

CONWAY PLANNING BOARD

MINUTES

MARCH 24, 2005

A meeting of the Conway Planning Board was held on Thursday, March 10, 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; Steven Porter; 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 February 24, 2005 as written. Motion unanimously carried.

E & C MAINE REALTY, LLC/JOE JONES – FULL SITE PLAN REVIEW (PID 218-63 & 97) FILE #FR05-08

Shawn Bergeron of Shawn Bergeron Technical Services appeared before the Board. This is an application for a Full Site Plan Review to construct a 2,157 [3,000 square feet of floor space] square foot addition to Joe Jones at 2709 White Mountain Highway and redesign parking lot and storage building site at 28 Mechanic Street. **Mr. Drinkhall made a motion, seconded by Ms. Duane, to accept the application of E & C Maine Realty, LLC for a Full Site Plan Review as substantially complete. Motion unanimously carried.**

Ms. Duane asked if Mechanic Street is being reconstructed any time soon. Mr. Irving answered in the affirmative and stated within the next few years. Ms. Duane asked if the applicant is constructing road and sidewalk improvements at their own expense or is it a joint effort with the Town. Mr. Irving stated that the Town and the Water Precinct are going to work with the applicant on this upgrade. Mr. Bergeron stated the precinct has agreed to help and he is currently speaking with the Town Engineer to work something out with the Town.

Mr. Sares stated he thought he heard there would be an expense to the Town. Mr. Sares stated if the applicant is willing to pay for it why have the Town pay for it. Mr. Martin stated if the applicant wants to get this done prior to the Town then they should bear the expense.

Mr. Briggs read the requirements to grant a waiver. Mr. Briggs read the waiver requests for Articles 123-20.F./131-67.C.8.a.; 123-20.F./131-67.C.8.f; 123-20.G.; 123-21.A.; 123-27; 123-29.A.2. & A.3; 123-29.B; 123-29.D.1; 123-29.D.8 and 131, Table 2. **Ms. Duane 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.f; 123-20.G.; 123-20.I; 123-21.A.; 123-**

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27; 123-29.A.2. & A.3; 123-29.B; 123-29.D.1; 123-29.D.8 and 131, Table 2. Mr. Briggs asked for public comment; Steve Swenson stated he is on the Board of Directors for the North Conway Public Library and they are concerned with snow storage near the fence. Mr. Bergeron stated there is more snow storage areas now than previously. Mr. Martin stated that there is no need for a connecting drive in this application. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Ms. Tobin, to conditionally approve the site plan for E & C Main Realty, LLC/Joe Jones conditionally upon submitting an NHDOT Driveway Permit; adding the NHDOT driveway permit number to the plan to be recorded; showing the water line to the building on the plan to be recorded; remove reference to 123-20.I. under Waivers to be granted on the plan; submitting a parking easement for PID 218-97 on 218-63; 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 June 23, 2005. Motion unanimously carried.

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

Mr. Irving stated that the applicant has requested a continuance. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to continue the 15-Unit Subdivision for James and Linda Digiandomenico until April 14, 2005. Motion unanimously carried.**

**BELLEVUE PROPERTIES, INC. – FULL SITE PLAN REVIEW CONTINUED
(PID 235-98) FILE #FR05-03**

Mark Lucy of White Mountain Survey Company appeared before the Board. This is an application to expand the existing lobby into existing porte corchere; add new porte corchere; add a 31,550 square foot enclosed pool structure with adjacent exterior patio area; and add thirty-three new hotel suites in a 5,650 square foot 3-story addition at 72 Common Court. This application was accepted as complete on January 27, 2005.

Mr. Sares stated that he has heard the pool is bigger than the one at Foxwood's Casino. Mr. Lucy stated the pool is 10,000 square feet. Mr. Briggs stated the alleyway between the two properties always puddles with water. Mr. Briggs asked if the two entities have reached an agreement. Mr. Lucy stated that he couldn't speak that they have reached an agreement, however, there is a solution. Mr. Lucy stated that the applicant is capturing the water, treating it and disposing of it properly. Mr. Lucy stated the applicant is willing to take care of that problem and would handle what exists on their property not the neighbor's property. Mr. Martin stated it appears that they have addressed the problem.

Mr. Briggs asked for public comment; there was none. There was a discussion regarding NCWP hook-up fees.

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Ms. Duane made a motion, seconded by Mr. Porter, to conditionally approve the Full Site Plan for Bellevue Properties conditionally upon North Conway Water Precinct Water/Sewer Approval; submitting 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 23, 2006. Motion carried with Mr. Sares abstaining.

Mr. Drinkhall made a motion, seconded by Ms. Duane, to accept the withdrawal of a previous conditional approval. Motion unanimously carried.

OTHER BUSINESS

SAU #9 – Renovation/Addition to SAU Office (PID 215-84) – RSA 674:54: Carl Nelson, Superintendent; and Shawn Bergeron of Shawn Bergeron Technical Services appeared before the Board to discuss the proposed 28' x 48' addition. Mr. Sares asked if the addition is going toward Whitaker Woods. Mr. Bergeron answered in the affirmative. Mr. Sares asked if it would go towards the former gas station. Mr. Bergeron answered in the negative.

Mr. Sares made a motion, seconded by Mr. Martin, to hold a public hearing. Mr. Sares stated because this is a hot issue there should be a public hearing. Mr. Irving stated as a result of the public hearing the Board could only issue an unbinding letter illustrating any deficiencies to the Town codes, however, the Town could not make the school district adhere to them. Mr. Sares stated that a public hearing really wouldn't achieve anything. **Motion defeated with Ms. Tobin abstaining from voting.** The Board wished the school the best of luck.

Robert Hanson - §123-4.A.(5) – File #NA05-03 (PID 253-26): Robert Hanson appeared before the Board. Mr. Hanson stated that he would like to construct a 36' x 52' addition [1,872 square feet] to an existing garage that went through site plan in 2003 [File #FR03-03]. Mr. Irving stated that the area proposed for the addition has been designated as a parking area and will have little effect on drainage and the applicant can relocate the parking area.

Ms. Duane made a motion, seconded by Mr. Porter, that based on the provisions of §123-4. A. 5., regarding applicability, that the 36' x 52' [1,872 square feet] addition to an existing garage 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. Mr. Briggs asked for public comment; there was none. Mr. Martin asked if the dumpster was being moved. Mr. Irving answered in the affirmative and stated that it would remain screened. **Motion unanimously carried.**

EAR Revocable Trust - §123-4.A.(5) – File #NA05-04 (PID 259-8): Allen Russell appeared before the Board. Mr. Russell stated that he would like to establish a canoe rental business. Mr. Irving stated that this property was determined to be residential as he

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found a residential appraisal and a residential building permit that was issued. Mr. Irving stated that he spoke to Tax Assessor as to why the property was designated as a mixed use. Mr. Irving stated the Tax Assessor stated at the time of inspection the property owner indicated that they did not want to abandon the mixed use.

Mr. Irving stated the new information indicated there was no intent to abandon the use on the site, but to maintain the grandfathered nature. Mr. Irving stated that he looked at proposed parking area for trailers, the proposed driveways and compared them to the existing development. Mr. Irving stated that he made a determination that a full site plan review would be necessary due to the amount of area.

Mr. Irving stated that the Town Engineers believes it needs a full site plan due to drainage and driveway access. Mr. Irving stated that the Center Conway Fire Chief would also like to see a site plan and the NHDOT would consider this a change of use and wants to see a permit application. Mr. Irving stated that he believes this proposal requires a full site plan review.

Mr. Russell stated he loamed and seeded areas for parking because in the past the Town required him to do that for seasonal parking. Mr. Russell stated that these areas would not be seen from the road at all. Mr. Briggs stated there was several reservations when we had our hearing on the State line Store as there were several neighbors with concerns with this particular operation. Mr. Briggs stated that this should go through a site plan review so the abutters can have their say on the operation in the future. Mr. Sares stated it was residential and commercial, and under commercial it was manufacturing and now it is retail does that shift cause a change of use. Mr. Irving answered in the affirmative.

Mr. Martin stated this is no different from what we went through at the Carriage House [File #MR04-04/PID 202-4]; we should look at this in the same manner. Mr. Martin stated that he would have to lean towards a site plan for a change of use and traffic. Mr. Briggs stated that a lot of parking is being added with outdoor display. Mr. Martin asked Mr. Allen why he is adamantly against a full site plan. Mr. Allen answered timing. Mr. Allen stated that he couldn't get to the Board until the middle of July or August as all the surveyors are busy. Mr. Sares stated it is a procedural issue rather than an abutter issue. Ms. Duane stated the use is being intensified and the abutters should be notified.

Ms. Duane made a motion, seconded by Mr. Drinkhall, that based on the provisions of §123-4. A. 5., regarding applicability, that the establishment of a canoe rental business 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 defeated.

Ms. Duane made a motion, seconded by Mr. Drinkhall, that the establishing of a canoe rental business per §123-4.A.4 be granted. Motion unanimously defeated.

Route 112 Realty, LLC - §123-4.A.(5) – File #NA05-05 (PID 264-35): Shawn Bergeron of Bergeron Technical Services appeared before the Board. Mr. Bergeron

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stated that the applicant would like a [one] storage container to remain on the site. Mr. Irving stated there was an approved site plan in 2004. Mr. Irving stated that the storage trailer is 320 square feet and he would suggest planting trees around it. Ms. Duane stated that she doesn't want to see them multiply. Mr. Bergeron stated that the applicant does not want them to multiply either.

Mr. Drinkhall made a motion, seconded by Ms. Duane, that based on the provisions of §123-4. A. 5., regarding applicability, that the storage container 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.

Old Mill Estates – As Built Plan Signing (PID 268-117.44 & 117.51): Ms. Duane motion, seconded by Mr. Martin, to sign the As-Built Plans for Units 4D and 5A at Old Mill Estates. Motion unanimously carried.

Meeting adjourned at 8:31 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary