

CONWAY PLANNING BOARD

MINUTES

OCTOBER 28, 2004

PAGES

- 1 Review and Acceptance of Minutes
 - October 14, 2004 – Adopted as Amended
- 1 Public Hearing - §123-29.A. – Buffer Areas
 - Adopted
- 1 Public Hearing - §131-24.T. – Test Pit Depths 10-Feet
 - Adopted
- 2 Colonial Motel Holdings, LLC – Full Site Plan Review (PID 219-229) File #FR04-12
 - Conditionally Approved
- 3 Built on Trust, LLC – Minor Site Plan Review Continued (PID 202-4) File #MR04-04
 - Conditionally Approved
- 4 Jay Patel/Wingate Inn & Suites – Full Site Plan Review Continued (PID 230-1) File #FR04-06
 - Continued until December 9, 2004
- 4 Other Business
 - Public Information Hearing
 - Set Public Hearing for §123-22 & §131-13
 - November 18, 2004
 - Agnes Birch/Green Granite/Hemisphere (PID 246-35) File #FR03-06 – Extension of Conditional Approval
 - North Conway Incinerator Service, Inc. (PID 253-28 & 29) File #FR03-13 – Extension of Conditional Approval

CONWAY PLANNING BOARD

MINUTES

OCTOBER 28, 2004

A meeting of the Conway Planning Board was held on Thursday, October 28, 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; Steven Porter; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of October 14, 2004 should be amended as follows: page 4, first full paragraph, line 2, should read, "...Mr. Sares stated that he agrees with Mr. Martin and he supports..."; page 4, paragraph 4, line 1, should read, "...is to expand, and moreover, the structure is free coming from..."; page 4, paragraph 5, line 5, should read, "...structure could and should be hidden..."; page 5, first paragraph, line 3, should read, "...Mr. Wilcox agreed. Mr. Wilcox stated that he wanted to have the foundation in before winter. Mr. Sares stated that that was Cranmore's issue and Cranmore knew all along that trees were very important. Mr. Sares asked if the plan could be amended at this meeting. Mr. Irving answered in the affirmative. The Board took...".

Ms. Duane made a motion, seconded by Mr. Martin, to approve the Minutes of October 14, 2004 as amended. Motion unanimously carried.

PUBLIC HEARING - §123-29.A. – BUFFER AREAS

The public hearing was opened at 7:07 p.m. This amendment is to increase the buffer to 100-feet along the platted right-of-way of the North-South Road between Barnes Road and Depot Road. Mr. Irving stated that this amendment would provide regulatory backbone to keep trees in the buffer. Mr. Irving stated that this is consistent with the buffer requirement along the bypass that many thought protected the North-South Road. Mr. Irving stated the next step is to protect the buffer and will be seeing a zoning amendment to increase the setback for structures.

Mr. Briggs asked for public comment; there was none. The public hearing was closed at 7:09 p.m. **Mr. Martin made a motion, seconded by Mr. Drinkhall, to adopt the amendment to §123-29.A. as proposed. Motion unanimously carried.**

PUBLIC HEARING - §131-24.T. – TEST PIT DEPTHS 10-FEET

The public hearing was opened at 7:10 p.m. This amendment is to allow the depth to be to the seasonal high water table rather than specifically 10-feet. Mr. Irving stated that

**Adopted: November 18, 2004 – As Written
CONWAY PLANNING BOARD – OCTOBER 28, 2004**

this amendment is primarily a housekeeping item as the Board routinely grants waivers as water is reached prior to the 10-feet.

Mr. Briggs asked for public comment; there was none. The public hearing was closed at 7:11 p.m. **Ms. Duane made a motion, seconded by Mr. Porter, to adopt the amendment to §131-24.T. as proposed. Motion unanimously carried.**

COLONIAL MOTEL HOLDINGS, LLC – FULL SITE PLAN REVIEW (PID 219-229) FILE #FR04-12

Diane Smith of Thaddeus Thorne Surveys and Jerry Capazzoli and Earl and Barbara Hopkins, owners, appeared before the Board. This is an application to expand the existing 16-room motel by adding 10 new units in the existing walkout basement with no building foot print increase. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to accept the application of Colonial Motel Holdings, LLC for a full site plan review as complete. Motion unanimously carried.**

Mr. Martin asked why there is a waiver request for street trees. Ms. Smith stated there is a breezeway that is used as a public relaxation area and there is a view of the Mountains from the breezeway. Mr. Martin stated that he sees a lot of small trees, but nothing that would provide a strong buffer. Mr. Martin stated he would like to see more landscaping at the back of the property. Mr. Capazzoli stated that they would like to provide more landscaping in the back, but at this time they are not exactly sure what they want to plant and didn't want to be tied to something specific in case it did not work.

Ms. Duane stated when driving by the property on the North-South Road the back of the property looks sparse. Ms. Duane stated she would like to see some additional landscaping on the plan. Ms. Duane stated that shorter trees and bushes could be used. Mr. Hopkins stated that they are consulting a local landscaper. Ms. Smith asked how specific did the Board want to see the additional areas. Mr. Irving answered location and size of the plantings.

Ms. Duane stated there should be qualified trees along with some decorative plantings, which would provide more of an opportunity than just putting in trees of 3" caliper trees. Ms. Duane stated this would be similar to what the Board approved at Pepsi Corner, which was a gateway. Ms. Smith asked if the Board wanted to see shrubbery, flowers and a tree. The Board agreed and decided to take a five-minute recess to determine areas and type of shrubbery. The Board returned to session and agreed on areas and types of plantings.

Mr. Briggs asked for public comment; there was none. Mr. Briggs read the requirements to grant waivers. Mr. Briggs read the waiver requests for Articles 123-20.C.; 123-20.F./131-67.C.8.b.; 123-20.F./131-67.C.8.f.; 123-20.I.; 123-20.G.; 123-27 & 131-67.C.8.a.; 123-28.; 123-29.A.2.; 123-29.A.3; 123-29.A.4.; 123-29.D.1.; 123-29.D.8.; and 123-30. **Ms. Duane made a motion, seconded by Mr. Porter, to grant the waiver requests for Articles 123-20.C.; 123-20.F./131-67.C.8.b.; 123-20.F./131-67.C.8.f.; 123-**

**Adopted: November 18, 2004 – As Written
CONWAY PLANNING BOARD – OCTOBER 28, 2004**

20.I.; 123-20.G.; 123-27 & 131-67.C.8.a.; 123-28.; 123-29.A.2.; 123-29.A.3; 123-29.A.4.; 123-29.D.1.; 123-29.D.8.; and 123-30. Motion unanimously carried.

Mr. Martin made a motion, seconded by Ms. Duane, to conditionally approve the Full Site Plan for Colonial Motel Holdings, Inc. conditionally upon the plans being amended to show the landscaping per discussion; submitting revised plans; 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 27, 2005. Mr. Irving asked if the applicant could satisfy the conditions in that time frame. Mr. Capazzoli and Mr. Hopkins agreed. Motion unanimously carried.

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

Jay Poulin of H.E. Bergeron Engineers and Don Johnson, owner, appeared before the Board. 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 60 [70]-seat restaurant. This was continued from October 14, 2004.

Mr. Poulin stated after the last meeting they spoke with NHDOT and have agreed to coordinate with NHDOT in regard to installing curbing. Mr. Poulin stated that the front buffer has been increased, but would like to review another option with the Board. Ms. Duane stated there are thick utility lines that would be over the trees if planted and there would never be a canopy as the trees would need to be removed once they hit the utility lines. Ms. Duane stated that this building was constructed when Route 16 was a cow path. Ms. Duane stated that the applicant has decided to keep the New England charm and the Board should help to keep the project economically viable and not require something that will hurt the applicant. Ms. Duane stated that it is better to give a little then to lose the character. Mr. Johnson stated that he could plant shrubs and annuals rather than all lawn in the front buffer.

Ms. Duane asked if there would be any changes to the sign. Mr. Johnson stated he would like to incorporate granite posts and beams and hang a sign off them. Mr. Johnson stated that the carriage would hang in the north end of the barn and be visible from the road. Mr. Martin stated that the sign is non-conforming today and would like to see it come into some conformity. Mr. Johnson stated that the structure is not going to be as large as it is now, as he wants to stream line it and make it a nice looking sign.

Ms. Duane stated if the applicant was willing to tone down the extras, such as the roof, the carriage and the any other extras that stick out, then the size would not be so obtrusive. Mr. Martin asked what does the Board need to do in order to make the sign more conforming. Mr. Irving stated within the motion to grant the waivers the Board could impose a reasonable condition that the existing sign brought into conformity relative to structure size.

**Adopted: November 18, 2004 – As Written
CONWAY PLANNING BOARD – OCTOBER 28, 2004**

Mr. Johnson stated that there are two structures on the sign; one that has rotted and which was glued to the first. Mr. Johnson stated that it is similar to the rest of the building; it has a layer effect and to clean it up is definitely in the works. Ms. Duane stated that signage is important. Mr. Irving reviewed the permitted size for freestanding signs. Mr. Irving stated that the Zoning File indicates that the sign has 48 square feet of grandfathered message area, which the Board could allow the applicant to maintain if the sign structure came into conformance. Mr. Irving stated that the Board could grant the waivers conditionally upon the sign message area staying the same and the structure coming into compliance. Mr. Johnson agreed.

Mr. Johnson asked where is the undisturbed ground. Mr. Irving answered that the undisturbed ground would be the grade that is there today. **Mr. Sares made a motion, seconded by Ms. Duane, to accept the revised plan [relative to parking within the front buffer] as presented. Motion unanimously carried.**

Mr. Briggs read the waiver requests for Articles 123-20.C.; 123-21.A.; 123-22.D.; 123-29.A.2.; 123-29.A.3.; 123-29.A.4.; 123-29.D.8.; and 123-30.A.3. **Mr. Drinkhall made a motion, seconded by Ms. Duane, to grant the waivers for Articles 123-20.C.; 123-21.A.; 123-22.D.; 123-29.A.2.; 123-29.A.3.; 123-29.A.4.; 123-29.D.8.; and 123-30.A.3. conditionally upon the signage message area remaining the same and the sign structure coming into compliance. Motion unanimously carried.**

Mr. Martin made a motion, seconded by Ms. Duane, to conditionally approve the Minor Site Plan for Built on Trust, LLC conditionally upon submitting complete plan sets reflecting the redesigned parking layout; amending the parking space note; 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 27, 2005. 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. **Mr. Martin made a motion, seconded by Mr. Drinkhall, to continue the Full Site Plan review for Jay Patel/Wingate Inn & Suites until December 9, 2004. Motion unanimously carried.**

OTHER BUSINESS

Public Information Hearing: There being no public other than the press in attendance, Mr. Irving reviewed the proposed amendments with Bart Bachman of the Conway Daily Sun and the Board continued with the rest of the meeting.

Set Public hearing for Articles 123-22. & 131-13: Ms. Duane made a motion, seconded by Mr. Drinkhall, to post the proposed amendments to Articles 123-22 & 131-13 to a public hearing on November 18, 2004. Motion unanimously carried.

**Adopted: November 18, 2004 – As Written
CONWAY PLANNING BOARD – OCTOBER 28, 2004**

Agnes Birch/Green Granite/Hemisphere (PID 246-35) File #FR03-06 – Extension of Conditional Approval: Ms. Duane made a motion, seconded by Mr. Martin, to extend the conditional approval for Agnes Birch/Green Granite/Hemisphere until October 27, 2005. Motion unanimously carried.

North Conway Incinerator Service, Inc. (PID 253-28 & 29) File #FR03-13 – Extension of Conditional Approval: Ms. Duane made a motion, seconded by Mr. Drinkhall, to extend the conditional approval for North Conway Incinerator Service, Inc. until November 17, 2005. Motion unanimously carried.

Meeting adjourned at 8:25 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary

adopted 11-18-04

Holly L. Meserve

From: "Tom Irving" <tirving@conwaynh.org>
To: "Steve Porter" <grogan14@adelphia.net>; "Martha Tobin" <mtobin@centerofhope.org>; "Holly L. Meserve" <hmeserve@conwaynh.org>; "Conrad Briggs" <locusthill@adelphia.net>; "Sheila Duane" <sheila.duane@verizon.net>; "Ted Sares" <tedsares@adelphia.net>; "Larry Martin" <martin1@nhec.com>
Sent: Friday, September 17, 2004 10:57 AM
Subject: Supplemental review fees for subdivision applications

This particular amendment is to the Subdivision regulations. The legislative procedure for Subdivision Regulation amendments requires the Board to :

1. Call for a public hearing on the amendment
2. Notice the public of the proposed amendments and public hearing
3. Hold the public hearing. If substantive changes are made to the amendment then hold a second public hearing.
4. Adopt the amendment.

The Amendment... The site plan regulations indicate that "When a completed application for a site plan or subdivision is submitted to the Town it will be reviewed by the Town Planner and the Town Engineer. Comments will be made in writing and forwarded to the applicant. This is part of the normal review process covered by the fee submitted with the application. If the plans are re-submitted by the applicant without addressing the original comments and requests from staff or if design does not conform to the Town's adopted standards the applicant will be charged additional fees for staff review as follows: 1. Town Planner Review: \$35.00 hourly. 2. Town Engineer Review: \$35.00 hourly.

Although this also refers to subdivisions, it would be best to explicitly present the language in the Subdivision Regulation by adding the following language to §131-13. Fees and costs:

D. When a completed application for a subdivision is submitted to the Town it will be reviewed by the Town Planner and the Town Engineer. Comments will be made in writing and forwarded to the applicant. This is part of the normal review process covered by the fee submitted with the application. If the plans are re-submitted by the applicant without addressing the original comments and requests from staff or if design does not conform to the Town's adopted standards the applicant will be charged additional fees for staff review as follows:

1. Town Planner Review: \$35.00 hourly.
2. Town Engineer Review: \$35.00 hourly.

Your comments would be appreciated.

Regards, Tom

Thomas B. Irving, Planning Director
 Town of Conway, 1634 East Main Street, Center Conway NH 03813

10/26/2004

adopted 11/8/04

Holly L. Meserve

From: "Tom Irving" <tirving@conwaynh.org>
To: "Larry Martin" <martin@nhcc.com>; "Ted Sares" <tedsares@adelphia.net>; "Sheila Duane" <sheila.duane@verizon.net>; "Conrad Briggs" <locusthill@adelphia.net>; "Holly L. Meserve" <hmeserve@conwaynh.org>; "Martha Tobin" <mtobin@centerofhope.org>; "Steve Porter" <grogan14@adelphia.net>
Sent: Monday, October 25, 2004 11:38 AM
Subject: Traffic Control Islands

This is an amendment to the Site Plan Review Regulations. The legislative procedure for amendments to site plan review regulations is the same as that for subdivision regulations. Both require the Board to:

1. Call for a public hearing on the amendment
2. Notice the public of the proposed amendments and public hearing
3. Hold the public hearing. If substantive changes are made to the amendment then hold a second public hearing.
4. Adopt the amendment

The current language in §123-22 causes confusion because the term "aisles" can be interpreted in two different ways in the same section of the regulation. There are travel aisles (one or two way) referred to in §123-22.A. and B. and aisles of parking spaces (double or single) referred to in §123-22.D. The more restrictive and literal interpretation of §123-22.D. prohibits parking lot designs that are functional and customary. It appears that in the past (pre 2000) this restriction was largely ignored. Recently, the Planning Board has found justification for waiving the restriction.

The following amendment albeit less restrictive would eliminate any such confusion because it only uses the term "aisles" as it refers to "travel aisles". The term "row(s)" refers to the single and double rows of parking spaces.

123-22.D Traffic Control Islands. In any parking lot, no more than two travel aisles, ~~double or single one or two way~~, may run generally parallel to one another without separation by a raised, curbed traffic control island which runs parallel to and the full length of the aisles. Traffic control islands shall be a minimum of twelve feet in width. At the ends of each traffic control island there shall be 12 foot-wide raised islands that shall extend (on both sides, if parking rows are double) the full length of the parking stalls. The applicant, if desired, may shorten the main traffic control islands no more than 14 feet at each end to better allow for the removal of snow. If the main traffic control island is proposed to be shortened, pavement markings will be required to prohibit through-traffic. The Board may require additional traffic control islands to prevent or correct traffic safety problems. Curbing shall be granite.

Your comments would be appreciated.

Regards, Tom

Thomas B. Irving, Planning Director

Town of Conway, 1634 East Main Street, Center Conway NH 03813

Telephone: 603 447 3855 Facsimile: 603 447 5012 E-mail: tirving@conwaynh.org

10/26/2004