

CONWAY PLANNING BOARD

MINUTES

MARCH 25, 2004

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CONWAY PLANNING BOARD

MINUTES

MARCH 25, 2004

A meeting of Conway Planning Board was held on Thursday, March 25, 2004 beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Selectmen's Representative, Dick O'Brien; Vice Chair, Robert Drinkhall; Secretary, Brian Glynn; Conrad Briggs; Martha Tobin; David Robinson; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Tobin made a motion, seconded by Mr. Drinkhall, to approve the Minutes of March 11, 2004 as written. Motion unanimously carried.

THE KENNETT COMPANY/PROPOSED HIGH SCHOOL ACCESS ROAD – 2-LOT SUBDIVISION CONTINUED (PID262-71) FILE #S04-03

Burr Phillips of H.E. Bergeron, Carl Nelson, Superintendent, Jim Hill, Purchasing Director for the Superintendent's Office, and Bayard Kennett, owner of the land, appeared before the Board. Mr. Phillips reviewed the project. Mr. Phillips stated that there are now designated bike lanes along the roadway. Mr. Phillips stated that an agreement with the North Conway Water Precinct still needs to be resolved.

Ms. Duane read an email from Tom Daly in regard to his mother's property [Clare Daly]. Mr. Phillips stated that there are no restrictions to using that area as a temporary construction entrance. Ms. Duane asked if there are plans to use that for a construction entrance. Mr. Phillips stated there are no plans at this time; however, it is something that could be used. Ms. Duane stated that she could understand the abutter's concern. Mr. Phillips stated that if it was used it would be temporary. Ms. Duane stated that if it was used during the day could it be blocked so it cannot be used in the evening. Mr. Kennett agreed. Ms. Duane asked that the applicants take into consideration that this area is close to her home. Mr. Phillips stated that they would do what they can to minimize any impact.

Ms. Duane asked for public comment; Robert Adair stated adding the bike lanes to the road and keeping the trail, as a trail is the best option. Earl Sires stated that the Town has for some time had agreements with this landowner in regard to the trail system. Mr. Sires stated when this project was proposed there was concern with the trails being maintained. Mr. Sires stated that the town and the owners have been discussing how to keep the trails open and have come to an agreement, however, in the future the bypass will bisect the trail and will become unusable. Mr. Sires stated that the landowner has provided an alternative trail that would be effective when the mineral spring trail is no longer usable.

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Mr. Sires stated that two different agreements have been written; one that has access from Route 302 to the school site along Mineral Spring Trail and another from the school site south that works towards maintaining the trail that currently exists to the River and then connects to the larger trail system. Mr. Sires stated that these agreements will be before the Board of Selectmen this coming Tuesday [March 30, 2004]. Mr. Briggs stated that the trail is a great addition and is what the master plan is working towards.

Mark Hounsell asked what is the plan to get water and sewer to the school site. Mr. Phillips reviewed the current North Conway Water Precinct Pine Hill water system. Mr. Phillips stated that there would be a pump station at the school that would take effluent to the top of the hill and then either continue down the hill to Wal-Mart or go cross county to Shaw's.

Ms. Duane read the requirements to grant a waiver. Ms. Duane read the waiver requests for Articles 131-14; 131-24.N.; 131-25.N.; 131-37.1.A.; 131-46; 131-48.D.; 131-67.A.(9); 131-67.C.(2) & (3); and 131-68.D. Mr. Drinkhall stated that these waivers should be granted conditionally upon the lot being conveyed to the school. **Mr. Briggs made a motion, seconded by Mr. O'Brien, to grant the waivers for Articles 131-14; 131-24.N.; 131-25.N.; 131-37.1.A.; 131-46; 131-48.D.; 131-67.A.(9); 131-67.C.(2) & (3); and 131-68.D conditionally upon the lot being conveyed to the school. Motion carried with Ms. Tobin abstaining from voting.**

Mr. Phillips stated that an article in the paper insinuated that the road would not be constructed to town standards, however, this road complies with the Town of Conway road standards.

Mr. Briggs made a motion, seconded by Mr. O'Brien, to conditionally approve the 2-lot subdivision for The Kennett Company/Proposed High School access road conditionally upon NCWP Water and Sewer approval; providing an agreement to the satisfaction of the Town, for the Saco River Trail and Mineral Spring Trail easements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval expires on June 24, 2004. Motion carried with Ms. Tobin abstaining.

**THORNTON INVESTMENT PROPERTIES, INC. – FULL SITE PLAN REVIEW
CONTINUED (PID 265-198) FILE #FR04-03**

Shawn Bergeron of Bergeron Technical Services and Robert Thornton, owner, appeared before the Board. Ms. Tobin stated that she appreciates the applicant taking the time to put the information that was requested at the last meeting together. Ms. Duane asked for public comment; Paul Olson stated that he thought the continuance was based on the applicant's agent speaking with applicant in regard to moving the driveway off River Street. Mr. Glynn stated that he asked Mr. Bergeron to review that option with the applicant, but it was not a requirement.

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Mr. Olson asked if the town allows two different uses on a piece of land. Ms. Meserve answered in the affirmative as long as both uses were allowed in that zoning district and the site plan review regulations were met.

Dale Anderson showed an original subdivision for River Street and stated that there were two lots along River Street that have been absorbed into the Thornton property. Mr. Anderson stated there were covenants on these lots and read a section from a deed [was not given for the record]. Mr. Olson stated that all the deeds on River Street read the same way. Mr. Bergeron stated that those two lots no longer exist, however, unit 14 is the only unit that would be located on one of the former lots of record.

Mr. Briggs stated if these two lots were a part of the original subdivision so those restrictions still stand and thinks the Town needs to consult an attorney before the Board moves forward with this application. Ms. Duane stated when a survey is done of a property, the deeds have to be researched. Ms. Duane stated that those two lots have been dissolved. Mr. Olson stated that those deeds and restrictions do not go anywhere even if the lots were dissolved.

Mr. Bergeron stated Mr. Anderson should have obtained the deeds for the two pertinent lots while he was at the Registry. Mr. Bergeron stated that there have been references to two deeds, but neither deeds pertain to the two lots in questions. Mr. Bergeron stated that they should have obtained the deeds for the two lots in question.

Jane Chintala stated that they researched their deeds and the owner of the property should have done the research for his property. Ms. Chintala stated that they do not own his property. Ms. Duane stated that that information could have been obtained at the Registry of Deeds. Ms. Duane stated that at the last meeting the applicant was asked to provide property values and traffic impact, not to do deed research. Mr. Olson stated that there could very well be deed restrictions on that lot. Mr. Bergeron stated when this process-started research was done at the registry and there has been nothing in the deeds to prevent this project.

Edward Domina stated that the Board and Mr. Thornton should not want to go any further until they find out if there are any restrictions. Mr. Bergeron stated that they are comfortable with their research and would like to proceed. Mr. Thornton stated that his attorney has reviewed it and she does not see any restrictions. Ms. Duane stated that the residents want to protect their neighborhood and would like to see the development contained on the applicant's lot and not have access onto River Street.

Mr. Olson stated that they did hand deliver a petition to the applicant and he did not respond it. Mr. Thornton stated that he has spoken to Paul Olson, father to Paul Olson who is in attendance this evening. Mr. Thornton stated that he told Mr. Olson that he would look into it and thought he was the spoke person for the neighborhood. Mr. Thornton stated that he spoke to Mr. Olson three times.

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Mr. Glynn asked if there were no restrictions in the deeds would the neighbors still have a problem with the development. Mr. Olson stated that it is not the development, but the driveway. Mr. Bergeron stated that this property has been researched. Ms. Duane closed public comment.

Mr. O'Brien stated that he did drive in there and asked if there were an easier way to get out of there. Mr. Bergeron stated that they couldn't receive another curb cut onto Route 113. Mr. Briggs stated that he does not see how we can give a conditional approval without that looking into the deed restrictions. Ms. Meserve referred to and read note #7 on the plan regarding all restrictions and easements have been indicated on the plans. Ms. Meserve stated that a licensed land surveyor has signed the plans and confirms that he has researched the deeds for restrictions and easements.

Ms. Duane read the waiver requests for Articles 123-20.F./131-67.C.8.f.; 123-20.G.; 123-20.I.; 123-29.A.2. & A.3.; 123-29.D.; 123-29.D.3; 123-29.D.6; and 131-66. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to grant the waiver requests for Articles 123-20.F./131-67.C.8.f.; 123-20.G.; 123-20.I.; 123-29.A.2. & A.3.; 123-29.D.; 123-29.D.3; 123-29.D.6; and 131-66. Motion unanimously carried.**

Mr. Glynn asked if there could be more of a hedgerow along the River Street. Mr. Bergeron stated by the time the lilacs grow up you are not going to see much of it.

Ms. Tobin made a motion, seconded by Mr. Drinkhall, to conditionally approve the Full Site Plan for Thornton Investment Properties, LLC conditionally upon a NHDOT Driveway Permit; submitting a Mylar; a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on June 24, 2004. Mr. Briggs stated that the Board should hold a vote until the neighbors can do more research and have this reviewed by Town Counsel. Mr. O'Brien asked how many people in each development. Mr. Bergeron stated that there would be a total of 14 single-family units in proposed development with four having access to River Street and 19- units currently exists on River Street. **Motion carried with Mr. O'Brien and Mr. Briggs voting in the negative.**

**THORNTON INVESTMENT PROPERTIES, INC. – 15-UNIT SUBDIVISION
REVIEW (PID 265-198) FILE #S04-06**

Shawn Bergeron of Bergeron Technical Services appeared before the Board. This application had been accepted on March 11, 2004. Ms. Duane public comment; there was none.

Mr. Glynn made a motion, seconded by Ms. Tobin, to conditionally approve the 15-unit subdivision for Thornton Investments Properties, LLC conditionally upon final approval of File #FR04-03; changing driveway to match submitting a Mylar; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on June 24, 2004. Motion unanimously carried.

**HAROLD WHITAKER AND THOMAS FADDEN – 19-LOT SUBDIVISION/
BOUNDARY LINE ADJUSTMENT (PID 266-26 & 70 AND 275-18.1) FILE #S04-
07**

Doug Burnell of H.E. Bergeron appeared before the Board. This is an application to adjust the boundary line between PID 266-26 and 266-70; to merge PID 266-70 with 275-18.1; subdivide PID 275-18.1 into 19 single-family dwelling units to be serviced by 2,100 l.f. of new road off Sargent Road and White Oak Drive. **Mr. Briggs made a motion, seconded by Mr. Glynn, to accept the application of Harold Whitaker and Thomas Fadden for a Subdivision Review as complete. Motion unanimously carried.**

Ms. Duane asked for public comment; Alex Franke stated that he is concerned with White Oak Drive and asked that the one new lot off White Oak Drive be under the same restrictions as the White Oak Development. Mr. Burnell stated that the larger lot is for a single family only. Mr. Glynn asked if there is any connection from Sargent Road to White Oak Drive. Mr. Burnell answered in the negative.

Jean Potter stated that she is concerned with the impact on Sargent Road. Ms. Potter asked why do all of these lots have to have access from Sargent and not broken up between the two roads. Mr. Burnell stated that white oak drive wasn't used because it is cut off by a massive wetland. Mr. Burnell stated that we cannot have another access onto Stark Road because as part of the land deal before the applicant purchased the lot there was a boundary line adjustment with an abutter, Roberta Auer, to increase her lot size so she could have a buffer.

Mr. Burnell stated that the regulations allow 35 units off a dead end road. Ms. Potter stated that there is no other exit. Mr. Burnell agreed. Ms. Potter was concerned with some trees and asked if the applicant could cut trees on someone's else's property. Mr. Burnell answered in the negative. Mr. Franke asked if the same restriction would apply to lot 20 that applies to the rest of the White Oak Development. Mr. Burnell stated that it is not a problem and can be a part of the conditional approval.

Mr. Murphy stated that Sargent currently has 9 units and now there are an additional 19 units proposed and asked how is the applicant allowed to extend the road. Mr. Burnell stated that there was a piece of land reserved at the end of the cul-de-sac to allow for the extension of the road. Ms. Duane closed public comment.

Mr. Drinkhall made a motion, seconded by Ms. Tobin, to continue the Harold Whitaker and Thomas Fadden subdivision application until May 13, 2004. Motion unanimously carried.

OTHER BUSINESS

North Conway Village Association: Peter Edwards, President of North Conway Village Association, Andrew Manning and Ann Crow of H.E. Bergeron appeared before the

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Board. Mr. Edwards, Mr. Manning and Ms. Crow reviewed the village streetscape plan for North Conway Village with the Board. **Mr. Glynn made a motion, seconded by Mr. Drinkhall, to support the village streetscape plan as proposed by the North Conway Village Association. Motion unanimously carried.**

Stephen Pullan (PID 225-4) – Conceptual Review: Mr. Pullan reviewed a three-unit subdivision proposed for his lot off Green Hill Road. The Board did not think there would be a problem.

Bellevue Properties – Lot Merger (PID 235-97 & 98): The Board decided to wait to act on this until the next meeting.

Site Plan Amendment/§123-29.A: Ms. Tobin made a motion, seconded by Mr. Drinkhall, to post Article 123-29.A. to a public hearing on April 8, 2004. Motion unanimously carried.

Evergreen on the Saco/As-Built Plan Signing (PID 265-161.33, 161.38, 161.310 and 161.313): Mr. Drinkhall made a motion, seconded by Mr. O'Brien, to sign the as-built plans for Units 3, 8, 10 and 13 for Evergreen on the Saco. Motion unanimously carried.

Northern Building Supply (PID 219-228) File #FR03-17 – Plan Signing: The plans for Northern Building Supply were signed.

Meeting adjourned at

Respectfully Submitted,

Holly L. Meserve
Recording Secretary

Planning Board

North Conway Village Association (NCVA)
PO Box 2300
North Conway, NH 03860

Economic Development Council
PO Box 1066
Conway, NH 03818

Town of Conway - Selectmen's Office
1634 Main St.
Center Conway, NH 03813

North Conway Water Precinct
104 Sawmill Lane
North Conway, NH 03860

Town of Conway Planning Board
1634 Main St.
Center Conway, NH 03813

Citizen's Design Review Committee
1634 Main St.
Center Conway, NH 03813

Town of Conway Park Commission
PO Box 719
Intervale, NH 03845

Town of Conway Conservation Commission
1634 Main St.
Center Conway, NH 03813

March 3, 2004

Dear Sirs/Madams:

The North Conway Village Association has been working diligently over the past several months to formulate a village streetscape plan that will provide significant capital improvements to the village. This construction work would be part of the Phase 5B project that is scheduled to commence late this year. A preliminary village streetscape plan, prepared by HEB Engineers and John Wacker & Assoc., Landscape Consultant, is now ready to be presented to the above parties for comment. You may hear about the streetscape plan before we have an opportunity to meet with your group. The purpose of this letter is to let your group know that we have every intention of meeting with you as soon as possible to review the plan. We need and value input from as many people as possible. Everyone owns the village. It is certainly not the province of just the business interests, who have taken a leadership role in trying to accomplish the changes discussed in this letter. Support from all sources will be necessary to accomplish the ambitious goals contemplated in the Village of North Conway Streetscape Plan.

Listed below is a tentative schedule of the presentations of the North Conway Village Streetscape Plan. We look forward to the date when the presentation for your group is scheduled. These dates are subject to change, but it lets you know that we have every intention of not overlooking anyone who has an interest in the project.

Selectmen's Office
North Conway Water Precinct
NCVA Membership
Economic Development Council
Conway Planning Board
Citizen's Design Review Committee
Conservation Committee
Park Commission

March 9, 2004
March 10, 2004 @ 9:00 AM
March 11, 2004 @ 6:00 PM (Eastern Slope Inn)
March 24, 2004
March 25, 2004
April 6, 2004
April 14, 2004
TBA

Background:

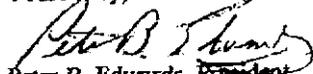
Phase 5B of the Route 16 improvements is scheduled to go to bid in the summer of this year. This construction work will include the replacement of the water mains through the village of North Conway.

The main street will be dug up along with the sidewalks. The construction work will carry through 2006. Town of Conway officials have done a great job to negotiate with the State Department of Transportation for certain village improvements that are to be a part of the village construction work. Specifically, this includes new cement sidewalks and decorative lighting. The Citizen's Design Review Committee has also had a valuable role in the review of these village improvements.

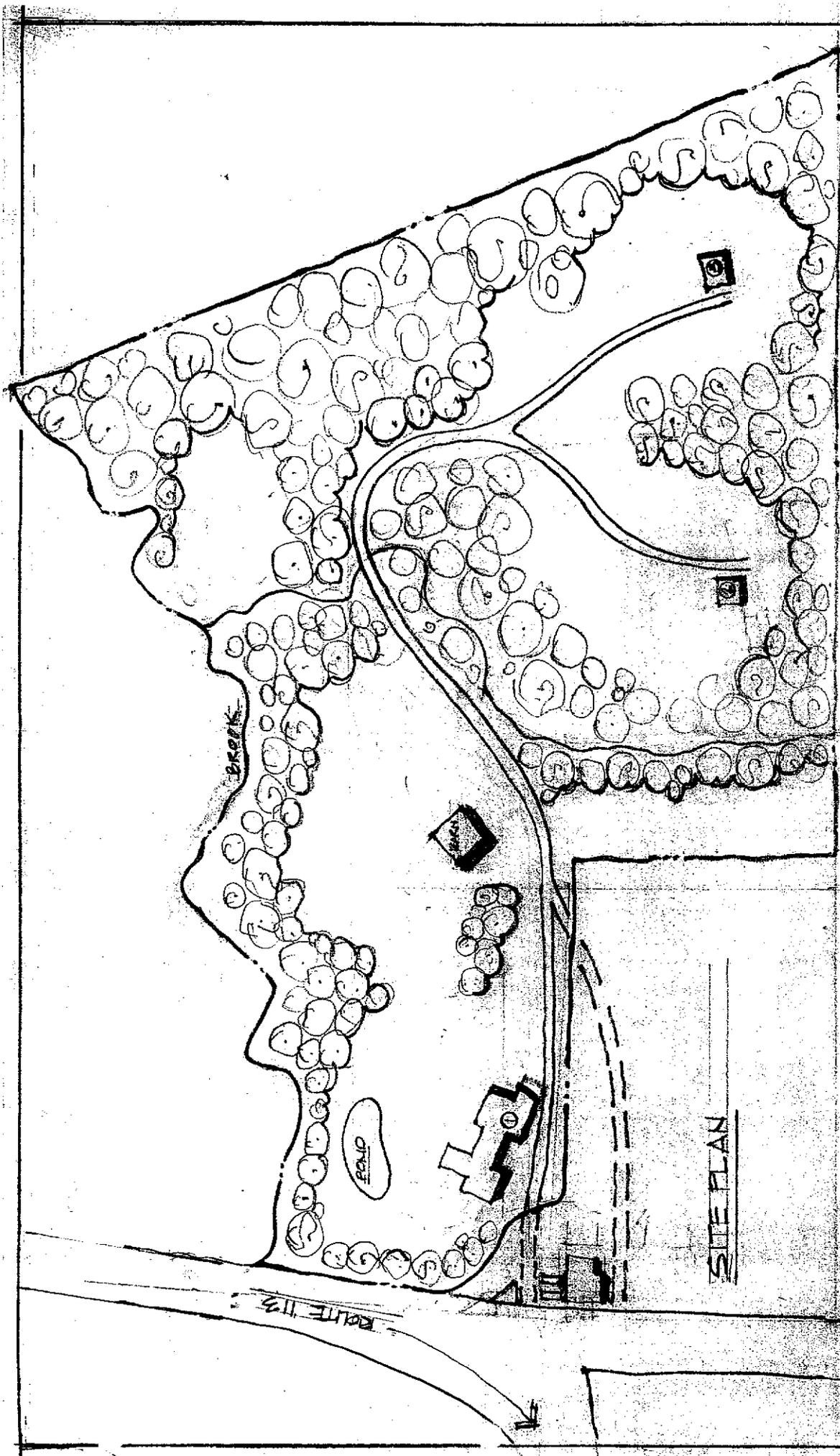
The North Conway Village Association believes that the extent of the construction work presents a wonderful opportunity to improve the character of the village for many generations to come and seeks to have brick sidewalks, plantings, benches and underground utilities added as a part of the construction project in the village. Such improvements will have a tremendous positive economic impact on the village, and the entire Mt. Washington Valley. The NCVA membership overwhelmingly approved a proposal in late November of last year to hire H.E. Bergeron Engineers and John Wacker & Assoc., Landscape Architect, to prepare a streetscape plan for the Village of North Conway to incorporate the aforementioned improvements, to prepare cost estimates and designs, and to solicit funds for the project. A preliminary version of the plan is now available for comment. Certain sources of potential funding have already been contacted and discussions are now ongoing with town and state officials regarding the streetscape plan.

We look forward to reviewing this exciting project with you. Please contact Ms. Anne Crowe, HEB Engineers with any questions. She can be reached at 356-6936 or acrowe@hebcivil.com.

Yours truly,


Peter B. Edwards, President
387-2257

Cc via email: Earl Sires
Paul Degliangeli
John Wacker
Anne Crowe
NCVA Exec. Com. Members



SITE PLAN

STEPHEN EULIAN 2180 EAST CONWAY RD. CTR CONWAY NH 02 FEB 2004