

CONWAY PLANNING BOARD

MINUTES

FEBRUARY 23, 2006

A meeting of the Conway Planning Board was held on Thursday, February 23, 2006 beginning at 7:03 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Larry Martin; Vice Chair, Conrad Briggs; Sheila Duane; Steven Porter; Russell Henderson; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Briggs made a motion, seconded by Ms. Duane, to approve the Minutes of February 9, 2006 as written. Motion carried with Ms. Duane abstaining.

BRADFORD & MARGARET MORRILL/STEPHEN, OLGA & BRUCE DAVID MORRILL – BOUNDARY LINE ADJUSTMENT (PID 260-57 & 58) FILE #S06-04

Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. This is an application to add 8.34 acres to PID 260-57 from PID 260-58. Mr. Tafuto stated this is back before the Board as they had found an error in one of the boundaries. **Ms. Duane made a motion, seconded by Mr. Porter, to accept the application of Bradford & Margaret Morrill/ Stephen, Olga & Bruce David Morrill as complete. Motion unanimously carried.**

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver request for Articles 131-24, 25 & 29. **Ms. Duane made a motion, seconded by Mr. Porter, to grant the waiver request for Articles 131-24, 25 & 29.** Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Mr. Porter, to approve the boundary line adjustment for Bradford & Margaret Morrill/Stephen, Olga & Bruce David Morrill. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.** The plans were signed and two signed plans were given to Mr. Tafuto.

ARLISS HILL AND FAIRWAY NOMINEE TRUST – SUBDIVISION/ BOUNDARY LINE ADJUSTMENT REVIEW (PID 246-25.2, 49, 50, 51, 55, 56, 57 & 58) – FILE #S06-05

Mark Lucy of White Mountain Survey Company appeared before the Board. This is an application to merge 8 lots containing a total of 16.8 acres into two lots with one lot having 10.44 acres and the second lot having 6.36 acres. Mr. Lucy stated that this is the third time this plan has been before the Board. Mr. Lucy stated that there was a change in a line between the two parcels and there have not been deeds recorded for the last two

**Adopted: March 9, 2006 – As written
CONWAY PLANNING BOARD – FEBRUARY 23, 2006**

plans. **Mr. Briggs made a motion, seconded by Ms. Duane, to accept the application for Arliss Hill and Fairway Nominee Trust for a subdivision/boundary line adjustment review as complete. Motion unanimously carried.**

Mr. Drinkhall read the waiver requests for Articles 131-24.N., O & 26.A.; 131-24.J., K., T., U., V. & 29; and 131-37.1.A. **Ms. Duane made a motion, seconded by Mr. Briggs, to grant the waiver requests for Articles 131-24.N., O & 26.A.; 131-24.J., K., T., U., V. & 29; and 131-37.1.A.** Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Mr. Porter, to approve the subdivision/boundary line adjustment for Arliss Hill and Fairway Nominee Trust. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.** The plans were signed and three signed plans were given to Mr. Lucy.

CURT BURKE – 4-LOT SUBDIVISION (PID 202-138) FILE #S06-06

Edgar Allen of Thaddeus Thorne Surveys and Curt Burke, owner, appeared before the Board. This is an application to subdivide 9.94 acres into 4-lots. **Ms. Duane made a motion, seconded by Mr. Briggs, to accept the application of Curt Burke for a subdivision review as complete. Motion unanimously carried.**

The Board agreed to address the waivers for Articles 131-25.U. and 131-38 first. **Ms. Duane made a motion, seconded by Mr. Porter, to grant the waiver request for Articles 131-25.U. and 131-38.** Mr. Porter asked why the applicant is requesting a waiver on two routine plan notes. Mr. Burke stated in the commercial district the Town has a right to ask the owner to replace landscaping, but the Town does not have that right for residential. Mr. Burke stated if a rosebush dies he does not want to be responsible of replacing it. Mr. Irving stated that there is a requirement for street trees to be shown on the plan and that note is relative to the four street trees shown on the plan.

Ms. Duane stated that she doesn't see an issue granting the waiver since this is residential. Mr. Henderson stated that the note is for what is shown on the plan and only for what is shown on the plan. Mr. Henderson stated that there is no other landscaping shown on the plan other than the street trees. Mr. Porter stated that this note is to maintain the four proposed street trees.

Mr. Burke stated that if the note were specific to the street trees then he would be okay with the note. Mr. Irving stated that the Minutes are clearly going to indicate that it is for the four street trees only. Mr. Henderson stated that the note specifies only what is depicted on the plan and the only thing shown on the plans are the street trees. Mr. Drinkhall agreed. Mr. Burke stated that Mount Washington could be considered landscaping, but he doesn't have a problem with street trees, just not the rest of the landscaping. Mr. Burke withdrew the waiver request for §131-25.U.

Mr. Drinkhall read the waiver request for §131-38. Mr. Burke stated that the note says he doesn't have a right to remove topsoil. Mr. Irving stated that the note says topsoil cannot

**Adopted: March 9, 2006 – As written
CONWAY PLANNING BOARD – FEBRUARY 23, 2006**

be removed without Planning Board permission. Mr. Irving asked how much topsoil is going to be removed. Mr. Burke stated the location of the road and the houses need to be disturbed and replaced with fill.

Mr. Irving stated there are provisions for earth that is taken from a site that is accessory or incidental to development. Mr. Irving stated there are two forms of approval; an excavation permit, which is a commercial taking of earth and the other is excavation in connection with construction projects on the same premises. Mr. Irving stated this Board could indicate on the plan that surplus topsoil from disturbed areas, that is limited to driveways, buildings and parking areas may be removed from the site and that no other topsoil may be removed from the site without Planning Board approval. Mr. Burke stated that that would meet his needs. Mr. Burke stated that these lots are being developed for family. Mr. Burke withdrew the waiver request for §131-38.

Mr. Drinkhall read the waiver requests for Articles 131-24.O. & P. and 131-26.A. & B. **Mr. Porter made a motion, seconded by Ms. Duane, to grant the waiver requests for Articles 131-24.O. & P.; and 131-26.A. & B.** Mr. Drinkhall asked for Public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §131-30.H. **Ms. Duane made a motion, seconded by Mr. Porter, to grant the waiver request for §131-30.H.** Mr. Henderson stated that the applicant is creating new lot lines on a new street right-of-way and they should be able to meet the regulation rather than request a waiver. Mr. Henderson stated that he doesn't support the waiver. Mr. Briggs stated that he doesn't have a problem with the waiver request. Mr. Porter stated that it is for his family. Mr. Drinkhall concurred. **Motion carried with Mr. Henderson voting in the negative.**

Mr. Briggs made a motion, seconded by Ms. Duane, to conditionally approve the 4-lot subdivision for Curt Burke conditionally upon revising the cover sheet to include latest revision dates of sheets 2 & 3; revising note #17 on sheet 1 to read as follows “ Sheet 2 – Sanitary Sewer Extension design and Sheet 3 – Sanitary Sewer Extension details”; submitting new road name approved by the Town and the Conway Police Department; adding approved road name to plan; modifying line weight on setback line on north boundary of lot 3; add landscaping note per §131-25.U.; add topsoil note as follows, “Surplus topsoil from disturbed areas (limited to driveways, buildings and parking areas) may be removed from the site. No other topsoil may be removed from the site without written Planning Board approval”; North Conway Water Precinct Approval; NHDES Subdivision approval and approval number added to plan; submitting any supplemental review fees; a performance guarantee for all site improvements; a Mylar; when the conditions have been met the plans can be signed out-of-session; and this conditional approval expires on May 25, 2006. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

**DYER RECOVABLE TRUST OF 1997 – FULL SITE PLAN REVIEW
CONTINUED (PID 252-8) FILE #FR05-20**

Edgar Allen of Thaddeus Thorne Surveys and Sam Dyer, owner, appeared before the Board. This is an application to convert existing residential unit and residential garage to retail and construct an 864 square foot garage to be used for retail storage. This application was accepted as complete on December 8, 2005.

Mr. Drinkhall read the waiver requests for Articles 123-20.F. & 131-67.C.8.b. and 123-22.B. **Mr. Henderson made a motion, seconded by Ms. Duane, to grant the waiver requests for Articles 123-20.F. & 131-67.C.8.b. and 123-22.B.** Mr. Drinkhall asked for Board comment; Ms. Duane asked why not have one driveway. Mr. Allen stated that there were two originally and the owner wanted to keep two curb cuts. Ms. Duane stated to have one curb cut would be safer. Mr. Allen stated that the way the parking is in front of the building it was not conducive.

Mr. Irving stated that he brought this to the attention of the NHDOT, but they have issued a driveway permit. Mr. Drinkhall asked for public comment; there was none. Mr. Briggs stated that there should only be one entrance. Mr. Irving stated if one were closed the access aisle in front of the building would need to be increased to 24-feet, which would reduce the parking. Mr. Irving stated that the ordinance does allow for a pair of one-way driveways. Mr. Porter stated the last time they were here the Board gave the impression that they were okay with the two curb cuts and we shouldn't be changing our minds now. **Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §123-30.A.3. **Ms. Duane made a motion, seconded by Mr. Porter, to grant the waiver request for §123-30.A.3.** Mr. Henderson stated that the north and west sides of the building face existing developments. Mr. Henderson stated that they are not adequately buffered to protect the views. Mr. Henderson stated that the windows are very important, but if the buffering was significantly improved then he could support the waiver. Mr. Allen stated that the waiver was for the north elevation only. Mr. Allen stated they are proposing an 8-foot stockade fence along the back of the property. Mr. Porter stated that fences are usually not maintained and suggested shrubs along the fence. Mr. Allen stated that he has indicated arborvitaes along the fence.

After a brief discussion the Board agreed that evergreen hedges should be added along the length and on the west side of the proposed fence on the western property line and along the parking area adjacent to the northern property line length from the light fixture nearest the road back to the fence. The Board agreed that at the time of planting such hedges should be at least six feet tall and spaced no greater than four feet apart. The Board also agreed that sufficient evergreens to block the view of the proposed fuel tank from the proposed parking areas needed to be added. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Mr. Porter, to conditionally approve the full site plan for Dyer Revocable Trust of 1997 conditionally submitting revised NHDOT

Adopted: March 9, 2006 – As written
CONWAY PLANNING BOARD – FEBRUARY 23, 2006

Driveway Permit; adding revised NHDOT Driveway Permit information to plan; re-labeling the 1,652 square foot existing retail addition as 1,652 square foot proposed retail on sheet 2; remove all proposed signage from the plan; revise waivers granted table as follows: 123-20.F. & 131-67.C.8.b. – Driveway Width and 123-22.B. – Driveways paved; adding evergreen hedges along the length and on the west side of the proposed fence on the western property line and along the parking area adjacent to the northern property line length from the light fixture nearest the road back to the fence and indicate that at the time of planting, such hedges shall be at least six (6) feet tall and spaced no greater than four (4) feet apart; adding sufficient evergreens to block the view of the proposed fuel tank from the proposed parking areas; submitting any supplemental review fees; a performance guarantee for all site improvements; a Mylar; when the conditions have been met, the plans can be signed out of session; and this conditional approval will expire on May 25, 2006. Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried.**

JEANNE AND ANTHONY FRANCHI/PHILIP MCDONNELL/PATRICIA FRANCHI – MEADOW GREEN REALTY TRUST II – 30-UNIT SUBDIVISION CONTINUED (PID 219-303) FILE #S05-11

Doug Burnell and Maureen McGlone of H.E. Bergeron appeared before the Board. This is an application for a 30-unit subdivision. This application was accepted as substantially complete on April 28, 2005. Mr. Irving stated that staff has not received any new information or any correspondence from the applicant or its agent so we have indicated that we were would be recommending a continuance to people who called the office. The Board agreed to have the applicant review the changes and then continue until the next meeting. Ms. McGlone reviewed the changes to the plans.

Ms. Duane made a motion, seconded by Mr. Porter, to continue the subdivision review for Jeanne and Anthony Franchi/Philip McDonnell/ Patricia Franchi – Meadow Green Realty Trust II until March 9, 2006. Motion unanimously carried.

OTHER BUSINESS

Stop and Shop – Conceptual Review and request for Concurrent Site Plan/Subdivision (PID 246-24): Larry Wagner and John Lorden of Wagner Engineering and Phil Silvio of Stop and Shop appeared before the Board. The Board and the applicant reviewed plans for the redevelopment of Northway Plaza. **Ms. Duane made a motion, seconded by Mr. Porter, to allow a Concurrent Site Plan and Subdivision Review for PID 246-24. Motion unanimously carried.**

Meeting adjourned at 9:02 pm.
Respectfully Submitted,

Holly L. Meserve
Recording Secretary