

CONWAY PLANNING BOARD

MINUTES

AUGUST 26, 2004

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CONWAY PLANNING BOARD

MINUTES

AUGUST 26, 2004

A meeting of the Conway Planning Board was held on Thursday, August 26, 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; Theodore Sares; Steven Porter; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Drinkhall made a motion, seconded by Ms. Duane, to approve the Minutes of August 12, 2004 as written. Motion unanimously carried.

**PLR REAL ESTATE DEVELOPMENT LLC – 2-UNIT SUBDIVISION (PID 246-21)
FILE #S04-18**

Mark Lucy of White Mountain Survey Company and Roger Williams, Project Manager, appeared before the Board. This is an application for a 2-unit subdivision separating the service station and retail building on a common lot. **Ms. Duane made a motion, seconded by Mr. Porter, to accept the application of PLR Real Estate Development LLC for a 2-Unit Subdivision as complete. Motion unanimously carried.**

Mr. Irving stated in regard to the requested waivers, the applicant is not asking for relief from the standard, but just to not show the items on this plan as they are on the original approved plan. Mr. Briggs asked for public comment; there was none.

Mr. Briggs read the requirements to grant a waiver. Mr. Briggs read the waiver request for Articles 131-24.G, K, L, N thru R, T, U, V, W; 131-26.A.(3) thru (11); 131-26.B. and C. **Ms. Duane made a motion, seconded by Mr. Porter, to grant the waiver request for Articles §131-24.G, K, L, N thru R, T, U, V, W; 131-26.A.(3) thru (11); 131-26.B. and C.** Mr. Sares asked if under the original approval were the waivers granted. Mr. Irving stated he had no concern with the waiver requests under the first application, however, there was field change recently approved by the Board in regard to trees. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Mr. Drinkhall, to approve the 2-Unit Subdivision for PLR Real Estate Development LLC. Motion carried with Mr. Sares abstaining from voting. The plans were signed.

WILLIAM AND SHARON LYDON – BOUNDARY LINE ADJUSTMENT (PID 272-30 & 30.1) FILE #S04-19

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application for a boundary line adjustment to add 4.07 acres (for a total of 9.73 acres) to PID 272-30 from PID 272-30.1 (for a total of 1.52 acres). **Ms. Duane made a motion, seconded by Mr. Drinkhall,**

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to accept the application of William and Sharon Lydon for a boundary line adjustment as complete. Motion unanimously carried.

Rodney King reviewed the plans. Mr. Briggs asked for public comment; there was none. Mr. Briggs read the waiver requests for Articles 131-24.N.; 131-24.O. & 131-26.A.; and 131-24.T. **Ms. Duane made a motion, seconded by Mr. Porter, to grant the waivers for Articles 131-24.N.; 131-24.O. & 131-26.A.; and 131-24.T. Motion unanimously carried.**

Ms. Duane made a motion, seconded by Mr. Porter, to approve the boundary line adjustment for William and Sharon Lydon. Motion unanimously carried. The plans were signed.

RONALD AND GINA CORNILA – 3-LOT SUBDIVISION (PID 291-2) FILE #S04-20

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to subdivide 25.98 acres into 3-lots on Stark Road and Route 153. **Ms. Duane made a motion, seconded by Mr. Porter, to accept the application of Ronald and Gina Cornila for a 3-Lot Subdivision as complete.** Mr. Sares stated by agreeing to this there is potential for more lots. **Motion unanimously carried.**

Mr. Briggs asked for public comment; there was none. Mr. Briggs read the waiver requests for Articles 131-24.N. & O.; 131-24.T.; 131-26.A., B. & C; and 131-26.A.(3). **Ms. Duane made a motion, seconded by Mr. Porter, to grant the waivers for Articles 131-24.N. & O.; 131-24.T.; 131-26.A., B. & C; and 131-26.A.(3). Motion unanimously carried.**

Mr. Drinkhall made a motion, seconded by Ms. Duane, to approve the 3-Lot Subdivision for Ronald and Gina Cornila. Motion unanimously carried. The plans were signed.

CONWAY CHURCH OF CHRIST – FULL SITE PLAN REVIEW (PID 265-203) FILE #FR04-09

Edgar Allan of Thaddeus Thorne Surveys appeared before the Board. This is an application to construct a 1,768 square foot single-family dwelling on the same lot as the church. **Mr. Drinkhall made a motion, seconded by Ms. Duane, to accept the application of Conway Church of Christ for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Briggs read the waiver requests for Articles 123-20.F./131-67.C.8.a.- h.; 123-20.I.; 123-21.A.; 123-22.A. & 123-22.D.; 123-27.; 123-29.A.2. & A.3.; 123-29.D.8.; and 123-30. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to grant the waiver requests for Articles 123-20.F./131-67.C.8.a.- h.; 123-20.I.; 123-21.A.; 123-22.A.; 123-22.D.; 123-27.; 123-29.A.2. & A.3.; 123-29.D.8.; and 123-30. Motion unanimously carried.** Mr. Briggs asked for public comment; there was none.

Ms. Duane made a motion, seconded by Mr. Porter, to conditionally approve the Full Site Plan for Conway Church of Christ conditionally upon CVFD Water and Sewer Approval; NHDOT Driveway Permit; a Mylar; a performance guarantee for all site improvements;

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when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on December 9, 2004. Motion carried with Mr. Sares absent for the vote.

**MOUNT WASHINGTON VALLEY ECONOMIC COUNCIL – FULL SITE PLAN
REVIEW (PID 262-86) FILE #FR04-10**

Jac Cuddy and Gerald Schimmoeller of Mount Washington Valley Economic Council, Ed Bergeron and Maureen McGlone of H.E. Bergeron Engineers and Keith Lacasse of Lavallee/Brensinger Architects appeared before the Board. This is an application to develop Phase I of the proposed Technology Village on White Mountain Highway. This Phase consists of a 25,486 square foot education and incubator office building, 104 parking spaces and other associated infrastructure. **Mr. Drinkhall made a motion, seconded by Ms. Duane, to accept the application of Mount Washington Valley Economic Council for a full site plan review as complete. Motion unanimously carried.**

Mr. Sares asked of the 80 acres what area of land is being used for Phase I. Ms. McGlone answered 2.4 acres. Mr. Sares asked if this is the Technology Village. Mr. Bergeron answered in the affirmative. Mr. Sares asked where are the offices for the MWVEC going to housed. Mr. Bergeron answered in the same building. Mr. Sares stated that the MWVEC is different from technology. Mr. Sares stated that he has a problem with that. Mr. Sares asked if the MWVEC would be making a profit. Mr. Cuddy stated that it would probably be breaking even, but any excess money would go into the revolving loan fund.

Mr. Cuddy stated that the Technology Village would have a build out of 200,000 to 300,000 square feet. Mr. Cuddy stated that the businesses would be technology intensive. Mr. Bergeron stated that there is a conceptual Master Plan, but at this time the applicant does not know specifically what phases 2, 3 & 4 are going to entail. Mr. Sares stated that he is concerned with the uncertainty of high tech companies.

Mr. Sares stated that he does not share the optimism of the potential of employment, as technology is the least stable type of employment. Mr. Sares asked about later phases of the development. Mr. Bergeron stated that there is a two-step process; the MWVEC has to reapply to the Zoning Board of Adjustment for the next phases and then apply to the Planning Board. Mr. Cuddy stated early on in economic development planning they determined some buildings might be 25,000 square feet or 50,000 square feet depending on what fits the topography. Mr. Cuddy stated that the applicant wants to make sure trails remain available to the public and everything done to date speaks of a concern for the community.

Ms. Duane stated that the education portion of this plan plays an important role for the technology part. Ms. Duane stated as those companies move in there will be a need for a work force to apply for those jobs. Ms. Duane stated that the Conway Master Plan states that the Town wants to see a diverse economy and not just service and retail. Mr. Cuddy stated that the special exception requires an educational be a part of it. Mr. Sares asked the type of water system. Ms. McGlone answered that this site is serviced by municipal water through Conway

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Village Fire District. Mr. Sares asked if SCORE will be located at this facility. Mr. Cuddy answered in the affirmative. Mr. Sares stated again this is not technology.

Mr. Sares stated that we are going to have the Economic Council and a tech village, which means hi-tech, but when you peel the onion you see SCORE, school to industry, CLL, the Economic Council and then the incubators, which is the only technology. Mr. Bergeron stated that the incubator tenants are a done deal. Mr. Cuddy stated that there are seven tenants. Mr. Cuddy stated that the tenants are already tenants at the MWVECs current facility. Mr. Sares stated that he wants to be very clear on what he is voting on. Mr. Briggs asked for public comment; there was none.

Mr. Lacasse reviewed the architectural elevations. Mr. Sares asked if there are more tenants and no space left what would happen. Mr. Cuddy stated the prospective tenants would go on a waiting list. Mr. Briggs asked for public comment; there was none. Mr. Porter stated that the first thing he thinks when looking at the architecture is factory warehouse. Mr. Porter stated he prefers the wood grain to the metal. Mr. Lacasse stated he doesn't think anyone will think it is a factory.

Mr. Drinkhall stated that the steel siding is not complimentary to the New England style. Mr. Sares stated that the Board should be open to some concessions to making it look techy. Mr. Cuddy stated he is a traditionalist but when looking for potential businesses, one item they are looking for is a signature building. Mr. Cuddy stated this is off Route 16 and it needs to have that technology atmosphere to entice them to want to be here. Mr. Porter stated having wood grain instead of the metal wouldn't deter possible tenants. Mr. Cuddy stated if not the steel then it has to be something different than the wood grain. Mr. Lacasse stated there are a wide variety of options if it is not simulating a natural material, but it is a nice looking material.

Mr. Sares stated he is okay with the design; the learning center is very much New England looking. Mr. Porter stated he still has a problem with the design. Mr. Briggs stated he likes the looks of the building. Ms. Duane stated that it fits in with the concept and it fits the technology concept. Mr. Drinkhall stated he is opposed to the design as it doesn't compliment the New England style. Bob Tafuto stated that the color on the rendering is ugly and probably would blend in differently if it was a different color.

Mr. Briggs read the waiver requests for Articles 123-6.A.; 123-6.B.2; 123-6.B.4.; 123-20.G.; 123-22.D.; 123-29.A.4.; 123-29.D.8; 123-30.A.1. and 123-30.A.2. The Board members asked to review Articles 123-20.G. and 123-30.A.2. separately. Mr. Briggs asked if there is a connecting drive to the Kennett Company. Mr. Cuddy stated the only item shared between the Kennett Company and the MWVEC is through the utility easement, which would require going over land owned by Lamplighters Mobile Home Park. **Mr. Drinkhall made a motion, seconded by Ms. Duane, to grant the waiver requests for Articles 123-6.A.; 123-6.B.2; 123-6.B.4.; 123-22.D.; 123-29.A.4.; 123-29.D.8; and 123-30.A.1. Motion unanimously carried.**

The Board addressed the waiver request for Article 123-20.G. Mr. Sares stated that the way it is now there is a cul-de-sac. Mr. Cuddy stated there is a cul-de-sac at this time, but the applicant does own land by the Veterinary Hospital and it is intended to loop around back to Route 16.

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Mr. Sares made a motion, seconded by Mr. Drinkhall, to grant the waiver request for Article 123-20.G. Motion unanimously carried.

The Board addressed the waiver request for Article 123-30.A.2. **Ms. Duane made a motion, seconded by Mr. Sares, to grant the waiver request for Article 123-30.A.2. Motion carried with Mr. Drinkhall voting in the negative.**

Ms. Duane made a motion, seconded by Mr. Drinkhall, to conditionally approve the Full Site Plan for the Mount Washington Valley Economic Council conditionally upon CVFD Fire Chief Approval; CVFD Water and Sewer Approval; NHDES Septic Approval; NHDES Site Specific Approval; NHDOT Driveway Permit; Municipal Trail Easement accepted by the Board of Selectmen; Recording Fee for the Municipal Trail Easement; A Mylar for each plan to be recorded; a performance guarantee for all site improvements; when the conditions have been met, the a plans can be signed out-of-session; and this conditional approval will expire on December 9, 2004. Motion unanimously carried.

**BUILT ON TRUST INVESTMENTS LLC – MINOR SITE PLAN REVIEW (PID 202-4)
FILE #MR04-03**

Doug Burnell and Jay Poulin of H.E. Bergeron Engineers and Don Johnson, owner, appeared before the Board. This is an application to demolish 1,734 square feet of floor space and convert former restaurant and lounge to two retail spaces and a 60-seat restaurant.

Mr. Irving stated that he could not recommend the Board accept this application as complete. Mr. Irving stated one of his concerns was the 3-1,000 gallon propane tanks that are on another property, which that property was not a part of the notification. Mr. Irving stated that he spoke to the Municipal Association and it was recommended to not touch the application until it was properly notified. Mr. Irving stated even though there is an easement, it was not part of the notice and any decision by the Board would be rendered inappropriate. Mr. Irving stated that an easement between one property owner and another property owner does not supersede local ordinances, such as zoning.

Ms. Duane made a motion, seconded by Mr. Drinkhall, to accept the application of Built on Trust Investments, LLC for a Minor Site Plan Review as complete. Mr. Burnell stated there is a difference of opinion; that being the same landowner owns both parcels and has agreed if the back lot is sold to someone else then that would be the point when the tanks would have to move and conform. Mr. Burnell stated by putting these tanks on the other lot, they would be behind a retaining wall. Mr. Burnell stated that it just happens to be on the back piece of land. Mr. Burnell stated there would be an easement and if sold off separately then the tanks would be moved. Mr. Porter stated he doesn't see that happening. Mr. Burnell stated the Board is trying to protect the owner from himself and he doesn't see where the public is being harmed.

Ms. Duane stated either the tanks should be moved or a boundary line adjustment to have the tanks on the subject property. Ms. Duane stated that a Boundary Line Adjustment and a site plan could be you could be done at the same time. Mr. Irving stated the back lot has floodplain and couldn't make it non-conforming plus there is a noticing issue. Mr. Irving stated the other option

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is a lot merger then there is no setback issue, the tanks can stay where they are, but the application would still need to be renoticed. **Motion unanimously defeated.** The Board and the applicant reviewed the project as a conceptual review

LAMPLIGHTER MOBILE HOME PARK – 5-LOT SUBDIVISION CONTINUED (PID 262-83) FILE #S04-13

This is an application to merge lots 1 & 5, 3 & 7, 35 & 37, 81 & 82 and 91 & 92 and create five new lots as Lamplighters Mobile Home Park. This application was accepted as complete on July 22, 2004. Mr. Irving stated that the applicant has requested a continuance. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to continue the lot mergers and 5-lot subdivision for Lamplighter MHP until September 23, 2004. Motion unanimously carried.**

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

Mark Lucy of White Mountain Survey and Ed Poliquin, owner, appeared before the Board. This is an application to construct 47-units (41 singles and 3 duplexes) on 62 acres for a total of 62-units in the Evergreens on the Saco Development off White Mountain Highway in a phased subdivision Plan. This application was accepted as complete on August 12, 2004.

Mr. Briggs asked for public comment; there was none. Mr. Briggs read the waiver requests for Articles 131-24.T.; 131-37.1.A.; 131-66; 131-67.C.6.; and 131-67.C.8.H. **Ms. Duane made a motion, seconded by Mr. Porter, to grant a waiver for Articles 131-24.T.; 131-37.1.A.; 131-66; 131-67.C.6.; and 131-67.C.8.H.** Mr. Sares stated he would prefer not to see cul-de-sacs. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Mr. Drinkhall, to conditionally approve the 47-Unit Subdivision for E.J. Poliquin Corp./Evergreens on the Saco with the following conditions: CVFD Water and Sewer Approval; CVFD Fire Chief Approval; a Municipal Trail Easement accepted by the Board of Selectmen; Recording Fee for the Municipal Trail Easement; A performance guarantee for all Phase I site improvements; A subsequent condition that no Phase II construction may commence until the surety for phase II improvements and a copy of a NH DOT Permit for the second connection to Rte 16 is provided to the Town; when the conditions have been met for Phase I, the plans can be signed out-of-session; and this conditional approval will expire on December 9, 2004. Motion unanimously carried.

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

Jon Howe and Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. Mr. Briggs read the waiver request for Article 131-37.1.A. **Ms. Duane made a motion, seconded by Mr. Sares, to grant the waiver request for Article 131-37.1.A. Motion unanimously carried.** Mr. Briggs asked for public comment; there was none.

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Ms. Duane made a motion, seconded by Mr. Porter, to conditionally approve the 18-Lot Subdivision for Leo Kiley/Lincoln Estates conditionally upon a performance guarantee for all site improvements; A Mylar; when the condition has been met, the plans can be signed out-of-session; and this conditional approval will expire on December 9, 2004. Motion unanimously carried.

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

Mr. Irving stated that the applicant has requested a continuance. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to continue the Full Site Plan Review for Jay Patel/Wingate Inn & Suites until September 9, 2004. Motion unanimously carried.**

OTHER BUSINESS

Mt. Cranmore (PID 214-84) – Conceptual Review: Ben Wilcox of Mt. Cranmore and Ed Bergeron of H.E. Bergeron Engineers appeared before the Board for a conceptual review for a spring structure.

Karen Lapore/The Local Bookie (PID 277-208) – §123-4.A.(5): Karen Lapore appeared before the Board. Mr. Irving stated that the Board of Selectmen has granted a license for the parking to located within the Town’s right-of-way. Mr. Briggs stated that he still has a problem with this not going through site plan review. Mr. Briggs stated that this is a non-conforming grand fathered structure, but it is being extended further out of compliance, which is not grand fathered. Mr. Irving stated that this property did go to the Planning Board and was granted an exemption. Mr. Porter asked if they expanded the building at the time the site plan exemption was granted. Mr. Irving stated it was for a change-of-use.

Mr. Porter stated that a site plan review should be done. Ms. Lapore stated that when she was here for a conceptual, the Board told her she needed a conditional license from the Board of Selectmen and then the Board would vote on this under Article 123-4.A.(5). **Ms. Duane made a motion, seconded by Mr. Sares, that based on the provisions of §123-4.A. 5., regarding applicability, that the 14x32 addition to retail store is 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. Motion defeated with Mr. Briggs, Mr. Porter and Mr. Drinkhall voting in the negative.** Mr. Irving stated then it is subject to site plan review.

Ms. Lapore stated when she was here two weeks ago everyone was ready to vote, but the Board held off for two weeks in order for her to obtain the conditional license for the parking. Ms. Lapore stated she was told to then come back to this Board. Ms. Lapore stated with this vote she is back to the site plan review. Mr. Sares stated she went to the Board of Selectmen on this Board’s recommendation and when she comes back the Board turns her down. Mr. Irving stated it was necessary to go to the Board of Selectmen and she left here with the impression that it would be granted.

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Mr. Briggs made a motion, seconded by Ms. Duane to reconsider the motion. Motion unanimously carried. Ms. Duane made a motion, seconded by Mr. Sares, that based on the provisions of §123-4.A. 5., regarding applicability, that the 14x32 addition to retail store is 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. Motion carried with Mr. Briggs not voting.

Robert Duff (PID 219-29) - §123-4.A.(5): Ms. Duane made a motion, seconded by Mr. Drinkhall, that based on the provisions of §123-4.A. 5., regarding applicability, that the 14.9' x 15 addition to the three-family structure is 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. Motion unanimously carried.

Built On Trust Investments LLC – Minor Site Plan Review (PID 202-4) File #MR04-03:
Doug Burnell of H.E. Bergeron Engineers stated that the applicant is willing to put the tanks underground on the subject property. Mr. Burnell asked if the Board could now continue the application. Mr. Irving stated that redesigning the site after the Board has ruled does not resolve the public notice issue on which the Board based its decision. Mr. Irving also stated that there is several other information deficiencies that would have resulted in a recommendation not to accept the application as substantially complete. Ms. Duane stated that the Board has already made their decision.

Board Comments: Mr. Sares stated that he is disappointed with Valley Vision not being here this evening.

Meeting adjourned at 10:16 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary