

CONWAY PLANNING BOARD

MINUTES

AUGUST 12, 2004

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CONWAY PLANNING BOARD

MINUTES

AUGUST 12, 2004

A meeting of the Conway Planning Board was held on Thursday, August 12, 2004 beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Conrad Briggs; Secretary, Robert Drinkhall; Sheila Duane; Ted Sares; Steven Porter; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Duane made a motion, seconded by Mr. Drinkhall, to approve the Minutes of July 22, 2004 as written. Motion unanimously carried.

PUBLIC HEARING - §131 – MINOR SUBDIVISION

A public hearing was opened at 7:01 p.m. Mr. Irving stated that this is to eliminate references to Minor Subdivisions. **Ms. Duane made a motion, seconded by Mr. Sares, to adopt the proposed amendments to §131 to eliminate references to Minor Subdivisions.** Mr. Briggs asked for public comment; there was none. The public hearing was closed at 7:03 p.m. **Motion unanimously carried.**

MARIE BOUCHARD – 2-UNIT SUBDIVISION (PID 234-46) FILE #S04-15

Edgar Allan of Thaddeus Thorne Surveys appeared before the Board. This is an application to allow two separate residential units on a common lot. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to accept the application of Marie Bouchard for a Subdivision Review as complete. Motion unanimously carried.**

Mr. Briggs asked for public comment; there was none. Mr. Briggs read the requirements to grant a waiver. Mr. Briggs read the waiver requests for §131-24.T.; 131-24.E., N. & O.; and 131-26.A. & B. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to grant the waiver requests for Articles §131-24.T.; 131-24.E., N. & O.; and 131-26.A. & B. Motion unanimously carried.**

Ms. Duane made a motion, seconded by Mr. Drinkhall, to approve the 2-Unit subdivision for Marie Bouchard. Motion unanimously carried. The plans were signed.

**MARK AND KATHELYN BUSH/STATE LINE STORE – FULL SITE PLAN
REVIEW (PID 256-3) FILE #FR04-08**

Shawn Bergeron of Shawn Bergeron Technical Services, LLC appeared before the Board and Mark Bush was in the audience. This is an application to demolish the existing mobile home, garage, fuel pumps, convenience store and associated infrastructure and construct a new convenience store with caretaker's unit above, fuel pumps, parking lot, and landscaping at 3274 East Main Street. Mr. Bergeron reviewed the project. **Mr. Drinkhall made a motion, seconded by Ms. Duane, to accept the application of Mark and Kathelyn Bush/State Line Store for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Irving asked if the outdoor display of goods would be under a covered walkway and/or the canopy. Mr. Bush stated that they have not displayed goods before but if they did it would only be under the canopy. Mr. Bergeron stated that staff is requiring parking spaces for the outdoor seating. Mr. Bergeron reviewed the parking calculations and the additional parking spaces. Mr. Sares stated that the applicant should review the other Dunkin Donuts site in North Conway.

Dan Tetreault stated that he and his wife, Barbara Tetreault, have several concerns one of which is the picnic tables. Mr. Tetreault stated they have four young girls across the street and concerned with people sitting at the tables watching his girls. Mr. Sares suggested some sort of screening. Mr. Tetreault stated they would be opposed to the hours of operation increasing. Mr. Tetreault stated trucks deliver late at night and wakes his family. Mr. Tetreault stated that maintenance of the premises also takes place during the early hours of the morning. Mr. Tetreault stated that this is a residential district and the applicant should give consideration to the neighbors.

Mr. Briggs stated he does not know if they can limit the hours of operation. Mr. Irving stated that the Zoning Board of Adjustment (ZBA) could have addressed the hours of operation and had the authority to put that restriction on it, but not sure if the Planning Board can add this restriction. Mr. Bergeron stated that hours of operation are 5:00 am to 10:00 p.m., but that does not address delivery trucks.

Ms. Duane asked if the outdoor seating was approved by the ZBA. Mr. Irving answered in the affirmative. Luigi Bartolomeo stated that the site is designed so that the delivery trucks deliver to the back of the building. Mr. Tetreault stated that he sees that there is a site for the trucks but we will still be able to hear them.

Donald Drown asked if the canoe business would still be operated from this site. Mr. Bergeron stated that the canoe business would no longer be operated on this site. Mr. Drown stated the trucks are loud and deliver very early in the morning. Mr. Drown stated there was a site plan in 1998 that was never adhered to as no one was enforcing the rules and is concerned that the same will happen this time.

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Mr. Irving stated the Town did not employ him in 1998, but this approval would be enforced. Mr. Irving stated that the 1998 plan was extremely inadequate and not very enforceable. Mr. Irving stated that this application meets Town standards. Mr. Irving stated that the Town does require 100% of the landscaping to be bonded. Mr. Irving stated that the Town keeps that money for one growing season to ensure the landscaping survives.

Ms. Duane stated that she hopes the neighbors can get together and work these issues out. Mr. Briggs asked if this board could restrict the hours. Mr. Irving stated he could research that, but he does not believe they can.

Mr. Bergeron stated that the owners have agreed not to be open before 5:00 am. and no later than 10:00 pm. Mr. Briggs thanked the owners for their cooperation, but the Town will not be able to enforce the hours of operation. Mr. Bergeron stated that the owner would be living upstairs now. Mr. Bergeron stated that the owner will ask Bradford Oil to try to make deliveries at a better time, but there are no guarantees. Mr. Tetreault asked if the lighting is going to be increased. Mr. Bergeron stated there are six parking lot lights, which illuminate down and most will be off once the store closes.

Mr. Tetreault asked if there would be an increase in soda machines. Mr. Bush answered in the negative. Mr. Drown asked if the canoe business is really going away. Mr. Bergeron answered in the affirmative. Mr. Irving asked about a buffer for the seating. Mr. Bergeron agreed to add a barrier facing Route 16 with a 3-foot walkway.

Mr. Briggs read the waiver requests for Articles 123-20.C.; 123-21.A; 123-29.D.1.; and 123-29.D.8. **Ms. Duane made a motion, seconded by Mr. Sares, to grant the waivers for Articles 123-20.C.; 123-21.A.; 123-29.D.1.; and 123-29.D.8.** Mr. Briggs asked for public comment; Mr. Bartolomeo asked if parking at the pumps count toward the parking calculations. Mr. Irving answered in the negative.

Mrs. Drown asked if there would be speakers at the drive-thru. Mr. Bergeron stated there would be a speaker system for the driveway, but there are plantings proposed around the speaker. **Motion unanimously carried.** Mr. Briggs asked the material in the island. Mr. Bergeron stated that it the island would be grassed.

Mr. Drinkhall made a motion, seconded by Ms. Duane, to conditionally approve the Full Site Plan Review for Mark and Kathelyn Bush/State Line Store upon Center Conway Fire Chief approval; NHDES Septic Approval; NHDOT Driveway Permit; amending the number of outdoor seats to 16; indicating that the front island will be grassed; adding a barrier/screen to the outdoor seating facing Route 16; 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 will expire on October 16, 2004. Motion unanimously carried.

**E.J. POLIQUIN CORP./EVERGREEN ON THE SACO – SUBDIVISION
REVIEW (PID 265-161.31, 161.32, 161.35, & 161.36) FILE #S04-16**

Mark Lucy of White Mountain Survey Company appeared before the Board. This is an application to change units 1 & 2 and 5 & 6 from duplexes to single units. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to accept the application of E.J. Poliquin Corp./Evergreen on the Saco for a Subdivision Review as complete. Motion carried with Mr. Sares abstaining from voting.**

Mr. Briggs asked for public comment; Catherine Hopkins asked if a duplex is more affordable than a single-family and if the master plan requires more affordable housing why the Board was allowing them to be separated. Mr. Poliquin stated that this development was never intended as affordable housing.

Mr. Briggs read the waiver requests for Articles §131-24.E.; §131-24.G.; §131-24.J. & 29; §131-24.K.; §131-24.L.; §131-24.N.; §131-24.U.; §131-24.V.; §131-24.W; §131-24.O. & 26.A.; §131-24.T.; §131-66.; and §131-67.C.8.h. **Ms. Duane made a motion, seconded by Mr. Porter, to grant the waivers for Articles §131-24.E.; §131-24.G.; §131-24.J. & 29; §131-24.K.; §131-24.L.; §131-24.N.; §131-24.U.; §131-24.V.; §131-24.W; §131-24.O. & 26.A.; §131-24.T.; §131-66.; and §131-67.C.8.h. Motion unanimously carried.**

Ms. Duane made a motion, seconded by Mr. Porter, to approve the subdivision for Units 1, 2, 5 & 6 for E.J. Poliquin Corp./Evergreen on the Saco. Motion unanimously carried. The plans were signed.

**E.J. POLIQUIN CORP./EVERGREEN ON THE SACO – 47-UNIT SUBDIVISION
REVIEW (PID 265-161.3, 161.4, 161.5, 163.2, 163.3) FILE #S04-17**

Mark Lucy of White Mountain Survey Company appeared before the Board. This is an application to construct new roads and 47-units (41 singles and 3 duplexes) on 62 acres for a total of 62-units. **Mr. Drinkhall made a motion, seconded by Ms. Duane, to accept the application of E.J. Poliquin/Evergreen on the Saco for a 47-unit Subdivision as complete. Motion unanimously carried.**

Mr. Lucy stated that the applicant would like to obtain approval for the next 20 units. Mr. Lucy stated that this would bring the total of units to 35, which is the number of units allowed on a dead end street. Mr. Lucy stated that they could not request for more than 20 until the second point of access is approved and constructed. Mr. Lucy stated that the NHDOT is requiring a traffic study now and this application was submitted to the Town prior to NHDOT required a traffic study.

Mr. Briggs asked for public comment; Bayard Kennett asked which 20 units do they wish to construct. Mr. Lucy stated that the phase lines are not on the plans yet, but there is a note on the plan. Catherine Hopkins asked about the trail easement. Mr. Poliquin stated that he has given an easement to the Town. Ms. Hopkins stated that she has heard there

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will be beach improvements. Mr. Poliquin stated there would be no beach improvements. Ms. Hopkins asked if there are any intentions for the cabin. Mr. Poliquin stated that he is going to fix it. Ms. Hopkins asked if the river access for swimming would be public. Mr. Irving stated that the easement is for the trail not any other amenities.

Ms. Duane made a motion, seconded by Mr. Drinkhall, to continue the 47-Unit Subdivision application for E.J. Poliquin Corp./Evergreen on the Saco until August 26, 2004. Motion unanimously carried.

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

Mr. Irving stated that the applicant has requested a continuance. **Ms. Duane made a motion, seconded by Mr. Porter, to continue the 18-lot Subdivision for Leo Kiley/Lincoln Estates until August 26, 2004. Motion unanimously carried.**

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

Ted Kupper of Provan & Lorber appeared before the Board. Mr. Briggs read the waiver requests for Articles 131-67.C.8.f. and 123-30.A.3. **Ms. Duane made a motion, seconded by Mr. Sares, to grant the waiver requests for Articles 131-67.C.8.f. and 123-30.A.3. Motion carried with Mr. Sares abstaining from voting.**

Ms. Duane made a motion, seconded by Mr. Drinkhall, to continue the application for Jay Patel/Wingate Inn & Suites until August 26, 2004. Motion unanimously carried.

OTHER BUSINESS

Karen Lapore/The Local Bookie (PID 277-208) – Conceptual Review: Karen Lapore and Stacy Sand appeared before the Board. Ms. Lapore stated that she would like to add a 14 x 32 addition to her retail store. Mr. Irving stated that the parking is in the road right-of-way, which would require a minor site plan review. Mr. Irving stated that it is evident that the parking area in the Town right-of-way has been a usual practice, but it would require a conditional license from the Board of Selectmen.

Mr. Briggs stated that this would bring the site more out of conformance and parking is a major issue. Ms. Duane asked if it could be granted not applicable under Article 123-4.A.(5). Ms. Sand stated that it is paved and exists and is part of the right-of-way. Mr. Irving stated that the Town and this Board has required a license to utilize the right-of-way and the buffer for parking spaces. Mr. Irving stated that the Board would have to make a determination if the proposed is insignificant to the rest of the development. Ms. Sand stated the applicant paved that site after they asked the town if they could and was told to go ahead.

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Ms. Sand asked what is the next step. Mr. Irving stated that they should prepare a letter to the Board of Selectmen asking them to grant a conditional license for the applicant to maintain parking in the West Main Street right-of-way. Mr. Irving stated if it is granted, then the applicant should request that this Board deem a site plan not applicable under Article 123-4.A (5).

E.J. Poliquin Corp./Evergreen on the Saco – As-Built Plan Signing – Units 4, 14 & 15: Ms. Duane made a motion, seconded by Mr. Drinkhall, to accept the As Built Plans for Units 4, 14 & 15. Motion unanimously carried. The plans were signed.

Board Comments: Mr. Sares read the attached comments regarding the Citizen Design Review Committee meeting on CDRC.

Mr. Irving stated that he would be submitting to the Board for their review proposed amendments to clarify separation of parking aisles and test pit depths. The Board agreed that they would like to review the Fee study done in 2002 again.

Meeting adjourned at 10:07 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary

The Local BOOKie

P.O. Box 1397
295 West Main Street
Conway, NH 03818-1397
(603) 447-8300, voice
(603) 447-8301, fax
email: tlbookie@worldpath.net

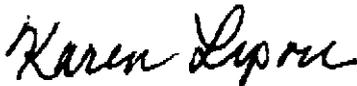
August 5, 2004

Town of Conway Planning Board
Town Hall
East Main St.
Center Conway, New Hampshire 03813
fax no: 447-5012

Dear Planning Board Members,

As the sole proprietor of The Local BOOKie, and the owner of the Conway Village commercial property at 295 West Main St., Conway, I would like to request a conceptual review of a proposed addition to my building, at the next Planning Board meeting, on August 12, 2004, during the "other business" portion of this meeting. Thank you for your cooperation.

Sincerely,



Karen Lepore, Proprietor
The Local BOOKie

SELECT REAL ESTATE

ROUTE 16, P.O. BOX 1520

CONWAY

NH 03818

Phone: 603 447-3813

Fax: 603-447-1812

WEST MAIN STREET

CONWAY

\$84,900

COMMERCIAL/INDUSTRIAL



DIRECTIONS: RT ON WEST MAIN ST N.CONWAY VILLAGE, PROPERTY IS ON SOUTH SIDE OF RD.

REMARKS:

AFFORDABLE CONWAY COMMERCIAL BUILDING JUST OFF RT 16 IN CONWAY VILLAGE. RETAIL SHOWROOM WITH OFFICE AND GARAGE AREA. FHA HEAT, CENTRAL AIR TOWN WATER AND SEWER PROVIDE WIDE VARIETY OF POTENTIAL USES.

FEATURES:

Exterior : WF
 Location : Sub
 Foundation : Pour,Block
 Basement : Part
 Roof : Asph
 HeatingSys : HA
 CoolingSys : CA
 SaleIncludes : Lnd&Blg
 Utilities : PubWt, PubSw, BlGas
 Misc : Other

Fuel : Gas
 Floors : Wood
 Parking : OnSt, 1-10Sp
 ExistingUse : Ret/Svc
 Transportn : Road
 Financing :

Strft,FrStBg

#Units : YearBuilt+/- : 1979
 #Floors : 1 PrimaryUse :
 LotSize+/- : 0.20 Acres FloodZone : N
 TrafCnt : AnnualIncm :
 BldingSF+/- 1520 AnnualExp :
 OfficeSF+/- 228 Taxes : \$2,251
 ManufSF+/- TaxYear : 96-96
 WrhseSF+/- TaxReduction : N
 RetailSF+/- 819 MaxFILdCap :
 RdFrntg+/- 100 MaxCeilHgt :
 Seasonal : N SchlDistrict : SAU9
 Surveyed : U

LISTING INFORMATION

MLS# : 461617 Broker# : 3425 Zoning : COMMER SoldDate : Map : 27 Book : 1399
 Status : P ListerInitials : JL WaterFrtg+/- SoldPrice : Block : Page : 929
 Type : M Today : 5/25/98 WaterBody : Lot : 27

Subject to errors, omissions, prior sale, change or withdrawal without notice.

The agency whose name appears at the top of this page may or may not be the listing agency for this property.

Holly L. Meserve

From: "Ted Sares" <tedsares@adelphia.net>
To: "Tom Irving" <tirving@conwaynh.org>; "ted sares" <tedsares@adelphia.net>; "Steve Porter" <grogan14@earthlink.net>; "Sheila Duane" <sheila.duane@verizon.net>; <mtobin@centerofhope.org>; "Larry Martin" <martin1@nhec.com>; "Conrad Briggs" <locusthill@adelphia.net>; "Holly Meserve" <hmeserve@conwaynh.org>
Cc: "Jac Cuddy" <jac@mwvec.com>
Sent: Wednesday, August 04, 2004 9:22 AM
Subject: CDRC Meeting

For the record, the meeting was held on July 27, 2004 at the Conway Town Hall.

— Original Message —

From: Ted Sares
To: Tom Irving ; ted sares ; Steve Porter ; Sheila Duane ; mtobin@centerofhope.org ; Larry Martin ; Conrad Briggs ; Holly Meserve
Cc: Jac Cuddy
Sent: Tuesday, August 03, 2004 7:03 PM
Subject: CDRC Meeting

Since I may need to leave this week's Planning Board meeting a bit early, the following are my notes on the the Citizens Design Review Committee meeting in case I don't get an opportunity to discuss them:

Officials from the State (Don Lyford et al) gave a PowerPoint presentation on different steel structure bridges. The least expensive is \$ 460,000.00. I will pass around a hard colored copy of this presentation pointing out which bridge seemed to be the consensus if we were to go with a steel one. One question that will need to be resolved is who will own the bridge once it is constructed, the State or the Town.

Ed Bergeron presented a PowerPoint presentation on signature bridges including two award winning ones. It was pointed out that a covered bridge presents the problem of falling ice and would not be a state recommendation. It was also pointed out that there could be a possible fire issue with wooden bridges (although insurance could cover this). Jac Cuddy and Cindy Briggs argued strongly to look closely at a wooden signature bridge as it was felt such a bridge would be more contiguous with the aura of the wooded North Country than a steel structure. While the idea of a wood bridge did not resonate with me at the meeting, upon reflection I believe it would indeed be more attractive. It all boils down to costs for me personally but I will, of course, go enthusiastically with the majority view.

The issue of cost was brought up and apparently Don Lyford was focusing only on the least expensive structure. Jac asked him to go back and see if there are more additional funds, particularly since there could be a delta between the \$460,000 figure and the cost of a more expensive bridge, whether steel or wood.

The next meeting is scheduled for 2:00 PM on September 14, 2004 at Town Hall.



8/7/2004

State backs away from costlier bypass bridge

Local design committee jockeys for \$500,000 allowance

David Carkhuff

CONWAY—Don't get carried away with expensive, pedestrian bridges to span the proposed highway bypass through Whitaker Woods, a local committee was warned July 27. "Cost is going to be a factor," said Don Lyford, bypass project manager with N.H. Department of Transportation. "If you go for something more expensive, somebody needs to make up the difference."

Lyford offered his budgetary reality check at the July 27 Citizens Design Review Committee meeting. The Citizens Design Review Committee is studying examples of bridges to span the Conway bypass at Whitaker Woods in North Conway.

Based on the state's models, a steel bowstring truss bridge would be the cheapest option at \$460,000. A haunched steel plate girder bridge would cost \$585,000. From there, the price rises steeply, from \$875,000 for a cable-hung steel arch bridge to \$1.2 million for an offset asymmetric cable stayed bridge.

The pedestrian bridge would connect the south end of Whitaker Woods to the north side. The debate has swung back and forth in recent months about what kind of connector, if any, should be built.

8/13/2004

Local engineer Ed Bergeron presented examples of signature bridges, which could be customized to the site but which could vary in cost depending on desired features.

Lyford said the state's cost allowance for this bridge, which only will be built if the bypass is approved, leans toward the minimum estimate. Stephen Liakos, senior project engineer with the Bureau of Bridge Design, agreed. He said that the state is working off of a "base cost" of \$460,000 for the pedestrian bridge. These comments caused doubletakes from the committee, whose review included more expensive design options.

Committee member Ted Sares asked, "Who's going to make up the difference?"

Lyford answered, "Right now, from where I sit, it's going to be the town."

Committee chairman Jac Cuddy asked, "What have you planned for expense on the bridge?"

Lyford replied, "I would say it's the minimum bridge."

This led to a lively exchange.

Lyford asked, "Why are we replacing Whitaker Woods with 160 acres someplace else? Why do we need to spend additional money here to maintain something that is a signature bridge when we're replacing all of Whitaker Woods someplace else? If the town wants some sort of signature bridge, I believe that they're going to have to come up with the difference in the money."

Cynthia Briggs wondered why different quotes were presented at a prior meeting.

Liakos explained, "I was looking at all types. Nothing was predetermined."

Pressing for clarification, Cuddy asked, "What is the allowance for the bridge? Is it \$500,000? Is it less than that?"

Lyford said \$500,000 would be a good start.

Frank Wolfe, co-chairman of the Route 16 advisory committee, urged the committee to decide on a bridge span to simplify their choices.

Cuddy said, "I think we settled on the midpoint, 125 feet."

) Committee members talked about a possible wooden bridge. Liakos said his department opposes a roofed bridge due to the risk of falling ice. He also warned that 55 wooden bridges have been lost to fire in 30 years. Ultimately, at the committee's urging, Liakos agreed to price out a 125-foot-long wooden bridge.

The transportation department initially proposed a pedestrian bridge over the proposed highway to help skiers cross in Whitaker Woods. Initially, some residents favored a tunnel. Later, public opinion swung back to bridges.

If the Conway bypass is built around North Conway Village, the new highway will make three crucial crossings as it enters, cuts through and exits Whitaker Woods.

- The first is an overpass spanning Kearsarge Road just south of Whitaker Road.
- The second is a pedestrian bridge to provide access across the highway at the height of land in Whitaker Woods.
- The third is a crossing on the west side of the bypass where the highway exits Whitaker Woods and crosses railroad tracks.