearing will be opened @ 7:00 p.m. Thursday, November 14th, at the Conway Town Office in Center Conway, NH, pursuant to the provisions of RSA 231:158 regarding tree removal along designated Scenic Roads. Specifically, regarding the removal of trees along Greeley Road to facilitate utility services to the property owned by Mr. Brian Abrams (PID 296-18).

TO: CONWAY DAILY SUN

FROM: HOLLY MESERVE km

DATE: OCTOBER 29, 2002

Please publish the above ad in the Saturday, November 2, 2002 edition of the paper.

Thank you.

10/28/2002

TOM IRVING
TOWN PLANNER
1634 EAST MAIN STREET
CENTER CONWAY, N.H. 03813

TOM:

COULD YOU PLEASE TRY TO GET ME ON THE PLANNING BOARD AJENDA
A.S.A.P. TO DISCUSS THE SCENIC ROAD RSA ON TRIMMING ALONG GREELEY ROAD IN
CONWAY, N.H. TO ALLOW TELEPHONE AND ELECTRIC SERVICE TO BRIAN ABRAMS.

SEE ATACHED LETTER.

TAHNK YOU
BOB DROWN
VERIZON
P.O.BOX 622
CONWAY,N.H. 03818

603-447-9941

09/27/2002

TOM IRVING
TOWN PLANNER
1634 EAST MAIN STREET
CENTER CONWAY, N.H. 03813

GREELEY ROAD
SCENIC ROAD
NEW SERVICE
FOR: BRIAN ABRAMS

BRIAN ABRAMS HAS REQUESTED SERVICE FROM BOTH VERIZON AND PUBLIC
SERVIC COMPANY OF NEW HAMPSHIRE. THE LOCATION IS ON GREELEY ROAD MAP 296
PARCEL 18.

IT IS MY UNDER STANDING THAT GREELEY ROAD IS DESIGNATED AS A SCENIC
ROAD AND THAT SPECIAL PERMISSION IS REQUIRED FOR TRIMMING.

IN ORDER TO PROVIDE SERVICE TO MR. ABRAMS TRIMMING WILL BE REQUIRED
ALONG WITH THE POSSIBILITY OF TREE REMOVAL ALONG GREELEY ROAD.

THE POLE LINE HAS BEEN STAKED AND TREES MARKED THAT WILL PROBABLY
HAVE TO BE REMOVED TO PROVIDE SERVICE.

WE HAVE STAKED THE POLE LINE AND HAVE CROSSED THE ROAD ON ALMOST
EVERY POLE TO ALLOW FOR MINIMAL TRIMMING ALSO THE POWER COMPANY WILL TRY
TO PUT THERE WIRE OUT ON EXTENSION ARMS TO MINIMIZE THE TRIMMING.

BOB DROUTIN
ENGINEER
VERIZON
PO.BOX 622
CONWAY, N.H.03818

603-447-9941

231:158

TRANSPORTATION

231:158 Effect of Designation as Scenic Roads.

I. As used in this subdivision, "tree" means any woody plant which has a circumference of 15 inches or more at a point 4 feet from the ground.

II. Upon a road being designated as a scenic road as provided in RSA 231:157, any repair, maintenance, reconstruction, or paving work done with respect thereto by the state or municipality, or any action taken by any utility or other person acting to erect, install or maintain poles, conduits, cables, wires, pipes or other structures pursuant to RSA 231:159-189 shall not involve the cutting, damage or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, ~~except with the prior written consent of the planning board, or any other official municipal body designated by the meeting to implement the provisions of this subdivision, after a public hearing duly advertised as to time, date, place and purpose, 2 times in a newspaper of general circulation in the area, the last publication to occur at least 7 days prior to such hearing, provided, however, that a road agent or his designee may, without such hearing, but only with the written permission of the selectmen, remove trees or portions of trees which have been declared a public nuisance pursuant to RSA 231:145 and 231:146, when such trees or portions of such trees pose an imminent threat to safety or property, and provided, further, that a public utility when involved in the emergency restoration of service, may without such hearing or permission of the selectmen, perform such work as is necessary for the prompt restoration of utility service which has been interrupted by facility damage and when requested, shall thereafter inform the selectmen of the nature of the emergency and the work performed, in such manner as the selectmen may require.~~

III. Designation of a road as scenic shall not affect the eligibility of the town to receive construction, maintenance or reconstruction aid pursuant to the provisions of RSA 235 for such road.

IV. Designation of a road as a scenic road shall not affect the rights of any landowner with respect to work on his own property, except to the extent that trees have been acquired by the municipality as shade or ornamental trees pursuant to RSA 231:139-156, and except that RSA 472:6 limits the removal or alteration of boundary markers including stone walls.

V. A town may, as part of a scenic road designation under RSA 231:157 or as an amendment to such designation adopted in the same manner, impose provisions with respect to such road which are different from or in addition to those set forth in this section. Such provisions may include, but are not limited to, decisional criteria for the granting of consent by the planning board or other designated municipal body under paragraph II, or protections for trees smaller than those described in paragraph I, designated for the purpose of establishing regenerative growth along the scenic road.

CITIES,

VI. Any person under this section damages resulting

Source. RSA 253:586:2. 1981, 87:1. 194. 1992, 160:2, eff. J

Amendments—199:ed generally.

—1991. Paragraph Paragraph IV: Add that trees have been pality as shade or ort

Lines of

1. Purpose

Objectives of protection, location and maintenance within public highways erected without a license used only for poles interfere with safe traffic

West Key Number

Electricity 9(2).
Municipal Corporation
Telecommunications

CJS

Electricity §§ 5, 1

231:159 Application apply to all provisions there repealed in the

Source. 1949, 87:1, eff. April 20,

231:160 Authority light and electrical cables, with trees erected, install

CITIES, TOWNS AND VILLAGE DIST. HIGHWAYS 231:157

such nuisance. If the may be recovered in an nt of the director.

R.S. 1981, 87:1, eff. April

shall be laid out dam- le for the maintenance such highway, of such the preservation and sed to abutting owners ch proceedings had as e for the maintenance he limits of such high- d improvement of the there shall be, in addi- e easement to protect, oses aforesaid.

II highways, and state ssioner of transporta- quisition, maintenance owers relative thereto n the cities and towns oner shall make such in his judgment, seem

orks and highways" follow- ways, the" in the first sen-

of 1985 amendment. See SA 231:1 regarding effec- 402:6, I.

231:156 Penalty. Any person who violates any provision of this subdivi- sion or any rule or regulation thereunder made by the commissioner of transportation shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. Any person shall be liable for all damage occasioned thereby.

HISTORY

Source. 1901, 98:8. PL 98:97. RL commissioner of public works and highways" in the first sentence. 109:37. 1945, 188:1, part 23:16. 1950, 5:1, part 9:1, par. 2. RSA 253:16. 1978, 530:34. Effective date of 1985 amendment. See 1981, 87:1. 1985, 402:6, I(b)(3). note preceding RSA 231:1 regarding effec- tive date of 1985, 402:6, I.

Amendments—1985. Substituted "com- missioner of transportation" for "state com-

CROSS REFERENCES

Classification of crimes, see RSA 625:9. Sentences, see RSA 651.

Scenic Roads

CROSS REFERENCES

Scenic and cultural byways system, see RSA 238:19 et seq.

231:157 Scenic Roads; Designation. Any road in a town, other than a class I or class II highway, may be designated as a scenic road in the follow- ing manner. Upon petition of 10 persons who are either voters of the town or who own land which abuts a road mentioned in the petition (even though not voters of the town), the voters of such town at any annual or special meeting may designate such road as a scenic road. Such petitioners shall be respon- sible for providing the town clerk with a list of known property owners whose land abuts any of the roads mentioned in the petition. The town clerk shall notify by regular mail within 10 days of the filing all abutters along the road that lies within the town that a scenic road petition has been filed for and that an article to designate such road as a scenic road will appear in the warrant at the next town meeting. The voters at a regular town meeting may rescind in like manner their designation of a scenic road upon petition as provided above. Notice to the abutting landowners shall also be given as provided above. Each town shall maintain and make available to the public a list of all roads or highways or portions thereof within the town which have been designated as scenic roads. Such list shall be kept current by updating not less than annually and shall contain sufficient information to permit ready identification of the location and extent of each scenic road or portion thereof, by reference to a town map or otherwise.

HISTORY

Source. RSA 258:17. 1971, 455:1. 1978, Amendments—1992. Added the seventh 586:1. 1981, 87:1. 1992, 160:3, eff. July 5, and eighth sentences. 1992.

Post-it [®] Fax Note	7671	Date	# of pages	2
To	Bob DROWN	From	PAUL D	
Co./Dept.		Co.		
Phone #		Phone #		
Fax #		Fax #		

ARTICLE 20

River Run Co., Inc.

DEVELOPER OF VACATION OWNERSHIP PROPERTIES
COMMERCIAL & RESIDENTIAL REAL ESTATE

**Eastern Slope Inn
Resort**

**The Oxen Yoke Inn
& Motel**

**Attitash
Mountain Village**

**Attitash
Marketplace Motel**

Attitash Realty

Glen Warehouse

October 29, 2002

Tom Irving
Conway Town Planner
PO Box 70
Ctr. Conway, NH 03813

Re: Old Bank Building - tax map 218 lot 42 / 2680 White Mt Hwy

Dear Tom:

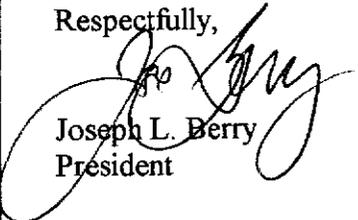
This letter is intended to be our request for a conceptual review session with the Conway Planning Board for a "small undertaking" proposed change of use for this commercial property.

We are hopeful that the Planning Board may consider the proposed uses to be minor enough so as not to be intrusive to the existing capacity of this property.

The Old Bank Building in recent years has been used for retail and office space. We intend to continue to use it for retail and office space and propose an Internet café for 800 sq. ft. on the ground floor.

We ask to be invited to attend your November 14th meeting under "other business" on your agenda.

Respectfully,


Joseph L. Berry
President

JLB#45/KIDS
Old Bank Bldg

Tom Irving

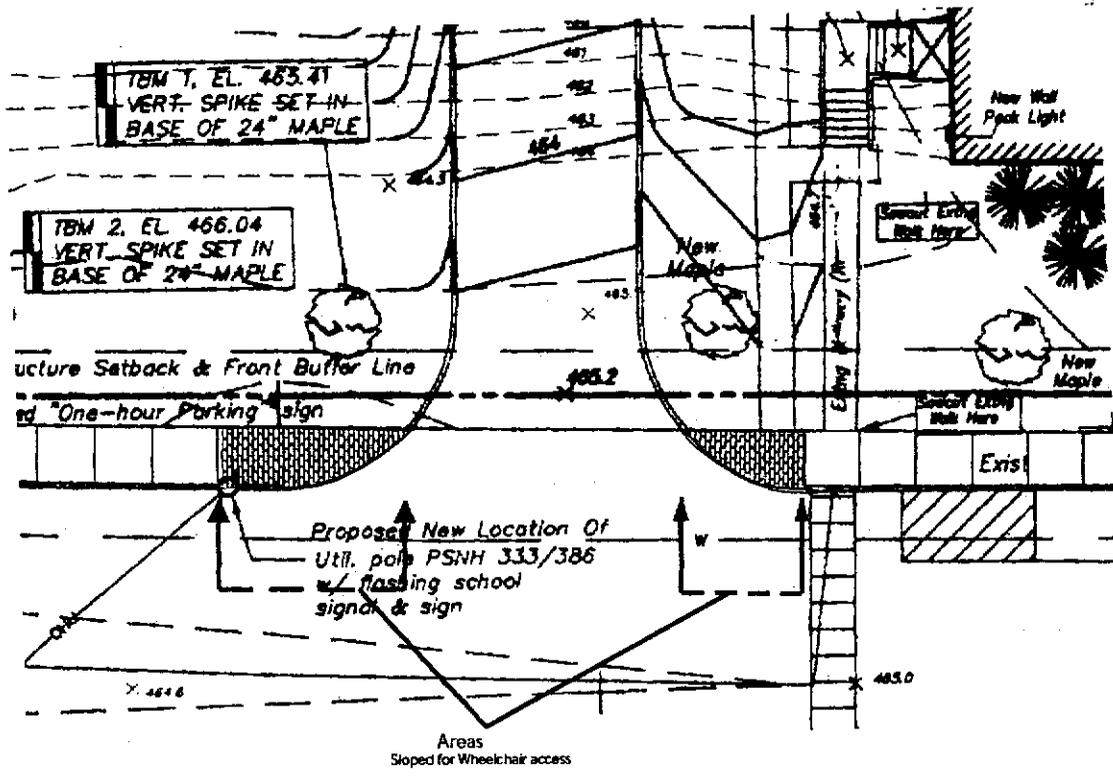
From: David Robinson <dave@atlanticis.com>
To: Tom Irving <tirving@conwaynh.org>; <hmeserve@conwaynh.org>
Cc: David Emerson <director@conwayhistory.org>
Sent: Wednesday, November 13, 2002 12:10 PM
Attach: sidewalk1.pdf
Subject: Conway Historical Society / Small Undertaking

Hello Tom, I am e-mailing this to you to get on the agenda for tomorrow, night. As we discussed it should be quick and painless.

The Historical society requests that a small undertaking be considered with our plans to be adjusted to include decorative corners in brick pavers as noted on accompanied drawing. We have received approvals from the Conway Fire Precinct to make these adjustments the sidewalks. Our goal is to create an appealing entry to the new Salyards Museum parking lot as well as testing these areas for durability through this winter season. We have worked with the Precinct and other park planners to make the change fit with the Conway Village Park Plan directly across the street and feel it will add to the community. The other important issue is that we feel strongly about Conway Village and (not to) replace more sidewalks within the village with Black Asphalt. A task that will require further actions I'm sure.

Thank you for your consideration, speaking on behalf of the Conway Historical Society

Dave Robinson
Salyards Museum Chairman



Approx 140sq.ft. (pavers) total
Paver type/color - Boston City Hall

