

CONWAY PLANNING BOARD

MINUTES

JULY 8, 2004

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CONWAY PLANNING BOARD

MINUTES

JULY 8, 2004

A meeting of the Conway Planning Board was held on Thursday, July 8, 2004 beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Conrad Briggs; Selectmen's Representative, Larry Martin; Secretary, Robert Drinkhall; Sheila Duane; Theodore Sares; Planning Director, Thomas Irving; and Acting Recording Secretary, Karen Hallowell.

Planning Board members, Martha Tobin and Steven Porter were not in attendance.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Drinkhall made a motion, seconded by Ms. Duane, to approve the Minutes of June 24, 2004 as written. Motion carried unanimously.

BOARD COMMENT

Mr. Sares commented that he recently visited with Selectman, Dick O'Brien, and saw good signs that he is getting back on his feet after his recent surgery. Mr. Sares encouraged the Board and the public to call and wish Mr. O'Brien well and advised of the telephone number where Mr. O'Brien could be reached.

LEO KILEY/LINCOLN ESTATES – 18-LOT SUBDIVISION CONTINUED (PID 259-101) FILE #S04-11

Mr. Irving advised that he received a request for a continuance of this matter to July 22, 2004. **Ms. Duane made a motion, seconded by Mr. Martin, to continue the subdivision application for Leo Kiley/Lincoln Estates until July 22, 2004. Motion unanimously carried.**

Mr. Briggs asked for questions or comments from the public. There were none.

JAY PATEL/WINGATE INN & SUITES – FULL SITE PLAN REVIEW (PID 230-1) FILE #FR04-06

Mr. Irving advised that he received a request for a continuance of this matter to July 22, 2004. **Mr. Drinkhall made a motion, seconded by Ms. Duane, to continue the Full Site Plan Review for Jay Patel/Wingate Inn & Suites until July 22, 2004.** Mr. Martin questioned if other applications are backed up when applicants request continuances. Mr. Irving explained that the continued matters will be placed first on the upcoming agenda and the agenda will be longer. Mr. Briggs explained that it is also unknown how much time each matter will take. Mr. Irving suggested allocating a certain amount of time to each applicant. Mr. Briggs felt that it is not fair to other applicants that the

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continued applications be first on the agenda for the next meeting. Ms. Duane commented that an applicant may have their materials in for a particular meeting and then they get bumped down the agenda because of requests for continuances by other applicants. There was further brief discussion and the Board agreed that if someone asks for a continuance then they should go to the bottom of this list at the next meeting. **A vote was taken and the motion to continue carried unanimously.**

Mr. Briggs asked for questions or comments from the public. There were none.

**RONALD AND CHARLENE PETELL/JOSEPH AND CAROL ALOSA –FULL
SITE PLAN REVIEW (PID 277-281) FILE #FR04-07**

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. This is an application to construct a 4,000 square foot storage building at 48 North Road. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to accept the application of Ronald and Charlene Petell/Joseph and Carol Alosa for a Full Site Plan Review as complete. Motion carried unanimously.**

Mr. Briggs read the waiver requests for Articles 123-20.E./123-22.B.; 123-20.F./131-67.C.8.f.; 123-20.I.; 123-29.D.8; 123-30.A.3; 123.28. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to grant the waiver requests for Articles 123-20.E./123-22.B.; 123-20.F./131-67.C.8.f.; 123-20.I.; 123-29.D.8; 123-30.A.3; 123.28.** Mr. Sares questioned what the owner is going to store in this building. Mr. Allen stated that he does not know but that the owner does also own Profile RV and Auto. Mr. Sares questioned if there were any problems from abutters. Mr. Allen advised that he has not heard of any problems. Mr. Allen also noted that the building will be a couple hundred feet out of sight. Mr. Irving pointed out that the Fire Chief and Building Inspector would monitor the contents of the building. Mr. Briggs asked for any further questions or comments from the Board and/or the public. There were none. **Motion carried unanimously.**

Ms. Duane made a motion, seconded by Mr. Martin, to conditionally approve the subdivision application for Ronald and Charlene Petell/Joseph and Carol Alosa conditionally upon CVFD Fire Chief Approval; CVFD Water and Sewer approval; adding the granted waivers to the plan; 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 has an expiration date of September 9, 2004. Motion unanimously.

OTHER BUSINESS

Green Granite Developers, LLC (PID 246-37) - §123-4.A.(5): Cecile Latham of the Green Granite appeared before the Board asking to reduce the greenspace at the Green Granite Inn by 3000 square feet in order to provide a playground.

Mr. Irving explained to the Board that the playground would be located adjacent to the pool facility and would be sheltered from the street by a row of pines along Mountain

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Valley Boulevard. Mr. Irving advised that the project involves approximately 2,000 to 3,000 square feet. Mr. Latham explained that it needs to be a certain size for safety purposes. Ms. Duane questioned if they will be putting mulch or some other material where the grass is being torn up for this project. Mr. Latham replied in the affirmative and advised that the company installing the playground would be putting in something. Ms. Duane pointed out that when the project is completed there really won't be that much loss of greenspace. Mr. Briggs commented that it is very compatible for the area proposed. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to approve the playground under §123-4.A.(5). The motion carried 4-1-0 with Mr. Sares voting in the negative.**

Mr. Latham questioned when they could start the project. Mr. Irving advised he could start as soon as tomorrow and that the Building Inspector would not require a building permit.

North Conway Holdings – Request for Extension of Conditional Approval – Mr. Briggs advised that North Conway Holdings is requesting an extension of conditional approval to June 23, 2005. **Ms. Duane made a motion, seconded by Mr. Martin, to extend the original approval to June 23, 2005.** Mr. Martin questioned where this project is located. Mr. Irving advised is it know as Pepsy Corner. **The motion carried unanimously.**

Subdivision Regulations - §131 – Post to a Public Hearing: Mr. Irving explained that he has removed Minor Subdivisions from the ordinance per the request of the Board. **Mr. Martin made a motion, seconded by Ms. Duane, to post the proposed changes to the Subdivision Regulations in regard to Minor Subdivisions to a public hearing on August 12, 2004. Motion carried unanimously.**

Recess – At approximately 7:30 p.m., Mr. Irving requested a brief recess to give other appointments time to get to the meeting as it had moved along very quickly. **Mr. Martin moved, seconded by Ms. Duane, to have a five minute recess. The motion carried unanimously.**

The meeting was reopened by the Chair at 7:38 p.m.

Old Mill Estates (PID 265-117.21 & 117.22) – As Built Plan Signing: **Mr. Martin made a motion, seconded by Ms. Duane, to sign the as built plans for Lot 2 Units A and B of Old Mill Estates. Motion carried unanimously.**

PLR Real Estate Development (PID 246-21) – File #FR03-11 – Tree Credits: Roger Williams, Project Manager, appeared before the Board. Mr. Williams distributed a landscape plan, tree count, and letter of explanation to the Board and reviewed same. Ms. Duane questioned if perennials could be used in some of the corner areas instead of just grass. Mr. Williams suggested daylilies and Ms. Duane was agreeable.

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There was discussion held regarding the trees. Ms. Duane questioned if the trees may be too crowded. Mr. Williams pointed out that that one inch is 40' on the drawing. Mr. Irving pointed out that it would take approximately 40 years for the trees to mature.

There was next discussion regarding the amount of parking spaces and the concern of too much asphalt. It was agreed that this is due to the Town's regulations, but it is still a concern. Mr. Irving recommended that the Board revisit this issue at a future meeting. The Board agreed to table the discussion on this issue to a future meeting.

Ms. Duane made a motion, seconded by Mr. Martin, to grant the applicants request for reduction of trees as an acceptable field change. The motion carried unanimously.

Donald Johnson (PID 202-4) - §123-4.A.(5): Donald Johnson and Doug Burnell appeared before the Board. Mr. Johnson stated that he would like to reconfigure the existing building into three separate units; 2 retail shops and one 60-seat restaurant. Mr. Johnson stated that the building is being reduced by 1,734 square feet. Mr. Johnson stated that it has been determined that a retail craft and miniature shop operated at this location from November 1972 thru January 1984 and he believes the change-of-use is a non-issue.

Mr. Burnell reviewed that recently a boundary line adjustment was made to this property that added greenspace along the side of the building. The changes will bring the parking requirements into compliance whereas the former owners were not in compliance. Mr. Burnell next spoke briefly about the septic system and pointed out that in the near future the sewer will come be coming through this area.

There was discussion by the Board. Mr. Irving gave an explanation of changes that trigger site plan review. Mr. Johnson stated that he was confused with change of use as it is not written somewhere that he is not allowed to have retail. Mr. Irving advised that retail is allowed but that he needs to have a full site plan review because uses will now be restaurant and retail.

After further brief discussion, **Mr. Martin made a motion, seconded by Ms. Duane, that under the provisions of 123-4.A.5 that the proposed change-of-use and renovations are not subject to a Minor or Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. The motion failed 0-4-1, with Mr. Martin abstaining.**

Mr. Johnson questioned if he would need to have a minor or full site plan review. Mr. Irving advised he would have to review the plans and that he may also want to check with his consultant, Mr. Burnell, regarding this issue.

Mr. Johnson next advised that he is prepared to file an application for site plan review and questioned if it is possible for him to bring utilities into the building before the review. Mr. Irving advised that a building permit cannot be signed without the required

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approvals first. Mr. Johnson next sited different problems with the building and questioned if he can consider these as repairs. The Board briefly discussed whether Mr. Johnson would be allowed to do underground utilities and other infrastructure items for now to get him through the construction season. **Ms. Duane moved, seconded by Mr. Martin, that the installation of underground utilities to the existing building is relative to existing development.** Mr. Sares questioned if the Board is setting precedent by allowing this to happen. The Board and Mr. Irving briefly discussed and determined that each case is decided on the merits. **The motion carried 4-0-1 with Mr. Martin abstaining.**

Board Comments: Mr. Sares commented that he remembers seeing the Planning Board meeting on Valley Vision where they talked about the D'Angelo's sign and now we see an atrocity out there. Mr. Sares commented that this is just another example that corporate doesn't care.

Committee Reports: Mr. Martin reported that he took the three articles to the Board of Selectmen as requested by the Planning Board at the last meeting. The Selectmen took the suggestions under advisement. Also, the Selectmen are already working on parking.

Mr. Briggs stated that something needs to be done so that the John Fuller School parking lot can be used when it is not being used by the school.

Mr. Briggs reminded the Board to check the FYI file at the front desk.

ADJOURN

Ms. Duane moved, seconded by Mr. Martin, to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Karen Hallowell
Acting Recording Secretary