

CONWAY PLANNING BOARD

MINUTES

JANUARY 13, 2005

A meeting of the Conway Planning Board was held on Thursday, January 13, 2005 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

Mr. Drinkhall made a motion, seconded by Ms. Tobin, to approve the Minutes of December 9, 2004 as written. Motion carried.

THOMAS FADDEN – FULL SITE PLAN REVIEW (PID 253-12) – FILE #FR05-01

Ronald Briggs of Briggs Land Surveying appeared before the Board. This is an application to create an outdoor industrial parking/storage area on East Conway Road. **Ms. Duane made a motion, seconded by Mr. Martin, to accept the application of Thomas Fadden for a Site Plan Review as complete. Motion unanimously carried.**

Mr. Briggs read the requirements to grant a waiver. Mr. Briggs read the waiver requests for Articles 123-20.E. & 123-22.B.; 123-29.A.4; 123-29.D.1, and 123-36.B. **Mr. Drinkhall made a motion, seconded by Ms. Duane, to grant the waiver requests for Articles 123-20.E. & 123-22.B.; 123-29.A.4; 123-29.D.1, and 123-36.B.** Mr. Briggs asked for public comment; there was none. **Motion unanimously carried.**

Ms. Tobin made a motion, seconded by Mr. Sares, to conditionally approve the Full Site Plan for Thomas Fadden conditionally upon Redstone Fire Chief Approval; an updated NHDOT Driveway Permit or letter from NHDOT that the 1994 permit is valid for this project; 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 April 14, 2005. Motion unanimously carried.

KEVIN FLANAGAN – FULL SITE PLAN REVIEW (PID 218-87) FILE #FR05-02

Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. This is an application to convert a 3-unit residential dwelling to a 4-unit residential dwelling. **Ms. Duane made a motion, seconded by Mr. Martin, to accept the application of Kevin Flanagan for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Briggs asked for public comment; there was none. Ms. Duane stated that she is not in favor of increasing the parking lot. The Board discussed the four-feet of pavement

**Adopted: January 27, 2005 – As Written
CONWAY PLANNING BOARD – JANUARY 13, 2005**

required to meet the 24-foot aisle width. Mr. Sares asked if a tree would be sacrificed with the pavement. Mr. Irving stated getting close to a tree could damage it. The Board took a five-minute recess to give the applicant an opportunity to fill out a waiver request for the access aisle width.

Mr. Briggs read the waiver requests for Articles 123-20.F./131-67.C.8.a; 123-20.F./131-67.C.8.b; 123-20.F./131-67.C.8.d; 123-20.F./131-67.C.8.e; 123-22.A.; 123-27; 123-29.A.2. & A.3; and 123-29.D.8. Mr. Briggs asked for public comment; there was none. Ms. Duane asked if that is the best location for the dumpster and could it possibly be moved. Mr. Tafuto stated the proposed location was for easy access for the dump truck. The Board agreed the location as proposed was fine. **Mr. Drinkhall made a motion, seconded by Mr. Martin, to grant the waiver requests for Articles 123-20.F./131-67.C.8.a; 123-20.F./131-67.C.8.b; 123-20.F./131-67.C.8.d; 123-20.F./131-67.C.8.e; 123-22.A; 123-27; 123-29.A.2. & A.3; and 123-29.D.8. Motion unanimously carried.** Mr. Briggs asked for public comment; there was none.

Ms. Duane made a motion, seconded by Mr. Martin, to conditionally approve the Full Site Plan for Kevin Flanagan conditionally upon amending waivers granted on plan; changing use codes to uses for abutting properties on the plan; copy of a recorded deed restriction with Carroll County Registry of Deeds Book and Page indicated on the plan; 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 to expire on April 14, 2005. Motion unanimously carried.

**CONWAY MARKETPLACE ASSOCIATION, LLC – FULL SITE PLAN
REVIEW CONTINUED (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. This application was accepted as complete on December 9, 2004. Mr. Allen stated that NHDOT required a catch basin in the middle driveway, which has been modified on the plan.

Ms. Duane made a motion, seconded by Mr. Drinkhall, to conditionally approve the Full Site Plan for Conway Marketplace Association, LLC conditionally upon adding a catch basin per NHDOT to plan; NHDOT Driveway Permit; submitting 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 April 14, 2005. Mr. Briggs asked for public comment; there was none. **Motion unanimously carried.**

JAMES AND LINDA DIGIANDOMENCIO – 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. This application was accepted as substantially complete on December 9, 2004.

**Adopted: January 27, 2005 – As Written
CONWAY PLANNING BOARD – JANUARY 13, 2005**

Mr. Irving stated that more work is necessary on this application before the Board should review it and suggested the application be continued until February 10, 2005. **Ms. Duane made a motion, seconded by Mr. Sares, to continue the Subdivision application for James and Linda Digiandomencio until February 10, 2005. Motion unanimously carried.**

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

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. This is an application to convert parking spaces in the rear parking lot to outdoor display areas, establish an area for temporary storage trailers and dumpsters.

Mr. Irving stated that the applicant has requested a continuance. Mr. Briggs stated there were a lot of public in attendance for this application and he is going to give them a chance to speak on this application. Mr. Briggs asked for public comment; Kim Perkins read a statement (see attached). Sam Dyer stated that a lot of their concerns probably could be addressed when the new plan is presented. Mr. Dyer stated they have concerns regarding fences, more lighting in the back parking lot, if the porch is to be enclosed, if there is a service department on the property, and is the fuel pump going to be moved or removed. Mr. Irving stated that the fuel pump has to meet all life-safety codes. Mr. Allen stated it is his understanding that it will be removed.

Mr. Perkins stated that he is concerned with the appearance of the porch area. Mr. Perkins asked where will the service department be located. Mr. Perkins stated he was told the service department would be inside the building and not outside. Mr. Perkins stated the primary concern was the hours of operation. Mr. Sares stated it is more technically appropriate for the Board to wait to answer any questions until the date of the continuance. Mr. Briggs agreed and stated the Board would just listen to their concerns this evening.

Mr. Perkins asked how will the snow machines leave and return to the property. Mr. Dyer stated his biggest concern is not the level of the business now, but what it could be in the future. Mr. Dyer stated he does not know how a business could be limited. Ms. Tobin left at this time.

Mr. Sares stated there are on-going violations on the site, and could continue until this process is completed. Mr. Irving stated the board could continue this application to another date to give the applicant the opportunity to come up with a plan or deny it. Mr. Irving stated if the application is denied the Town would take aggressive enforcement. Mr. Martin stated if I were in the applicant's shoes I wouldn't want to comply. Mr. Martin stated I would keep asking for continuances.

Don Costello stated he is disappointed that the Echo Acres development was not notified. Mr. Costello stated that the Town chose to take the legal notification process and notify

Adopted: January 27, 2005 – As Written
CONWAY PLANNING BOARD – JANUARY 13, 2005

just the railroad. Mr. Costello stated that he thinks it was immoral of the Town to not notify the Echo Acres development. Mr. Costello stated, secondly, the issue before this Board is the expansion of retail space. Mr. Costello stated these trailers have been there for over a year and there have been people living behind this building. Mr. Martin stated there is public notification in the newspaper so the non-direct abutters can know what is going on. Mr. Martin stated he takes exception that this Board or Staff is immoral. Mr. Costello stated that that may not have been the best word to use.

Ms. Duane asked the reason the applicant is requesting a continuance. Mr. Allen stated to further review the storage trailers and the screening. Mr. Drinkhall stated the Board has given more than ample time to deal with this issue.

Joe Lautenschlager stated he doesn't understand how it changed from retail to an outside business. Mr. Briggs stated it has not. Mr. Irving stated that there has been no approval for an outdoor business. Mr. Lautenschlager stated he doesn't understand why the Board is not more concerned with the gas dispensing. Mr. Sares stated the focus has been on the fuel pump and it does need to be fixed, as it is a safety hazard. Mr. Irving stated the fire chief has jurisdiction over the fuel pump.

Ronda Rosand asked if this is type of use would be considered an outdoor amusement, which is not allowed in the Town of Conway. Mr. Irving stated he would need to research that question. Mr. Sares stated he would think it would be an amusement if there was a track. Ms. Duane stated that helicopters were considered an amusement and not allowed. Mr. Perkins stated that the owner of the snowmobiles should not be punished for those who are using the storage trailers.

Jeff Lathrop read a statement (see attached). Ms. Duane stated the Board needs to find a way to resolve this without putting a local businessman out of business. Mr. Sares stated the Board needs to have the gas problem fixed fast. Mr. Martin stated he is frustrated with the fact that this has not been going anywhere. Mr. Martin stated that his dilemma is what to do about this continuance. Mr. Martin stated the Board should give them one more shot, but no more continuances after the 10th. Mr. Martin stated that this is our last honest effort to come to a win-win situation.

Mr. Sares made a motion, seconded by Mr. Drinkhall, to have the Town Planner request the Building Inspector and Fire Chief deal with the fuel pump. Motion unanimously carried.

Mr. Martin made a motion, seconded by Ms. Duane, to continue the minor site plan review for Fram Real Estate until February 10, 2005. Motion unanimously carried. Mr. Martin polled the Board and there was a consensus that the Board would not continue this application again.

OTHER BUSINESS

Petitioned Article Discussion - §147.13.8.1.3: Dot Seybold and Robert Barsamian appeared before the Board. Ms. Seybold stated they have submitted a petitioned article to rezone the land behind Staples from Residential/Agricultural to Highway Commercial. Ms. Seybold stated that in 2001 the Planning Board decided to wait until after the Master Plan was complete. Ms. Seybold stated in 2004, the Planning Board supported it unanimously, but the voters defeated it.

Ms. Seybold stated it the area has been reduced as there is no impact on the North-South Road. Ms. Seybold stated that the proposed area does not abut the North-South Road. Ms. Seybold stated that the owners believe it is the best use of this property. Ms. Seybold stated that it is not as suitable for residential use as it is between two roads, there are no views and there is not a shortage of residential land.

Mr. Sares stated he has reviewed the Master Plan and referenced to the future land use in Conway as proposed by the Master Plan. Mr. Sares stated that there is a lot of land in the south end; the Mall, Yield House, and the Ames property. Mr. Sares stated there is plenty of land to increase the excitement of that area. Mr. Sares asked, if approved, what would they do with the property.

Mr. Barsamian stated that people looking for residential don't necessarily want to be in a commercial area, especially in the valley. Mr. Barsamian stated the owner of the Ames property has elected to keep it vacant as a supermarket is currently holding the lease. Mr. Barsamian stated that their interest is for everyone to do well as they could steal from the strip, but they don't want to do that. Mr. Barsamian stated that the big box companies are actively looking in this area and his fear is fragmenting the areas. Mr. Sares asked if he would sell the property. Mr. Barsamian stated he would develop it.

Mr. Sares asked what has changed since the time of that vote and now that makes that make this a better situation. Mr. Barsamian stated there were concerns regarding the North-South Road and signs, and we did not voice our vision, concern with fragmentation or our vested interest and commitment. Mr. Barsamian stated that this helps us grow as a community and protects the little guy in a sensitive way, plus it is not right on Route 16.

Ms. Duane stated that the words "big box" scares people and asked the square footage of the proposed building. Mr. Barsamian stated 10,000 square feet per acre is a good rule of thumb. Mr. Barsamian stated there is 17 acres, but they are not necessarily going to be that big. Mr. Briggs asked for public comment; Kenneth Vance Village at North Conway read a statement (see attached). Mr. Barsamian stated that they would deal with their concerns directly with them if this goes forward. Ms. Duane stated when this first came she thought there was some potential for residential, but people are moving here for the quality of life and they don't want to be in high density area. Mr. Martin stated big change is the North-South Road and the loss of the residential property owned by Peter Pinkham.

Adopted: January 27, 2005 – As Written
CONWAY PLANNING BOARD – JANUARY 13, 2005

Set Public Hearing for Zoning Amendments: Ms. Duane made a motion, seconded by Mr. Martin, to post a public hearing for proposed zoning amendments on January 27, 2005. Motion unanimously carried.

Set Public Hearing for Petitioned Zoning Amendments: Mr. Drinkhall made a motion, seconded by Mr. Martin, to post a public hearing for petitioned zoning amendments on January 27, 2005. Motion unanimously carried.

SAU #9 – High School and Career/Technical Center – Review Plans: Carl Nelson, Superintendent; and Jay Poulin of H.E. Bergeron appeared before the Board. Mr. Poulin reviewed the site design for the new high school. David Laurin, Principal with Banwell Architects, stated that there is a 140,000 square foot footprint and 208,000 square feet of floor space. Ms. Duane made a motion, seconded by Mr. Martin, wishing them good luck and not require a public hearing. Motion unanimously carried.

North Conway Holdings (PID 219-204) - §123.4.A.5. – File #FR03-16: Shawn Bergeron of Shawn Bergeron Technical Services appeared before the Board. Mr. Bergeron stated the owner would like to modify the site plan approved in 2003 by changing the shape of the 6,000 square foot office building; change the 60-seat restaurant to 1,475 square feet of office space; and enclose the concrete slab for a 42-seat deli/restaurant and 400 square feet of office space.

Ms. Duane made a motion, seconded by Mr. Martin, that modifying the site plan approved in 2003 by changing the shape of the 6,000 square foot office building; change the 60-seat restaurant to 1,475 square feet of office space; and enclose the concrete slab for a 42-seat deli/restaurant and 400 square feet of office space 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.

Olympia Equity Investors X, LLC/Hampton Inn & Suites (PID 235-12, 13 & 14) – Conceptual Review: Jeff Kevan of T.F. Moran, Inc. appeared before the Board to discuss a proposed 100-room hotel.

Ronald & Charlene Petell and Joseph & Carol Alosa (PID 277-281) File #FR04-07 – Extension of Conditional Approval: Ms. Duane made a motion, seconded by Mr. Drinkhall, to extend the conditional approval for Ronald & Charlene Petell and Joseph & Carol Alosa (PID 277-281) File #FR04-07 until April 14, 2005. Motion unanimously carried.

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 (PID 256-3) File #FR04-08 until April 14, 2005. Motion unanimously carried.

**Adopted: January 27, 2005 – As Written
CONWAY PLANNING BOARD – JANUARY 13, 2005**

**Lamplighter MHP (PID 262-83) File #S04-13) – Extension of Conditional Approval:
Ms. Duane made a motion, seconded by Mr. Martin, to extend the conditional approval for Lamplighter MHP until April 14, 2005. Motion unanimously carried.**

Michael Bastianelli – Lot Merger (PID 250-179 and 251-3): Ms. Duane made a motion, seconded by Mr. Drinkhall, to approve the lot merger for Michael Bastianelli. Motion unanimously carried. The lot merger was signed.

Board Comment: Ms. Duane stated that someone has suggested to here that the Town should consider an ordinance so vacant lots on Route 16 be maintained, such as mowed.

Meeting adjourned at 10:02 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary