

CONWAY PLANNING BOARD

MINUTES

MARCH 9, 2006

A meeting of the Conway Planning Board was held on Thursday, March 9, 2006 beginning at 7:02 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 Mr. Martin, to approve the Minutes of February 23, 2006 as written. Motion unanimously carried.

DOUGLAS & LEONA CORRIGAN AND DAVID & MARC LAPLANTE – 2-LOT SUBDIVISION REVIEW (PID 216-70) FILE #S06-07

Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. This is an application to subdivide 2.7 acres into 2-lots at the corner of Old West Side Road and Cathedral Ledge Road. Ms. Duane joined the Board at this time. **Ms. Duane made a motion, seconded by Mr. Porter, to accept the application of Douglas & Leona Corrigan and David & Marc LaPlante for a subdivision review as complete. Motion unanimously carried.**

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver requests for §131-24.O. and §131-26.A. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver requests for §131-24.O. and §131-26.A.** Mr. Drinkhall asked for Board comment; Mr. Martin stated that it is beach sand in that area and drainage should not be a problem at all. Dulcie Herman stated she was not aware of the procedure and asked for an explanation of a waiver. Mr. Irving explained the waivers. **Motion unanimously carried.**

Mr. Briggs asked if there were any trails through the lot. Mr. Tafuto answered in the negative. **Mr. Martin made a motion, seconded by Ms. Duane, to conditionally approve the 2-lot subdivision for Douglas & Leona Corrigan and David & Marc LaPlante conditionally upon a Mylar; when the condition has been met, the plans can be signed out-of-session; and this conditional approval will expire on June 8, 2006. Motion unanimously carried.**

ELIAS BURR NYBERG – 2-LOT SUBDIVISION REVIEW (PID 291-3) FILE #S06-08

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. This is an application to subdivide 5.05 acres into two lots on Eaton Road. **Ms. Duane made a motion, seconded by Mr. Henderson, to accept the application of Elias Burr Nyberg for a subdivision review as complete. Motion unanimously carried.**

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Mr. Irving reviewed the history of this property and stated that the NHDOT has indicated that they will not issue a NHDOT driveway permit. Mr. Irving stated without a NHDOT driveway permit there is not sufficient road frontage and the applicant will need to apply to the Zoning Board of Adjustment. Mr. Irving stated engineering plans for the proposed driveway would need to be submitted. Mr. Irving stated that the local fire chief has expressed concern with the steepness of the lot and is holding his approval until the engineering is finished. Mr. Drinkhall asked for public comment; there was none.

Ms. Duane made a motion, seconded by Mr. Martin, to continue the 2-lot subdivision review for Elias Burr Nyberg until April 27, 2006. Motion unanimously carried.

**MOUNT WASHINGTON VALLEY ECONOMIC COUNCIL – 2-LOT AND 2-UNIT
SUBDIVISION (PID 262-86 & 265-152) FILE #S06-09**

Doug Burnell of H.E. Bergeron Engineers appeared before the Board. This is an application to subdivide 80 ± acres into two lots with two units at 453 White Mountain Highway. **Mr. Briggs made a motion, seconded by Mr. Henderson, to accept the application of the Mount Washington Valley Economic Council for a subdivision review as complete. Motion unanimously carried.**

Mr. Drinkhall read the waiver requests for §131-24.N and §131-24.K., O., T., U., & V.; 26.A., 29 and 30.C. **Mr. Martin made a motion, seconded by Ms. Duane, to grant the waiver requests for §131-24.N. and §131-24.K., O., T., U., & V.; 26.A., 29 and 30.C.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall asked for public comment; there was none. **Ms. Duane made a motion, seconded by Mr. Porter, to approve the 2-lot and 2-unit subdivision for Mount Washington Valley Economic Council. Motion unanimously carried.**

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

Doug Burnell and Josh McAllister of H.E. Bergeron Engineers and Ed McBurnie of McBurnie Law Office 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. Burnell gave an updated overview of the project to the Board. Mr. Burnell stated that this is now a 28-unit subdivision instead of a 30-unit subdivision as two units were removed due to slopes. Mr. Burnell stated that they would be reviewing the conservation easements and trail activity with the Board of Selectmen and the Conservation Commission. Mr. Burnell stated that the applicant is proposing to reroute the trail easement to the roadway and then construct a driveway to the property line. Mr. Burnell reviewed the trail system.

Mr. Drinkhall asked for Board comment; Mr. Briggs asked if the Town has a right-of-way into Artist Falls. Mr. Burnell answered in the affirmative and stated that they are rerouting that

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access. Mr. McBurnie stated that it has to be 400-feet from the southerly edge of Artist Falls Brook, but it does not lay it out further than that. Mr. McBurnie stated they are trying to establish it on the ground.

Mr. Briggs asked if this could be used for conservation access for logging work. Mr. Burnell stated that the idea was to try to be more specific as there is an old logging area and a nice spot that doesn't require a lot of work for trailhead parking. Mr. Briggs stated he was concerned with maintaining access for logging services and this would be a great thing for the Conservation Commission to have access to. Mr. Briggs asked if access could be gated to prevent motorized vehicles on the trails. Mr. McBurnie stated that on the upper one the Town of Conway could gate and post as foot traffic only or use for logging.

Mr. Drinkhall asked for public comment; Dave Power stated that he is concerned with the conservation land and the proposed parking lot. Mr. Power asked if the Town was going to allow a parking area for people to go on the hiking trails or is it going to be gated and for town logging only. Mr. Martin stated that Mr. Briggs wanted it gated after the trailhead parking so no motorized vehicles would be on the trails.

Mr. Power stated that there would be an impact with this many new homes and now were going to allow additional public traffic. Mr. Power asked if this conservation area could be accessed from Thompson Road so not to have any more vehicles going through the neighborhood. Ms. Duane stated that she would have to agree and asked if there was a way to reroute that access. Mr. Burnell stated that the southern entrance is close to a wetland and the detention pond is just not going to fit with the way this is laid out, however, they could try to change it, but environmentally it is not a good idea.

Mr. Power asked if the proposed detention pond on the first curve blocks a possible second access. Ms. Duane stated that the road would have to cross a wetland. Mr. Burnell stated that there is a grading plan could be reviewed. Mr. Power stated that he has a concern with the impact on two homes and either share the burden by constructing a second access or forget the conservation land.

Ms. Duane stated that she can understand the concern of the neighborhood and she would like to see the parking area for the conservation area removed and have it used for logging for the Town only. Mr. Irving stated that the Board does not have an issue with the northerly right-of-way easement, but they would like to see the southerly right-of-way be restricted for Town conservation only and not for parking or a trailhead. The Board agreed.

Doug Hill stated when this came before Board four or five years ago, the main entrance was over the southerly most right-of-way. Mr. Hill stated at that time they must have had permits to cross the wetland, which may have expired, but he questions why it was okay a couple of years ago and not now. Mr. Irving stated that it had to be more than six years ago as he was not here when it came before the Board. Mr. Irving stated that he does not know the particulars of the previous application. Mr. Burnell stated that since that time there have been new buffers and setbacks and environmental issues.

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Mary Power asked why the detention pond could not be moved to the logging yard and use the southerly entrance. Mr. Burnell stated a conforming curb cannot be constructed in the buffer or the wetland, plus it is usually a hard sell if there is another alternative. Mr. Irving stated the road would not fit without encroaching into the wetland.

Mr. Hill asked about a buffer between the road and their property. Mr. Burnell stated that the detention pond is close to the property line, but they may be able to reduce the size of the pond and pull it back a bit more. Mr. Burnell stated that he thinks it would be possible to plant after it is built as there will be a berm on that side and it doesn't necessarily have to be free of vegetation.

Ms. Duane asked how does the detention pond on the corner of the North-South Road and Depot Road compare. Mr. McAllister stated that the pond to the north of the road is significantly smaller. Mr. Hill stated that it is a proposed dry pond. Mr. McAllister agreed and stated that the north one is for larger storms. Ms. Powers asked about the southern pond. Mr. McAllister stated that it would be used for all storms. Ms. Duane asked if it could be designed with a berm with trees. Mr. McAllister stated along Mr. Hill's property there would only be a 2-foot hump and then matches back to existing grade pretty quickly.

Mr. Irving asked what would be left between the detention pond and his property after construction and what plantings are you proposing as a buffer. Mr. Burnell stated that they would try to pull it back to have a real buffer left and see what plantings could be planted. Ms. Duane stated the abutter is currently looking at trees and he doesn't want to end up with just grass. Ms. Duane stated whatever is done try to leave as many trees as you can or leave area for future mature trees.

Ms. Duane stated that is needs to be taken into consideration when making a right hand turn into the development if there is no vegetation it will be a straight shot into the Hill's home. Ms. Duane asked what is going to be left there to keep the headlights from shining into the Hill's home. Mr. Hill stated that right now there is nothing there. Mr. Burnell stated that they would look into it.

Mr. Power stated at the first meeting of this application Mr. Briggs stepped down due to a conflict of interest, but he did not step down this evening. Mr. Power asked if there was still a conflict of interest. Mr. Briggs stated that the conflict was with one of the owner's of the property, but he has found out who is paying for this work and he does not have a conflict with the purchaser.

Ms. Duane made a motion, seconded by Mr. Porter, to continue the subdivision review for Jeanne Whitney/Philip McDonnell/Anthony Franchi/Patricia Franci/ Meadow Green Realty Trust II until March 23, 2006. Motion unanimously carried.

OTHER BUSINESS

North Conway Holdings, LLC (PID 219-204) - §123-4.A.5. (File #NA06-01): Shawn Bergeron of Shawn Bergeron Technical Services appeared before the Board. This is a request to convert 6,000 square feet of proposed office space [slab constructed only as of 03/09/06 per

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building permit #B2299 issued 07/30/04 and approved under FR03-16] to 6,000 square feet of retail space. Ms. Duane asked how does this change the parking calculations. Mr. Bergeron stated it would be increasing the parking load on the site, but for the use that is there now is well below. Mr. Martin stated he calculates that it would be short six parking spaces. Ms. Duane stated even by calculation six is not much.

Mr. Martin made a motion, seconded by Mr. Briggs, to the conversion of 6,000 square feet of office space to 6,000 square feet of retail space is not subject to a Minor for 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. Drinkhall asked for Board comment; Mr. Henderson asked if the bank property is a separate lot of record. Mr. Bergeron answered in the affirmative. Mr. Henderson asked if any of the vehicles he indicated on his plan were parked in non-parking spaces. Mr. Bergeron answered in the affirmative, one. Mr. Henderson asked if there was parking along the left side of the northern building. Mr. Bergeron stated that they are parking on the bank property. Ms. Duane stated that there would be seven spaces there.

Mr. Bergeron stated that the striping is hard to see and people are just parking anywhere. Mr. Bergeron stated even if those cars were moved onto this site the site would still have sufficient parking. Mr. Bergeron stated if there are 40 cars in the parking spaces and the site provides 93 parking spaces that would allow over 10,000 square feet of retail space. Mr. Henderson stated there is an approval for restaurant space, which is not being fully utilized in regard to seating. Mr. Bergeron stated that it is still over the amount of parking available on site and agreed that they are not using very much. **Motion carried with Mr. Henderson voting in the negative.**

Edward and Kathy Garland/Domino's (PID 230-109) - §123-4.A.5. (File #NA06-02):

Bayard Kennett of Remax Presidential and Mike Moffett appeared before the Board. This is a request to convert the former Domino's restaurant to retail use. **Ms. Duane made a motion, seconded by Mr. Porter, that the conversion of restaurant space to retail space is not subject to a Minor for 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. Drinkhall asked for Board comment; Mr. Briggs asked about the street tree. Mr. Irving stated that it would have to be replaced under the site plan approval. **Motion unanimously carried.**

Richard Canfield and Bruce Hutchins/Napa (PID 265-37) - §123-4.A.5. (File #NA06-04):

Fred Hatch appeared before the Board. This is a request to construct a 260 square foot addition for retail space with an emergency egress stairwell to the existing building. **Mr. Martin made a motion, seconded by Ms. Duane, that the construction of a 260 square foot addition of retail space with an emergency egress stairwell to the existing building is not subject to a Minor for 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. Drinkhall asked for Board comment; there was none. **Motion unanimously carried.**

Maurice Frechette/Frechette Oil and Backhoe (PID 217-17) - §123-4.A.5. (File #NA06-03):

This is a request to construct a 2,500 square foot accessory garage. Mr. Irving stated that it had been through site plan review a few years ago and he would like an accessory garage to house his

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vehicles. Mr. Irving stated there is a backhoe currently on the location of the proposed garage. Mr. Irving stated that this is an industrial site and the architectural regulations do not apply.

Mr. Irving stated that it is a grandfathered use. Ms. Duane asked if this is an expansion of a non-conforming use. Mr. Irving answered in the affirmative and stated that a grandfathered use can be expanded as long as it is accessory. Mr. Henderson asked if there is a residence abutting the property on the same side. Mr. Irving stated not that he is aware. **Ms. Duane made a motion, seconded by Mr. Porter, that the construction of a 2,500 square foot building for an accessory garage is not subject to a Minor for 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.**

Bellevue Properties, Inc./North Conway Grand Hotel (PID 235-98) – Extension of Conditional Approval (File #FR05-03): Mr. Irving stated that the applicant has requested an extension of their conditional approval. **Ms. Duane made a motion, seconded by Mr. Martin, to extend the conditional approval for Bellevue Properties, Inc. until March 22, 2007. Motion unanimously carried.**

Katherine Brassill/Adventure Suites (PID 202-14) – Extension of Conditional Approval (File #FR05-19): Ms. Duane made a motion, seconded by Mr. Martin, to extend the conditional approval for Katherine Brassill/Adventure Suites until April 13, 2006. **Motion unanimously carried.**

Meeting adjourned at 8:54 pm.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary