

CONWAY PLANNING BOARD

MINUTES

AUGUST 24, 2006

A meeting of the Conway Planning Board was held on Thursday, August 24, 2006 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Larry Martin; Vice Chair, Russell Henderson; Secretary, Steven Porter; Hud Kellogg; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Porter made a motion, seconded by Mr. Kellogg, to approve the Minutes of August 10, 2006 as written. Motion unanimously carried.**

**WALTER AND BETH CAMPBELL/RICHARD AND NANCY LONG – BOUNDARY LINE ADJUSTMENT AND 2-LOT SUBDIVISION REVIEW (PID 274-29 & 30) FILE #S06-16**

Walter and Beth Campbell, owners, and Diane Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to add 0.23 of an acre to PID 274-29 (Campbell) from PID 274-30 (Long) and then subdivide 5.98 acres (Campbell) into two lots. **Mr. Henderson made a motion, seconded by Mr. Porter, to accept the application of Walter and Beth Campbell and Richard and Nancy Long for a Boundary Line Adjustment/Subdivision Review as complete. Motion unanimously carried.**

Mr. Irving stated that this property is located on Stritch Road, which is a private road not constructed to Town specifications. Mr. Irving stated that the applicant is merging two lots [PID 274-35 & 35.01] into one lot, adding acreage from the Long property to the Campbell property and then subdividing the Campbell property into two lots. Mr. Irving stated that there would not be an increase of lots on this road. Mr. Martin asked about the septic system. Mr. Irving stated as a condition of approval a septic easement will need to be recorded.

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver requests for §131-24.L. and §131-30.H. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver request for §131-24.L. and §131-30.H.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Irving stated that the Board has received a petition from neighbors along Stritch Road in favor of the subdivision. Mr. Irving read the petition.

**Mr. Martin made a motion, seconded by Mr. Porter, to conditionally approve the Boundary Line Adjustment and 2-lot Subdivision for Walter and Beth Campbell and Richard and Nancy Long conditionally upon NHDES Subdivision Approval and indicate approval number on plan; submit a recorded driveway easement and indicate book and**

page on plan; submit a recorded septic easement and indicate book and page on plan; record lot merger merging lots PID 274-35 & 35.01; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on December 14, 2006. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; John Longley stated that he generated the petition and asked if it was sufficient. Mr. Irving stated the Board is taking it as an endorsement of the neighborhood, but it is not an official petition that goes on a Town Warrant. **Motion unanimously carried.**

**LAMPLIGHTER MOBILE HOME PARK – BOUNDARY LINE ADJUSTMENT AND SUBDIVISION REVIEW (PID 262-83) FILE #S06-17**

Burr Phillips of Civil Solutions and Cindy Hatch of Lamplighter Mobile Home Park appeared before the Board. This is an application to establish an official plan for the sections of the park which predate the Town and State regulations, to best fit the lot (use-area) lines around the as-built home locations, to consolidate the previous subdivision approvals, and obtain an approval for lot 124. **Mr. Martin made a motion, seconded by Mr. Porter, to accept the application for Lamplighter Mobile Home Park for a Boundary Line Adjustment and Subdivision Review as complete. Motion unanimously carried.**

Mr. Drinkhall read the waiver requests for §131-24.K., §131-24.O., §131-24.T., §131-24.U., §131-24.V., §131-25., §131-25.C., §131-25.D., §131-25.E., §131-25.G., §131-29, §131-30.H., §131-30.M. and §131-37.1.A. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver requests for §131-24.K., §131-24.O., §131-24.T., §131-24.U., §131-24.V., §131-25., §131-25.C., §131-25.D., §131-25.E., §131-25.G., §131-29, §131-30.H., §131-30.M. and §131-37.1.A.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Irving stated there is a concern that there are a few lots that have structures encroaching onto other lots and asked if the applicant would be willing to add a note to the plans that the lot could not be developed until the encroachment is remedied. Mr. Phillips agreed.

**Mr. Martin made a motion, seconded by Mr. Porter, to conditionally approve the Subdivision for Lamplighters Mobile Home Park conditionally upon adding a note regarding a remedy for existing structures that cross mobile home lot boundaries; submitting a revised NHDOT Driveway permit and indicating approval number on plan; indicate NHDES Subdivision Approval number on plan; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on December 14, 2006.** Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

**PEAKED MOUNTAIN, LLC – SUBDIVISION REVIEW (PID 219-303) FILE #S06-18**

Doug Burnell of H.E. Bergeron and Ed McBurnie of McBurnie Law Office appeared before the Board. This is an application to create a phasing plan to supplement the conditionally approved plans (File #S05-11). **Mr. Porter made a motion, seconded by Mr. Henderson, to accept the application of Peaked Mountain, LLC for a Subdivision Review as complete. Motion unanimously carried.**

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Mr. Irving stated that this is to phase the project with thirteen units and some infrastructure in the first phase, as well as adding a note to the plan that establishes vesting.

**Mr. Martin made a motion, seconded by Mr. Henderson, to conditionally approve the Subdivision for Peaked Mountain, LLC conditionally upon the lot numbering error be corrected; final approval of File #S05-11; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on November 16, 2006.**

Mr. Henderson stated there is a road to the Town property, which will not be constructed in phase I. Mr. Henderson asked what happens if the Town wants to use it. Mr. Irving stated that the right-of-way has always been in existence it now has a definite location. Mr. Irving stated if the Town wants to use it they would be responsible for constructing it. Mr. Drinkhall asked for public comment; David Power asked about vesting and phasing. Mr. Irving stated that the project would be vested after the completion of the first phase and vesting does not expire.

**Motion unanimously carried.**

**DIODATI REALTY TRUST/MICHAEL DIODATI– CONCURRENT FULL SITE PLAN  
AND 7-UNIT SUBDIVISION CONTINUED (PID 218-69) FILE #FR06-07 & S06-18**

Doug Burnell of H.E. Bergeron Engineers and Michael Diodati, owner, appeared before the Board. This is an application to convert and subdivide existing buildings to seven residential units. This application was accepted as complete on August 10, 2006.

**Mr. Henderson made a motion, seconded by Mr. Porter, to conditionally approve the Concurrent Site Plan and Subdivision for Diodati Realty Trust/Michael Diodati conditionally upon removing proposed signage on sheet 4; 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 December 14, 2006.** Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

**THE KENNETT COMPANY – SUBDIVISION REVIEW CONTINUED (PID 279-2 &  
291-30 & 34) – FILE #S06-13**

This is an application to subdivide 735 ± acres into 22 single family lots with associated right-of-way and common open space, one PUD lot with seven units and the remainder being phase II undeveloped land for a total of 24 lots on Dollof Hill Road, Modock Hill Road and Allard Hill Road. This application was accepted as complete on May 11, 2006.

Mr. Irving stated that the applicant has requested a continuance. **Mr. Martin made a motion, seconded by Mr. Henderson, to continue the Subdivision Review for The Kennett Company until September 14, 2006. Motion unanimously carried.**

**HAMLIN GREENE/THE DRUKER COMPANY, LTD/SCENIC RAILROAD REALTY,  
LLC – CONCURRENT SITE PLAN AND SUBDIVISION REVIEW CONTINUED (PID  
246-23, 24 & 24.001) FILE #FR06-04 & S06-12**

This is an application to convey 4.945 acres from PID 246-23 to PID 246-24, create a right-of-way, amend the two-unit subdivision, demolish 49,962 square feet and construct a 68,874 square

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foot Stop & Shop Supermarket with associated parking and infrastructure at 1584 White Mountain Highway. This application was accepted as complete on May 11, 2006.

Mr. Irving stated that the applicant has requested a continuance. **Mr. Porter made a motion, seconded by Mr. Martin, to continue the Concurrent Site Plan and Subdivision Review for Hamlin Greene/The Druker Company, LTD/Scenic Railroad Realty, LLC until September 28, 2006. Motion unanimously carried.**

**JOHN NELSON, JR – SUBDIVISION REVIEW CONTINUED (PID 258-68) FILE #S06-16**

This is an application to subdivide 340± acres into 40-lots. This application was accepted as complete on June 22, 2006. Mr. Irving stated that the applicant has requested a continuance. **Mr. Porter made a motion, seconded by Mr. Martin, to continue the Subdivision Review for John Nelson, Jr. until September 28, 2006. Motion unanimously carried.**

**OTHER BUSINESS**

**Mt. Cranmore Ski Resort (PID 214-84) – §123 –4.A.5.:** Ben Wilcox of Mt. Cranmore Ski Resort appeared before the Board. Mr. Wilcox stated that they would like to install a tent in front of the tubing park to replace two wooden buildings, which are separated from our base facility. Mr. Wilcox stated that they had the opportunity to get this from Loon Mountain, which will provide a warm area for those at the tubing park.

Mr. Wilcox stated that the proposed structure does resemble the sprung structure installed a few years ago, but a bit different as this will not be a permanent structure. Mr. Wilcox stated that the proposed structure would be used for four months of the year and placed on an asphalt area. Mr. Wilcox stated that the name of the tubing park is Artic Blast Tubing Park, which igloo looking structure goes with the theme.

Mr. Drinkhall asked if the proposed structure would be taken down at the end of the season. Mr. Wilcox stated that it could be taken down. Mr. Irving stated that he spoke to the Town Engineer in regard to drainage and he is not concerned with any issues. Mr. Irving stated that staff has no objection to granting the non-applicable.

Mr. Porter stated it is a great idea, but it would be used as a temporary and remain erected all year. Mr. Porter stated the business is growing and the use of temporary fixes being mismatched is not what the Town wants for their community. Mr. Porter stated if the structure is necessary then why not construct it for year round use. Mr. Wilcox stated they don't need the structure beyond the four months and it could be taken down during the summer.

Mr. Martin stated that when the existing sprung structure came before the Board a few years ago, the Board was concerned with these types of structures popping up and was told these wouldn't be back here. Mr. Martin stated that it is a tough call, as this is a beautiful facility with tents now being thrown up. Mr. Wilcox stated they would prefer a more permanent structure, but this is a small portion of our business. Mr. Wilcox stated that the other structures are used year round, but the proposed structure would not be used year round. Mr. Porter stated if it was removed at the end of the season he would be more in favor of granting the non-applicable. Mr. Wilcox

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stated that he could offer to remove the structure at the end of the season, but their business is not growing or he would be constructing buildings.

Mr. Henderson stated that architecturally its just different from what the community wants to see. Mr. Henderson stated, if approved, he would like to see it removed at the end of the ski season. Mr. Irving asked if the applicant was willing to modify the request for the structure to be erected just for the 2006-2007-ski season to give the Board a chance to see the structure in place. The applicant and a consensus of the Board agreed to this compromise.

**Mr. Henderson made a motion, seconded by Mr. Porter, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the installation of a 35' x 48' tent warming hut for the 2006-2007 ski season 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. Martin asked if this the last tent we are going to see. Mr. Wilcox stated that he doesn't have any more planned at this time. Mr. Drinkhall asked for public comment; there was no public in attendance. **Motion carried with Mr. Martin voting in the negative.**

**Rick and Mary Brillard (PID 215-20) – Extension of Conditional Approval (File #FR05-14): Mr. Henderson made a motion, seconded by Mr. Porter, to extend the conditional approval for Rick and Mary Brillard until August 9, 2007. Motion carried with Mr. Henderson abstaining from voting.**

**Cranmore Birches (PID 214-78.044 & 78.045) – As Built Plan Signing: Mr. Martin made a motion, seconded by Mr. Porter, to sign the as-built plans for PID 214-78.044 & 78.045 at Cranmore Birches. Motion unanimously carried.**

**§123-41 – Temporary Outdoor Display of Goods: Mr. Martin asked if the Board would hold a public meeting to amend §123-41 by removing the word “temporary” and eliminating outdoor restaurant seating. Mr. Irving stated that he would put together an amendment and the history of this section of the ordinance. **Mr. Kellogg made a motion, seconded by Mr. Martin, to have Mr. Irving draft an amendment for the Board’s consideration. Motion unanimously carried.****

**Unicel Antenna (PID 219-204) – 2541 White Mountain Highway: Mr. Drinkhall asked if the Unicel Antenna on top of the former Fernandez complex was approved. Mr. Irving stated that he was not aware of this antenna and would look into it.**

Meeting adjourned at 8:07 pm.

Respectfully Submitted,

Holly L. Meserve  
Planning Assistant