

**CONWAY PLANNING BOARD**

**MINUTES**

**NOVEMBER 18, 2004**

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**Adopted: November 18, 2004 – As Amended**

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A meeting of Conway Planning Board was held on Thursday, November 18, 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**

**Mr. Drinkhall made a motion, seconded by Ms. Duane, to approve the Minutes of October 28, 2004 as written. Motion unanimously carried.**

**PUBLIC HEARING - §123-22.D. – TRAFFIC CONTROL ISLANDS**

Mr. Briggs read the proposed amendment. This amendment is to clarify language regarding aisles vs. rows. The public hearing was opened at 7:01 p.m. Mr. Briggs asked for public comment; there was none. The public comment was closed at 7:04 p.m.

**Mr. Martin made a motion, seconded by Ms. Duane, to adopt the amendment to §123-22.D as proposed. Motion unanimously carried.**

**PUBLIC HEARING - §131-13 – FEES AND COSTS**

Mr. Briggs read the proposed amendment. This amendment is to clarify policy regarding supplemental review fees referred to in the site plan review regulations that apply to the subdivision regulations. The public hearing was opened at 7:05 p.m. Mr. Briggs asked for public comment; there was none. The public hearing was closed at 7:06 p.m.

**Mr. Drinkhall made a motion, seconded by Ms. Duane, to adopt the amendment to §131-13 as proposed. Motion unanimously carried.**

**JOHN AND PATRICIA JONES – 2-LOT SUBDIVISION REVIEW (PID 203-11.1)  
FILE #S04-25**

Doug Burnell of H.E. Bergeron and John and Patricia Jones appeared before the Board. This is an application to subdivide 20 acres into two-lots off Crown Ridge Road. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to accept the application of John and Patricia Jones for a Subdivision Review as complete. Motion unanimously carried.**

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Mr. Briggs asked for public comment; Gerard Moran, an abutter on Crown Ridge Road, stated that he would be most affected by the access road and has never had a reservation of construction on the lot, but concerned with the road. Mr. Moran stated that the plans seem to show the road would be finished at 50-feet, which is the width of the right-of-way. Mr. Moran asked how wide is the road. Mr. Burnell stated that the road had to be designed to town road specifications, but in reality, only a driveway will be built if the waiver is granted. Mr. Burnell stated that the road had to be designed to town road specifications in order to meet frontage requirements. Mr. Burnell stated that the driveway would be no more than 15-feet wide.

John Jones stated that the trees to be removed are marked in blue. Mr. Jones stated that there are a few trees that are being removed because they are dead or the root system would be disturbed. Mr. Irving asked how far into the property is the cutting being done. Mr. Jones stated that they are in the process of obtaining a logging permit to cut trees around the house site. Mr. Irving asked if they plan on constructing a road to the bridge. Mr. Jones answered in the negative.

Mr. Moran asked if there would be two homes. Mr. Irving stated there is an easement that restricts it to two homes. Mr. Moran asked if the intention is to sell the other lot. Mr. Jones stated they would probably build on the first lot, then in some time build on the second lot and sell the first lot.

Oren Bentley, an abutter on Hurricane Mountain Road, asked why are trees marked in blue. Mr. Jones answered logging and stated that a logger established what would be best to cut. Mr. Sares asked what is the maximum number of houses that can be constructed on these lots. Mr. Irving stated there is an easement that restricts it to two homes, but if the easement is ever renegotiated, there could be more. Mr. Jones stated the original subdivision allowed 3 homes. Mr. Irving stated that he couldn't guarantee there would never be more than two homes on these lots. Mr. Irving stated that the applicant has an easement from Crown Ridge to cross their land to access the single-family dwellings. Mr. Jones stated he approached Crown Ridge and volunteered an easement to restrict it to two homes.

Mr. Martin stated that applicant was protecting himself in case he sells one lot, so it couldn't be heavily developed. Mr. Jones stated that they currently live next to this property and they don't want to see it heavily developed. Mr. Jones stated that Crown Ridge is apart of the easement agreement. Mr. Sares stated that he is worried about residential growth. Mr. Sares stated that he is concerned with proliferation of growth and being out of balance with the master plan, but he is not sure what to do.

Mr. Martin asked if the waiver for the road could be conditional upon having no more than two homes. Mr. Irving stated any waiver granted is based on the application before the Board. Mr. Irving stated he wouldn't recommend a condition as any Planning Board after this Board can remove the condition. Mr. Burnell stated that the waiver request actually states there is an easement restricting it to two homes.

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Mr. Briggs read the requirements to grant a waiver. Mr. Briggs read waiver requests for Articles 131-24.N., 131-67.A. and 131-37.1.A. **Ms. Duane made a motion, seconded by Mr. Porter, to grant the waiver requests for Articles 131-24.N., 131-67.A. and 131-37.1.A. Motion unanimously carried.**

**Mr. Martin made a motion, seconded by Ms. Duane, to approve the 2-lot subdivision for John and Patricia Jones. Motion unanimously carried.** The plans were signed.

**OTHER BUSINESS**

**Fram Real Estate/Dunkin Donuts (PID 235-33) – Conceptual Review:** Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Mr. Allen reviewed a proposal to use some of the existing back parking area for storage/display. Mr. Allen stated the applicant would like to store kayaks in the summer and snowmobiles in the winter. Mr. Irving stated there have been some on-going violations with storage trailers on this site. Mr. Irving stated there is an application that has been submitted with several waivers to convert some of the parking spaces, which are surplus, for this additional use.

Mr. Martin stated the issues with the storage trailers and the non-conforming uses need to be submitted on a plan showing how they will be brought into compliance. Mr. Sares asked what is in the shaded areas now. Mr. Allen answered parking spaces and next to the building were kayaks. Mr. Sares asked if the back parking area could be seen by Route 16. Mr. Allen answered in the negative. Mr. Sares asked if they could be seen from Echo Acres Road. Mr. Irving answered in the affirmative. Mr. Martin stated he has no problem with the application as long as it is done properly and within the requirements to allow it to happen. The Board is going to be looking for significant buffering.

**Eastern Slope Inn Associates/Glen Group/Oxen Yoke (PID 219-48) - §123-4.A.5 – File #NA04-13:** Ms. Duane stepped down at this time. Joe Berry appeared before the Board. Mr. Berry stated that he would like to construct a 200 square foot addition at the rear of the building for office space. Mr. Martin asked if the addition would meet setbacks. Mr. Berry answered in the affirmative. Mr. Martin asked if any trees would have to be removed. Mr. Berry answered in the negative. Mr. Sares asked what is going on in the existing building and what is proposed for the addition. Mr. Berry stated it is currently office space and the addition will house two new offices.

**Mr. Martin made a motion, seconded by Mr. Drinkhall, that the proposed 200 square foot addition 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.**

**Eastern Slope Inn Associates/Whitaker House Suites – Dumpster Enclosure (PID 218-51.01) –Field Change:** Joe Berry appeared before the Board. Mr. Berry stated that he is requesting a field change to not install the gate on the dumpster enclosure. Mr. Berry stated that the dumpster cannot be seen from any other property or street. Mr.

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Drinkhall asked if this would be setting a precedent. Mr. Sares stated it would if it was the same set of circumstances. Mr. Martin stated he asked that same question early on and was told that each case had to be taken on its own merits. Mr. Martin stated the only people who are going to see this are those staying at the Inn. Mr. Sares stated, responding to Mr. Martin in regard to precedent setting, just because you were told that doesn't mean it was right. Mr. Berry stated he is not looking for any special consideration or trying to ignore the regulation; he would like to leave one side open that cannot be seen by any abutter or from the street.

Mr. Sares asked when the plan was first submitted was it agreed upon. Mr. Berry stated they did not think of a dumpster at that time and it was added later. Mr. Berry stated that it did not take a parking space. Mr. Briggs stated that he agrees with Mr. Drinkhall. Mr. Drinkhall stated that he does not have a problem on this site under these circumstances, but he didn't want to see it carry over to other sites. Mr. Drinkhall stated that this is an attractive enclosure.

**Mr. Drinkhall made a motion, seconded by Mr. Martin, that not installing the gate on the dumpster enclosure is an acceptable field change. Motion carried with Mr. Briggs not voting.**

**Eastern Slope Inn Associates/Roberts Building Garage Office Space and Restaurant Space (PID 218-62) - §123-4.A.5. - File #NA04-14:** Joe Berry appeared before the Board. Mr. Berry stated that he would like to convert 500 square feet of storage space on the second floor to office space and construct a 38 square foot addition to the existing restaurant. Mr. Sares stated that Brian Preece used it. Mr. Berry stated that was a few years ago then just got filled with stuff.

**Mr. Drinkhall made a motion, seconded by Mr. Martin, that converting 500 square feet of storage space on the second floor to office space and constructing a 38 square foot addition to the existing restaurant 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. Sares voting in the negative.**

**Saco Woods Condominium (PID 261-50) - §123-4.A.5. - File #NA04-15:** Ms. Duane rejoined the Board at this time. Mr. Irving stated that the applicant would like to construct a 14'x18' building to contain a trash compactor. Mr. Irving stated that this would be replacing an existing dumpster enclosure. Mr. Sares asked if there were any noise issues.

**Mr. Martin made a motion, seconded by Ms. Duane, that the 14'x18' building for a trash compactor 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.**

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**North Conway Sunoco (PID 215-83):** Mr. Sares stated that this property is past due in taxes and could be taken over by the Town. **Mr. Sares made a motion, seconded by Ms. Duane, that the Planning Board believes it would be in the best interest of the Town if the Town owned this property.** Mr. Porter asked if it is being used currently. Mr. Briggs stated that it is vacant and the gas tanks have been removed. Mr. Drinkhall asked the assessment. Mr. Briggs answered \$302,000. Mr. Martin stated that Mr. Sares is saying that the Town pursuing it but not obtaining the land for \$26,000. Mr. Martin stated didn't want it clouded it up. Ms. Duane stated being a gateway to North Conway Village to look as nice as Whitaker Woods. **Motion carried with Mr. Martin and Mr. Porter abstaining from voting.**

**Gift of Land (PID 276-212):** Mr. Irving asked for the Board's recommendation in regard to this lot being given to the Town. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to recommend the Town of Conway accept the gift of land. Motion carried with Mr. Martin abstaining from voting.**

**Evergreen on the Saco – As Built Plan Signing – Units 1 & 5 (PID 265-161.31 & 161.35):** Ms. Duane made a motion, seconded by Mr. Martin, to sign the As-Built plans for units 1 & 5 in the Evergreen on the Saco development. **Motion unanimously carried.** The plans were signed.

Meeting Adjourned at 8:40 p.m.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary