

**ADOPTED: September 22, 2005 - As Written**

**CONWAY PLANNING BOARD**

**MINUTES**

**SEPTEMBER 8, 2005**

A meeting of the Conway Planning Board was held on Thursday, September 8, 2005 beginning at 7:05 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Larry Martin; Vice Chair, Martha Tobin; Secretary, Conrad Briggs; Steven Porter; Russell Henderson; Planning Director, Thomas Irving; and Acting Recording Secretary, Karen Hallowell.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Briggs made a motion, seconded by Mr. Porter, to approve the Minutes of August 25, 2005 as written. Motion carried 5-0-1. Ms. Tobin abstained.**

**EDWARD GARLAND – FULL SITE PLAN REVIEW (PID 252-37) FILE #FR05-18**

Ron Briggs of Briggs Land Surveying appeared before the Board. This is an application to demolish the existing 2,940 square foot building and construct a 5,000 square foot retail building. **Mr. Briggs made a motion, seconded by Ms. Tobin to accept the application of Edward Garland for a Full Site Plan review as complete. Motion unanimously carried.**

**Ms. Tobin made a motion, seconded by Mr. Martin, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the reduction of greenspace on PID 252-38 to provide a connecting drive and access to the loading dock on PID 252-37.4 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 unanimously.**

Mr. Drinkhall asked for public comment; there were none.

Mr. Drinkhall read the requirements to grant a waiver. The Board agreed to address each waiver individually.

Mr. Drinkhall read the waiver request for Article 123-6. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver request for Article 123-6.** Mr. Irving explained that this is one large parcel of land that was subject to a unit subdivision many years ago. Essentially, you have four units on a single parcel of land. Because it is a single parcel of land you could require that the entire parcel be reviewed at this time. The applicant is requesting that this particular unit only be reviewed at this point in time. Mr. Martin questioned if there is anything that needs to be addressed. Mr. Irving advised

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there is one dead tree at the northern most point and we are requiring it be replaced and bonding for same. **The motion carried unanimously.**

Mr. Drinkhall read the waiver request for Article 123-20.C. **Mr. Martin made a motion, seconded by Ms. Tobin, to grant the waiver request for Article 123-20.C.** Mr. Henderson stated he would prefer not to see an additional driveway added to this site and feels there is an alternative. Mr. Martin explained the driveway is existing now and the NHDOT is making them move same for a radius adjustment. There was further brief discussion. Mr. Irving advised that he spoke with Randy Talon today regarding the issue of driveways because he wanted to know if they had any concerns and it is expected that they will have no issue. The only reason we don't have a permit in hand is because he is waiting for paperwork from Concord. Mr. Henderson stated he would like to see fewer driveways along this road. **The motion carried 5-0-1 with Mr. Henderson abstaining.**

Mr. Drinkhall read the waiver request for Article 123-20.G. **Mr. Porter made a motion, seconded by Mr. Martin, to grant the waiver request for Article 123-20.G.** Connie Briggs questioned why we don't want a connecting drive at this site. Ron Briggs explained it is for safe traffic flow. Mr. Irving reviewed information concerning connecting drives with the Board. After further review, Mr. Irving next advised this waiver is not needed as this is a single lot. The Board agreed this waiver should be withdrawn. **Mr. Martin withdrew his second and Mr. Porter withdrew his motion.**

Mr. Drinkhall read the waiver request for Article 123-21.A.1. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver request for Article 123-21.A.1.** Mr. Porter stated this is one big lot and it was just determined that a waiver is not needed for connecting them. Mr. Irving explained we are just looking at one unit and you should just consider parking demands for just this project and given that there is not a connecting access point of any way to get from this parking area to other parking areas on the lot, he would suggest considering just the parking demands for this project. Mr. Henderson stated that because it is a new building, parking is based on size and he feels the building is oversized for the piece of land. Connie Briggs stated that if they change the use of the building they would have to come back anyway and he thinks there is plenty of parking for what they have proposed. Mr. Martin stated that he feels we overbuild parking lots in this town and he would much rather see less blacktop and more greenspace. Mr. Drinkhall asked for public comment. There were no public comments. **A vote was taken and the motion carried 5-1-0, with Mr. Henderson dissenting.**

Mr. Drinkhall read the waiver request for Articles 123-29.A.2. & A.3. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver requests for Articles 123-29.A.2. & A.3.** Mr. Martin requested an explanation for this waiver. Mr. Irving explained this is the second connecting drive to access the loading facility. This is not provided for through traffic and is for the purpose of loading and unloading and not vehicular circulation. Mr. Irving advised he had no objection to this waiver; however, he is not certain it is necessary. After further brief discussion a vote was taken and the **motion carried unanimously.**

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Mr. Drinkhall read the waiver request for Articles 123-41.B. & C. **Mr. Drinkhall made a motion, seconded by Mr. Porter, to grant the waiver requests for Articles 123-41.B. & C.** Mr. Drinkhall stated they should only have 250 feet. Mr. Irving stated the waiver is requested because they exceed the amount of area. Mr. Henderson questioned if it is 5% of the entire building area or of the sales floor area. Mr. Irving advised it is the whole area. Mr. Martin pointed out they are asking for 50% extra. Ron Briggs explained the building is dedicated to a lawn and garden area and some of the space will also be used for foot traffic. After further discussion Mr. Henderson advised he would not support the waiver request at this time and Messrs. Martin and Briggs agreed. Ron Briggs agreed to withdraw the waiver request. **Mr. Porter withdrew his second and Mr. Martin withdrew his motion.**

Mr. Henderson asked about the lack of windows on the side of the building and questioned if they need a waiver. Mr. Irving stated that if the Board determines it is appropriate, but if you look at the way the buildings are situated the north and east walls would have no windows.

**Mr. Martin made a motion, seconded by Mr. Porter, to conditionally approve the site plan for Edward Garland conditionally upon NHDOT Driveway Permit; amend the waivers granted by removing reference to the connecting driveway request; amend the waivers granted by removing the waiver for outdoor display area; amend the plan to show 250 feet of outdoor area; submission a Mylar for recording purposes; submission of 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 12, 2006. Motion carried 5-1-0 with Mr. Henderson dissenting.**

**OTHER BUSINESS**

**Cumberland Farms (PID 276-293) - §123-4.A.(5):** This matter relates to a proposed canopy modification. Mr. Irving advised that the applicants are not present and suggested the Board not address this matter until the Town hears from them. Ms. Tobin questioned whether they will be at the next meeting. Mr. Irving advised that he does not know if they are planning on attending the next meeting of this Board.

The Board reviewed photocopies of photos of the existing and proposed canopies contained in the agenda packets. There was brief discussion. Mr. Briggs advised that he is opposed to the change in canopy and Mr. Henderson agreed. **Ms. Tobin moved, seconded by Mr. Porter, to direct the Town Planner to advise Steeltec this is not acceptable. The motion carried unanimously.**

**Jay Patel/Wingate Inn & Suites (PID 230-1) File #FR04-06 – Extension of Conditional Approval:** Mr. Porter made a motion, seconded by Ms. Tobin, to extend the conditional approval for Jay Patel/Wingate Inn & Suites until January 12, 2006. Motion unanimously carried.

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**James and Linda Digiandomenico (PID 262-64) File #S04-27 – Extension of Conditional Approval:** Mr. Porter made a motion, seconded by Ms. Tobin, to extend the conditional approval for James and Linda Digiandomenico until October 27, 2005. Motion unanimously carried.

**Planning Board recommendations regarding road acceptance:** Mr. Briggs stated that he thinks it should be mandatory for the Board of Selectmen to take a position as to whether they will take a road or not when a request is received. Mr. Briggs further added that the Town makes builders fulfill the requirements to build roads and, therefore, the Town should take a position. Mr. Briggs stated he feel a position should be taken by the Board of Selectmen and the Planning Board. There was discussion with the Board. Mr. Irving advised that the mechanism by which towns may accept roads is set forth in the RSA's. Mr. Martin stated that this issue should be brought to the full Board of Selectmen and not just him. Mr. Irving suggested inviting Town Attorney, Peter Malia, and/or Public Works Director, Paul DegliAngeli, to a meeting to further explain. Mr. Irving further advised that this matter was discussed recently at a Board of Selectmen meeting and suggested this Board either review the minutes or the Valley Vision tape of the meeting.

**Building on Eastman Road:** Mr. Porter stated he has concerns with what he has seen regarding the construction of a big garage and house on Eastman Road and feels they may be breaking site plan review rules. Mr. Irving advised that the Town is monitoring this situation and the Building Inspector and Code Compliance Officer have indicated that there is nothing there that does not comply with residential building.

At 8:10 p.m. **Mr. Martin moved, seconded by Ms. Tobin, to adjourn the meeting. The motion carried unanimously.**

Respectfully Submitted,

Karen Hallowell  
Acting Recording Secretary