

CONWAY PLANNING BOARD

MINUTES

OCTOBER 14, 2004

PAGES

	1	Review and Acceptance of Minutes <ul style="list-style-type: none">• September 23, 2004 – As Written
	1	Albert Dole/The Albert Dole Trust/James Arnold, Jr. – 2-Lot Subdivision and Boundary Line Adjustment Review (PID 231-79 & 85) File #S04-23 <ul style="list-style-type: none">• Approved; Plans signed
McInerney	1	Kevin and Cynthia McInerney/Dennis and Clare Subdivision Review (PID 266-127) File #S04-24 <ul style="list-style-type: none">• Conditionally Approved
	2	Built on Trust, LLC – Minor Site Plan Review (PID 202-4) File #MR04-04 <ul style="list-style-type: none">• Continued until October 28, 2004
	4	Cranmore Mountain Resort – Full Site Plan Review (PID 214-84) File #FR04-11 <ul style="list-style-type: none">• Conditionally Approved
	5	Jay Patel/Wingate Inn & Suites – Full Site Plan Review Continued (PID262-83) File #FR04-06 <ul style="list-style-type: none">• Continued until October 28, 2004
	5	Lamplighter Mobile Home Park – 5-Lot Subdivision and Lot Merger Continued (PID 262-83) File #S04-13 <ul style="list-style-type: none">• Conditionally Approved
	6	Other Business <ul style="list-style-type: none">• Mark and Kathelyn Bush/State Line Store – Extension of conditional approval• Set Public Information Meeting• PSNH tree trimming• Old Mill Estates – As Built Plan Signing (PID 268-117.41 & 117.42) File #S01-16

CONWAY PLANNING BOARD

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A meeting of the Conway Planning Board was held on Thursday, October 14, 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; Vice Chair, Martha Tobin; Secretary, Robert Drinkhall; Sheila Duane; Theodore Sares; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Duane made a motion, seconded by Mr. Sares, to approve the Minutes of September 23, 2004 as written. Motion unanimously carried.

ALBERT DOLE/THE ALBERT DOLE TRUST/JAMES ARNOLD JR. – 2-LOT SUBDIVISION AND BOUNDARY LINE ADJUSTMENT REVIEW (PID 231-79 & 85) FILE #S04-23

Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. This is an application to subdivide 3.0 acres (PID 231-85) into two lots of 1.25 acres and 1.49 acres and add the remaining 0.25 of an acre to an abutting property (PID 231-79) as a Boundary Line Adjustment on West Side Road and Allard Farm Circuit. **Mr. Drinkhall made a motion, seconded by Ms. Duane, to accept the application of Albert Dole/The Albert Dole Trust/James Arnold Jr. for a 2-Lot Subdivision and Boundary Line Adjustment 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 Articles 131-37.1.A.; 131-24.O.; 131-26.A.(5); and 131-48.F. **Mr. Drinkhall made a motion, seconded by Ms. Duane, to grant the waivers for Articles 131-37.1.A.; 131-24.O.; 131-26.A.(5); and 131-48.F. Motion unanimously carried.**

Mr. Drinkhall made a motion, seconded by Ms. Duane, to approve the 2-Lot Subdivision and Boundary Line Adjustment for Albert Dole, The Albert Dole Trust and James Arnold, Jr. Motion unanimously carried. The plans were signed.

KEVIN AND CYNTHIA MCINERNEY/DENNIS AND CLARE MCINERNEY – SUBDIVISION REVIEW (PID 266-127) FILE #S04-24

Shawn Bergeron of Shawn Bergeron Technical Services and Cynthia McInerney, owner, appeared before the Board. This is an application to amend File #S03-06 to remove the phrase "Kitchen to be removed" to allow an accessory apartment as granted by the Zoning Board of Adjustment at 12 Pennybrook Road, Conway (PID 266-127). **Ms.**

**Adopted: October 28, 2004 – As Amended
CONWAY PLANNING BOARD – OCTOBER 14, 2004**

Duane made a motion, seconded by Mr. Sares, to accept of Kevin and Cynthia McInerney/Dennis and Clare McInerney for a subdivision review as complete. Motion unanimously carried.

Mr. Briggs asked for public comment; there was none. Mr. Briggs read the waiver requests for Articles 131-24.E. and 131-24.O.; 131-24.N.; 131-24.T.; and 131-43.E. **Ms. Duane made a motion, seconded by Mr. Sares, to grant the waiver requests for Articles 131-24.E. and 131-24.O.; 131-24.N.; 131-24.T.; and 131-43.E. Motion unanimously carried.**

Ms. Tobin made a motion, seconded by Ms. Duane, to conditionally approve the Subdivision for Kevin and Cynthia McInerney and Dennis and Clare McInerney conditionally upon submitting a Mylar; plans can be signed out-of-session ; and this conditional approval to expire in 30 days. Motion unanimously carried.

BUILT ON TRUST, LLC – MINOR SITE PLAN REVIEW (PID 202-4) FILE #MR04-04

Jay Poulin of H.E. Bergeron Engineers and Don Johnson, owner, appeared before the Board. Paul DegliAngeli, Town Engineer, was in attendance. This is an application to decrease the building footprint by 1,734 square feet, increase the floor space by 236 square feet and convert the former restaurant and lounge to two retail spaces, office space and a 70-seat restaurant. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to accept the application of Built on Trust, LLC for a Minor Site Plan Review as substantially complete. Motion unanimously carried.**

Mr. Poulin stated that the NHDOT would be widening Route 16 in this area. Mr. Poulin stated that the existing septic system failed and there was concern with reusing it until connection to municipal sewer in approximately two years. Mr. Poulin stated that NHDES has approved to reuse of the existing system with an alarm in the dry well; if the alarm goes off, the system will need to be pumped. Mr. Poulin stated that the sewer stub is already installed at the right-of-way. Paul DegliAngeli stated it was a recent reconstruction of the septic system, which meets current standards. Mr. Johnson stated there was a blockage from the tank to the leach field, which has been cleared.

Mr. Poulin stated the applicant has arranged with Mr. DegliAngeli to have the back parking lot paved once the sewer connection is made. Mr. Poulin stated the applicant wanted to wait until then as the existing system needs to be abandoned, which would require cutting pavement to do so. Mr. DegliAngeli stated that the applicant is asking for a waiver with the justification that the septic would need to be abandoned once municipal sewer was on line. Mr. DegliAngeli stated that staff responded by requesting a note be put on the plan that the back parking lot would be paved once hooked to municipal sewer and it appears the applicant is agreed.

Mr. DegliAngeli stated that the applicant is willing to withdraw the request for bonding. Mr. Sares asked why does it need to be paved. Mr. DegliAngeli stated that the area

**Adopted: October 28, 2004 – As Amended
CONWAY PLANNING BOARD – OCTOBER 14, 2004**

available for parking is very small, plus the applicant is asking for a waiver for two parking spaces. Mr. DegliAngeli stated in past history the town ordinance for restaurant parking is lean and there is no way to realize the spaces and meet maximize capacity without lines on the ground.

Mr. Sares asked when would municipal sewage be on line for that area. Mr. DegliAngeli answered summer of 2005. Mr. Sares stated that the Sunnyside Inn, now Spruce Moose, had a problem refurbishing a section for a new room and sewerage was to be on-line soon in that area, but the Planning Board disapproved. Mr. Martin stated that the in-ground system for Sunnyside Inn was already taxed and this one can handle it until the sewer is on-line. Mr. Poulin stated that the applicant is willing to put a note on the plan to pave the back parking lot once on municipal sewer.

Mr. Poulin stated that the applicant is requesting a waiver to reduce the buffer area. Mr. Poulin stated they have shown two traffic control islands with street trees and eliminated two parking spaces, which is the reason for the waiver for two spaces. Mr. Poulin stated there would be a loss of 20 spaces in the front of the building if required to meet the buffer requirement and the applicant would like to utilize them. Mr. Irving stated that this is the only time the Board will probably see this property and only opportunity to address the buffer. Mr. Irving stated not all spaces would be lost, just those adjacent to the right-of-way. Mr. Irving stated that the ones against the building could remain.

Mr. Johnson stated with the widening of Route 16, the applicant is losing 10-feet. Mr. Sares asked if the NHDOT weren't widening Route 16, would it still be an issue. Mr. Poulin answered in the affirmative. Mr. Briggs stated the only answer is the back property is under the same ownership and may be the only way to achieve the parking that is needed. Mr. Poulin stated there is no access to that property as there is an eight-foot retaining wall behind the back parking lot.

Mr. Irving stated that he has been led to believe that the tenant does not need 70 seats, which could reduce the amount of parking. Mr. Poulin stated it would be a considerable reduction to lose nine spaces. Mr. Johnson stated that the tenant wants to start out small and work into it gradually. Mr. Johnson stated they will start out at 42-seats. Mr. Irving suggested an 18-foot buffer, which would eliminate the parking spaces along Route 16, but maintain those adjacent to the building. Mr. Sares stated it would be is a win-win with the reduction of buffer to 18-feet and the loss of 9 spaces.

Mr. Martin asked the reason the parking spaces along Route 16 are so crucial. Mr. Johnson stated for the expansion of the restaurant, plus they are vital to the business. Ms. Duane stated there needs to be street trees in order to recreate the tree canopy. Mr. Martin stated there has never been a tree canopy in this area and the Board needs to find that fair ground.

Mr. Martin stated that the applicant has put a lot into a building, which was an eye sore. Ms. Duane stated Mr. Irving's suggestion is win-win situation. Mr. Martin stated if he

**Adopted: October 28, 2004 – As Amended
CONWAY PLANNING BOARD – OCTOBER 14, 2004**

provided a 10-foot buffer, which is still better than it is now, then he could provide some parallel parking spaces.

Mr. Briggs asked for public comment; there was none. Mr. Poulin asked for a consensus of the Board in regard to the front buffer. Mr. Sares stated that he supports the compromise that allowed the parking to remain in front of the building, but still be an improvement over what was there. Ms. Tobin stated she agreed with Mr. Martin. Ms. Duane and Mr. Drinkhall agreed with the compromise of taking parking along Route 16 and adding greenspace. After a brief discussion, the Board agreed to close the south entrance with a tree bump out, a 10-foot front buffer and add parallel parking.

Mr. DegliAngeli stated the applicant is requesting a waiver for no curbing on the driveway and asked if the applicant is prepared to provide curbing on the driveway constructed after NHDOT finishes. Mr. Johnson stated that he agrees to put in any curbing that is not being installed by the NHDOT. Mr. Poulin stated to the radius. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to continue the Minor Site Plan Review for Built on Trust, LLC until October 28, 2004. Motion unanimously carried.** Mr. DegliAngeli left at this time.

**CRANMORE MOUNTAIN RESORT – FULL SITE PLAN REVIEW (PID 214-84)
FILE #FR04-11**

Maureen McGlone of H.E. Bergeron Engineers and Ben Wilcox of Cranmore Mountain Resort appeared before the Board. This is an application to install a 50'x118' oval-shaped sprung structure to be used as a rental shop, brown bag seating and season-long locker room. **Mr. Drinkhall made a motion, seconded by Ms. Duane, to accept the application of Cranmore Mountain Resort for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Sares stated the need is to expand, but the structure is free from corporate. Mr. Wilcox stated more space is needed and they were presented an opportunity as it is a gift from corporate. Mr. Sares stated he is in favor as long as no trees are removed. Mr. Martin stated that he is questioning 2/3 of the building in the buffer. Mr. Irving stated it is not in the buffer, but in the district; the buffer extends for commercial property 100' and the building is well out of the buffer. Mr. Sares asked what would the building connector be constructed of. Mr. Wilcox stated it would be similar to the sprung structure.

Mr. Briggs asked for public comment; there was none. Mr. Irving stated if approved with granted waivers, the Board is granting the relief from the corridor buffer. Mr. Irving stated the zoning ordinance grants the Planning Board authority to reduce the buffer width to 35 feet of appropriate density trees or leave it open as a scenic view. Mr. Sares stated in regard to the architecture, it is a unique situation and the structure could be hidden with trees and landscaping. Mr. Irving asked if the board is satisfied with the tree buffer around the structure itself. The Board answered in the negative. Mr. Wilcox stated two windows have been added and they did not plant trees in front of the windows.

**Adopted: October 28, 2004 – As Amended
CONWAY PLANNING BOARD – OCTOBER 14, 2004**

Ms. Duane suggested pulling the trees further out from the building. Mr. Irving suggested multiple rows staggered with higher trees nearer the structure with an offset row not quite as tall. Mr. Wilcox agreed. The Board took a five-minute recess while the applicant reconfigured the landscaping around the building.

Ms. Duane motion, Ms. Tobin seconded, finding that this is a scenic view, therefore, permitting relief from the buffer requirement pursuant to §147-13.19.9.4. Motion unanimously carried.

Mr. Briggs read the waiver requests for §123-6.A.; §123-6.B.2.; §123-20.B.; §123-20.C.; §123-20.F./131-67.C.8.a.; §123-20.F./131-67.C.8.e.; §123-20.F./131-67.C.8.f.; §123-21.A.; §123-22.A.; §123-22.B.; §123-22.C.; §123-22.D.; §123-22.E.; §123-23.; §123-26.; §123-27.; §123-29.A.2. & A.3.; §123-29.D.8.; and §123-36.B.

Ms. Duane made a motion, seconded by Mr. Martin, to grant the waiver requests for §123-6.A.; §123-6.B.2.; §123-20.B.; §123-20.C.; §123-20.F./131-67.C.8.a.; §123-20.F./131-67.C.8.e.; §123-20.F./131-67.C.8.f.; §123-21.A.; §123-22.A.; §123-22.B.; §123-22.C.; §123-22.D.; §123-22.E.; §123-23.; §123-26.; §123-27.; §123-29.A.2. & A.3.; §123-29.D.8.; and §123-36.B. Motion unanimously carried.

Mr. Wilcox asked about the banners on the artist rendering. Mr. Irving stated that the Board appears to have no reservation but it must comply with the zoning ordinance outside of this particular board.

Ms. Duane made a motion, seconded by Mr. Martin, to conditionally approve the Full Site Plan for Cranmore Mountain Resort conditionally upon North Conway Fire Chief Approval; Landscaping to be amended pursuant to Board discussion; Land Surveyor and Engineer signature on plans; a performance guarantee for all improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on January 13, 2005. Mr. Irving asked if the applicant is confident they can meet these conditions. Mr. Wilcox answered in the affirmative. 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 Ms. Tobin, to continue the Full Site Plan Review for Jay Patel/Wingate Inn & Suites until October 28, 2004. Motion unanimously carried.**

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

Edgar Allan of Thaddeus Thorne Surveys appeared before the Board. This is an application to merge lots 1 & 5, 3 & 7, 35 & 37, 81 & 82 and 91 & 92 and create five

**Adopted: October 28, 2004 – As Amended
CONWAY PLANNING BOARD – OCTOBER 14, 2004**

new lots as Lamplighters Mobile Home Park. This application was accepted as complete on July 22, 2004.

Mr. Briggs read the waiver requests for Articles 131-24.T.; 131-25.E.; 131-30.I. and 131-68.F. **Ms. Duane made a motion, seconded by Ms. Tobin, to grant the waivers for Articles 131-24.T.; 131-25.E.; 131-30.I.; and 131-68.F. Motion unanimously carried.**

Mr. Briggs asked for public comment; there was none. **Ms. Tobin made a motion, seconded by Ms. Duane, to conditionally approve the lot mergers and 5-lot subdivision for Lamplighter MHP conditionally upon adding §131-25.E. & 131-68.F. to sheet 2 under Waivers Granted; submitting the \$35 recording fee for the trail easement; submitting \$122.50 for supplemental review fees; 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 January 13, 2005. Motion unanimously carried.**

OTHER BUSINESS

Mark and Kathelyn Bush/State Line Store (PID 256-3) File #FR04-08 – Extension of Conditional Approval: Ms. Duane made a motion, seconded by Mr. Martin, to extend the conditional approval for Mark and Kathelyn Bush/State Line Store until January 13, 2005. Motion unanimously carried.

Set Public Information Meeting: Ms. Duane made a motion, seconded by Ms. Tobin, to hold a public information meeting on October 28, 2004 for all proposed zoning as proposed by the Board. Motion unanimously carried.

PSNH tree trimming: Mr. Irving stated that PSNH is proposing tree cutting on East Conway Road and the information will be available for review in the Board's FYI file.

Old Mill Estates – As Built Plan Signing (PID 268-117.41 and 117.42) File #S01-16: Ms. Duane made a motion, seconded by Mr. Drinkhall, to sign the as-built plans for Units 4A and 4B in Old Mill Estates. Motion unanimously carried. The plans were signed.

Meeting adjourned at 9:16 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary