

CONWAY PLANNING BOARD

MINUTES

DECEMBER 9, 2004

PAGES

- | | |
|---|---|
| 1 | Review and Acceptance of Minutes <ul style="list-style-type: none">• November 18, 2004 – Adopted as Amended |
| 1 | Matthew and Vicki Weegar – Full Site Plan Review (PID 275-276) File #FR04-13 <ul style="list-style-type: none">• Conditionally Approved |
| 2 | Sandra Steele – 2-Lot Subdivision (PID 266-28) File #S04-26 <ul style="list-style-type: none">• Conditionally Approved |
| 3 | Conway Marketplace Association, LLC – Full Site Plan Review (PID 265-146) File #FR04-14 <ul style="list-style-type: none">• Continued until January 13, 2005 |
| 3 | James and Linda Digiandomenico – 15-Unit Subdivision (PID 262-64) File #S04-27 <ul style="list-style-type: none">• Continued until January 13, 2005 |
| 4 | Fram Real Estate – Minor Site Plan Review (PID 235-33) File #MR04-05 <ul style="list-style-type: none">• Continued until January 13, 2005 |
| 5 | Jay Patel/Wingate Inn & Suites Continue – Full Site Plan Review (PID 230-1) File #FR04-06 <ul style="list-style-type: none">• Conditionally Approved |
| 6 | OTHER BUSINESS <ul style="list-style-type: none">• R.G. Mackinnon Holdings, LLC (PID 244-4) File #FR03-18 – Extension of Conditional Approval• MWVEC (PID 262-86) File #FR04-10 – Extension of Conditional Approval |

CONWAY PLANNING BOARD

MINUTES

DECEMBER 9, 2004

A meeting of the Conway Planning Board was held on Thursday, December 9, 2004 beginning at 7:00 p.m. Those present were: Chair, Conrad Briggs; Vice Chair, Martha Tobin; Secretary, Robert Drinkhall; Theodore Sares; Steven Porter; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of November 18, 2004, should be amended as follows: page 2, fifth paragraph, last line, should read, "...not sure what to do, however, he has an idea."

Mr. Drinkhall made a motion, seconded by Mr. Porter, to approve the Minutes of November 18, 2004 as amended. Motion carried with Ms. Tobin abstaining from voting.

**MATTHEW AND VICKI WEEGAR – FULL SITE PLAN REVIEW (PID 275-276)
FILE #FR04-13**

Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. This is an application to convert an existing two-unit residential structure to a law office and a 2-bedroom apartment. **Mr. Drinkhall made a motion, seconded by Ms. Tobin, to accept the application of Matthew and Vicki Weegar for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Briggs read the requirements to grant waivers. Mr. Briggs read the waiver requests for Articles 123-20.F./131-67.C.8.(a); 123-20.F./131-67.C.8.(b) & (f); 123-21.A.; 123-23.; 123-27.; 123-29.A.2. & A.3.; and 123-29.A.4.

Mr. Irving stated there is a parking lease for four years, but there is no guarantee that the applicant will be able to renegotiate the lease once it expires. Mr. Tafuto stated that 20 spaces were once leased to the Pleasant Street Plaza building, but that number has been reduced to 10. Mr. Sares asked what will the applicant do about parking if they are unable to renegotiate the lease. Mr. Tafuto stated that the owner of the Majestic Theater is willing to lease them parking. Mr. Tafuto stated that the parking would be approximately 400 feet away. Mr. Tafuto stated the owners of the parking lot seem willing to renegotiate in four years.

Mr. Sares stated that he is concerned with the preservation of the building. Mr. Tafuto stated there will be no changes to the exterior of the building, except for a handicap ramp. Mr. Sares stated at the end of four years the applicant would still have to come back to the Planning Board. Mr. Irving stated not necessarily. Mr. Briggs asked if the applicant

**Adopted: January 13, 2005 – As Written
CONWAY PLANNING BOARD – DECEMBER 9, 2004**

couldn't renegotiate wouldn't they have to come back to the Planning Board. Mr. Irving stated the Board could add that as a condition of the approval. Mr. Drinkhall stated that the Board waives parking in the downtown areas all the time. Mr. Irving stated if the owner does anything to modify the site that would require a site plan review, then they would have to come back before the Board. Mr. Irving stated that the deed does state that the current owner cannot change the exterior of the building nor cut down any trees.

Mr. Drinkhall made a motion, seconded by Mr. Porter, to grant the waivers for Articles 123-20.F./131-67.C.8.(a); 123-20.F./131-67.C.8.(b) & (f); 123-21.A.; 123-23.; 123-27.; 123-29.A.2. & A.3.; and 123-29.A.4. with the comment regarding the driveway from the Town Engineer. Motion unanimously carried. Mr. Briggs asked for public comment; there was none.

Ms. Tobin made a motion, seconded by Mr. Porter, to conditionally approve the Full Site Plan for Matthew and Vicki Weegar conditionally upon submitting a copy of the recorded Parking lease; renumbering notes to remove two #19's; removing Note #17 and correct note numbering (two 19's); indicating Book and Page of Parking Lease on plan; noting on plan that the driveway will be repaired per Town Engineer's request; 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 March 10, 2004. Motion unanimously carried.

SANDRA STEELE – 2-LOT SUBDIVISION (PID 266-28) FILE #S04-26

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. This is an application to subdivide 4.17 acres into two lots on White Oak Drive. **Mr. Drinkhall made a motion, seconded by Mr. Porter, to accept the application of Sandra Steele for a 2-Lot Subdivision as complete. Motion unanimously carried.**

Mr. Allen stated this lot was three lots of record under the original subdivision. Mr. Allen stated it was merged to two lots and then merged to one lot again. Mr. Allen stated that the owner would like to make it two lots. Mr. Briggs read the waiver requests for Articles 131-24.N. & O. and 131-26.A., B., & C. Mr. Briggs asked for public comment; there was none. **Mr. Sares made a motion, seconded by Ms. Tobin, to grant the waiver requests for Articles 131-24.N. & O. and 131-26.A., B., & C. Motion unanimously carried.**

Mr. Drinkhall made a motion, seconded by Mr. Porter, to approve the 2-lot subdivision for Sandra Steele conditionally upon obtaining the Conway Village Fire District Fire Chief approval; a Mylar; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on March 10, 2005. Motion unanimously carried.

**CONWAY MARKETPLACE ASSOCIATION, LLC – FULL SITE PLAN
REVIEW (PID 265-146) FILE #FR04-14**

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. This is an application to construct a 20' x 80' addition to Aubuchon Hardware at 50 White Mountain Highway. **Mr. Drinkhall made a motion, seconded by Ms. Tobin, to accept the application of Conway Marketplace Association, LLC for a Full Site Plan Review as substantially complete. Motion unanimously carried.**

Mr. Irving stated there are a number of notes that need to be amended on the plan and he would recommend the application be continued to allow the applicant time to make the necessary changes. Mr. Sares asked if the Board should wait to review the plan. Mr. Irving stated that the changes are not procedural and the Board should still review the plans this evening.

Mr. Briggs read the waiver requests for Articles 123-6.A. & 123-29.B.; 123-6.A. & 123-29.D.1. thru 11; 123-20.C./123-20.F. & 131-67.C.8.(f); 123-20.F. & 131-67.C.8.(a)/123-27; 123-29.A.2. & A.3./123-29.A.4.; 123-29.E.1. thru 3.; and 123-30.A.1. thru 3.

Mr. Sares asked how enforceable is Mr. DegliAngeli's memo regarding closing one of the driveways. Mr. Irving stated that it is a decision to be made by this Board. Mr. Sares stated that all three driveways are necessary. Mr. Sares stated that he would be against Mr. DegliAngeli's suggestion to close one of the driveways. Mr. Allen stated that there are three curb cuts and each serve a purpose; when the traffic is backed up it is difficult to get out the south end, the north end is great to enter when going south and the middle driveway is the best of both. Mr. Briggs asked if the NHDOT has issued a driveway permit. Mr. Allen stated that he has applied for a permit, but to date has not received approval. Mr. Drinkhall stated that it doesn't seem sensible to make the owner close a driveway with this small of a project.

Mr. Drinkhall made a motion, seconded by Mr. Porter, to grant the waiver requests for Articles 123-6.A. & 123-29.B.; 123-6.A. & 123-29.D.1. thru 11; 123-20.C./123-20.F. & 131-67.C.8.(f); 123-20.F. & 131-67.C.8.(a)/123-27; 123-29.A.2. & A.3./123-29.A.4.; 123-29.E.1. thru 3.; and 123-30.A.1. thru 3. Mr. Briggs asked for public comment; there was none. Motion unanimously carried.

Mr. Drinkhall made a motion, seconded by Ms. Tobin, to continue the Full Site Plan for Conway Marketplace Association, LLC until January 13, 2005. Motion unanimously carried.

JAMES AND LINDA DIGIANDOMENICO – 15-UNIT SUBDIVISION (PID 262-64) FILE #S04-27

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. This is an application to create 15 single-family dwelling units on 26 acres at 569 White Mountain Highway. Mr. Irving stated that there were a number of undocumented changes to the

**Adopted: January 13, 2005 – As Written
CONWAY PLANNING BOARD – DECEMBER 9, 2004**

plans that were not requested and recommended the Board accept the application as substantially complete, then continue the application to give staff sufficient time to review the plans again in their entirety.

Ms. Tobin made a motion, seconded by Mr. Porter, to accept the application of James and Linda Digiandomenico as substantially complete. Motion unanimously carried.

Mr. Briggs asked for public comment; Daniel Boatwright of Eastern Slope Campground stated that at the moment he does not see any problems, however, he is concerned with how it will effect his property where the campsites can each have a campfire. Mr. Boatwright asked what happens if people living in this new development start to complain about the smoke. Mr. Irving stated in this case they would have moved to the nuisance and as long as you are burning the fires according to the fire permit there would be nothing I could do.

Mr. Sares stated he has a tremendous concern with the proliferation of growth and there is a potential for a lot of growth. Mr. Sares stated there is a residential tilt and he would suggest an impact fee. Mr. Sares stated it would create a lot of work for the developer, but they should have to share in the cost of the impact on services. Mr. Sares stated it might make it tougher, but not difficult, for a developer to come in. Mr. Sares stated he is not asking for anything under this application, but he wanted to plant the seed tonight. Mr. Sares stated that he would review impact fees a bit more and bring information back to the Board.

Mr. Drinkhall made a motion, seconded by Mr. Sares, to continue the subdivision review for James and Linda Digiandomenico until January 13, 2005. Motion unanimously carried.

**FRAM REAL ESTATE – MINOR SITE PLAN REVIEW (PID 235-33) FILE
#MR04-05**

Edgar Allen of Thaddeus Thorne Surveys and Peter Gagne of Northern Extremes appeared before the Board. This is an application to convert a portion of the back parking area to outdoor display and outdoor facility for storing trailers at 1946 White Mountain Highway. Mr. Allen stated that the applicant has suggested an 8-foot stockade fence along Echo Acres Road and the railroad tracks, which will screen the trailers and prevent screening the actual trailers. Mr. Allen stated that the railroad is lower than the subject property.

Ms. Tobin made a motion, seconded by Mr. Drinkhall, to accept the application of Fram Real Estate for a Minor Site Plan Review as complete. Motion unanimously carried.

Mr. Briggs stated that Mr. Gagne is an interested party, but not an owner or decision-making party. Mr. Irving stated that Mr. Gagne's business is also not the business using

**Adopted: January 13, 2005 – As Written
CONWAY PLANNING BOARD – DECEMBER 9, 2004**

the storage trailers. Mr. Irving stated the Board needs to determine if the site is sufficiently screened. Mr. Irving read a letter from the abutter to the North, the Tanger Outlet Center. Mr. Irving stated that he did contact Tanger and their primary concern were the trailers, but emphasized that the stockade fence would also be requested in the event that the area started to look cluttered. Mr. Irving read a letter from the Conway Scenic Railroad.

Mr. Irving read a letter from the North Conway Fire Chief, Patrick Preece. Mr. Irving stated the Fire Department is not willing to sign off on the application as it is currently proposed, specifically because of the fuel tanks. Mr. Drinkhall stated that the trailers are not screened sufficiently and there needs to be screening right up close to the trailers. Mr. Porter stated that the trailers should not be there; they are loading docks. Mr. Porter stated the trailers need to go. Mr. Irving read Article 123.23.2 of the site plan regulations. Mr. Irving stated that the Board could find that they are not adequately screened or give the applicant the opportunity to screen them.

Mr. Briggs stated that he agrees with Mr. Seybold of the Conway Scenic Railroad. Mr. Sares stated he would agree except for the snowmobile access, as he is not sure what he was saying there. Mr. Irving stated that the access point does need to be clarified. Mr. Irving asked if the concern is just the trailers or the view from the Tanger property as well. Mr. Drinkhall stated that both areas should be screened. Mr. Sares stated not necessarily both, mostly the trailers and from the Conway Scenic railroad.

Mr. Briggs asked for public comment; there was none. Mr. Allen stated that the Tanger property is a loading dock as well. Mr. Allen stated if the trailers go away there is nothing to screen. Mr. Irving stated the snowmobile operation and canoe trailers would still need to be screened. Mr. Allen asked if the proposed stockade fence is what the Board wanted. Mr. Drinkhall stated it is a start, but more is needed on the northerly end.

Mr. Drinkhall made a motion, seconded by Mr. Porter, to continue the Minor Site Plan for Fram Real Estate until January 13, 2005. 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. This application was accepted on June 24, 2004. The Board reviewed the architectural elevations. Mr. Sares stated they have done a nice job.

Mr. Briggs read the waiver requests for Articles 123-20.F./131-67.C.8.(b); 123-20.G.; 123-29.D.1.; 123-29.D.2.; 123-29.D.7.; 123-29.D.8.; and 123-30.A.3. Mr. Briggs asked for public comment; there was none. **Mr. Drinkhall made a motion, seconded by Mr. Sares, to grant the waiver requests for Articles 123-20.F./131-67.C.8.(b); 123-20.G.; 123-29.D.1.; 123-29.D.2.; 123-29.D.7.; 123-29.D.8.; and 123-30.A.3. Motion unanimously carried.**

**Adopted: January 13, 2005 – As Written
CONWAY PLANNING BOARD – DECEMBER 9, 2004**

Mr. Sares made a motion, seconded by Mr. Porter, to approve the Full Site Plan for Jay Patel/Wingate Inn & Suites conditionally upon submitting \$30 to record an additional plan; submitting payment of supplemental review fee; 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 expires on March 10, 2005. Motion unanimously carried.

OTHER BUSINESS

R.G. Mackinnon Holdings, LLC (PID 244-4) FILE #FR03-18 – Extension of Conditional Approval: Ms. Tobin made a motion, seconded by Mr. Sares, to extend the conditional approval for R.G. Mackinnon Holdings, LLC until April 14, 2005. Motion unanimously carried.

MWVEC (PID 262-86) FILE #FR04-10 – Extension of Conditional Approval: Mr. Drinkhall made a motion, seconded by Mr. Porter, to extend the conditional approval for MWVEC until April 14, 2005. Motion unanimously carried.

Meeting adjourned at 8:26 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary