

ADOPTED: September 28, 2006 – As Written

CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 14, 2006

A meeting of the Conway Planning Board was held on Thursday, September 14, 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. Henderson, to approve the Minutes of August 24, 2006 as written. Motion unanimously carried.

**J. HEALEY BUILDERS, LLC – BOUNDARY LINE ADJUSTMENT REVIEW
(PID 218-1 & 2) FILE #S06-22**

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to add 33.64 acres to PID 218-2 from PID 218-1 creating a 2.20-acre lot and a 33.96-acre lot. **Mr. Porter made a motion, seconded by Mr. Henderson, to accept the application of J. Healey Builders, LLC for a Boundary Line Adjustment Review as complete. Motion unanimously carried.**

Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall asked for Board comment; there was none. **Mr. Porter made a motion, seconded by Mr. Henderson, to conditionally approve the Boundary Line Adjustment for J. Healey Builders, LLC conditionally upon NHDES Subdivision Approval number and indicate approval number on plan; submit a Mylar; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on December 14, 2006. Motion unanimously carried.**

OTHER BUSINESS

Mr. Porter made a motion, seconded by Mr. Henderson, to take the agenda items out of order. Motion unanimously carried.

Cranmore Mountain Ski Resort (PID 214-84) - §123-4.A.(5): Ben Wilcox of Cranmore Mountain Ski Resort appeared before the Board. Mr. Wilcox stated that the proposed addition would be a wood building to match the existing building. Mr. Wilcox stated that it would not affect the parking or the greenspace and the addition is approximately 20-feet from the propane tanks.

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Mr. Irving stated that staff has no objection to this application. **Mr. Martin made a motion, seconded by Mr. Henderson, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the construction of a 10' x 30' addition to the existing Ski School Locker Building 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. Drinkhall asked for Board comment; Mr. Henderson asked how many times has this applicant come before the Board under 123-4.A.5. Mr. Irving stated one prior to this one. Mr. Porter asked if there were any more requests coming forward. Mr. Wilcox stated he doesn't have any other building projects for this season. Mr. Irving stated that there are a few drainage and access issues, which the Engineer is reviewing and staff will determine what needs to be done to make those changes. 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.

Jay Poulin of H.E. Bergeron appeared before the Board. Mr. Poulin stated that he wanted to update the Board and then request a continuance. Mr. Poulin stated that the Town has required the applicant to upgrade all of Dollof Hill Road to the proposed phase I Subdivision road. Mr. Poulin stated that lots 11 through 16 were modified due to wetlands and there were some minor revisions to Route 153. Mr. Poulin stated in regard to permitting, Conway Village Fire District (CVFD) and the Town Engineer approval are still pending.

Mr. Poulin stated that CVFD has concerns regarding water. Mr. Poulin stated that the applicant had proposed a cistern, but they would prefer a fire pond. Mr. Poulin stated that CVFD would also like the phase I subdivision road to connect to Modock Hill Road. Mr. Poulin stated that the applicant is currently addressing Town Engineer, Site Specific and Wetland comments. Mr. Poulin stated that the State wants wetland mitigation for all three phases and possibly have a third party hold a conservation easement. Mr. Poulin stated that the applicant is still awaiting State Subdivision approval, which cannot be issued until there is a wetlands permit and a site-specific permit, and a NHDOT driveway permit for Route 153.

Mr. Irving asked how much of the knoll on Route 153 will be shaved down. Mr. Poulin answered 2-feet, plus there will be approximately 1,000 feet of reconstruction on Route 153. Mr. Poulin stated that this is a substantial improvement as there will be a 4-foot cut.

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Mr. Irving asked how the improvements would affect the current visibility. Mr. Poulin stated visibility would improve for approximately 100-feet.

Mr. Irving asked in regard to the wetlands mitigation, is the applicant going to provide a conceptual scenario, but not a full design, for the remainder of the phases. Mr. Poulin stated certainly for the site specific, but they will be giving them more than what they need for the wetlands. Mr. Irving asked if the improvements to Dollof Hill call for binder course pavement or wearing course. Mr. Poulin stated ultimately to have wearing course, but will have binder course and bond for wearing course until the project is complete.

Mr. Martin made a motion, seconded by Mr. Henderson, to continue the Subdivision Review for The Kennett Company until October 12, 2006. Motion unanimously carried.

OTHER BUSINESS CONTINUED

Red Jacket Inn – Conceptual Review (PID 230-51): David Abraham of the Red Jacket Inn and Diane Smith of Thaddeus Thorne Surveys appeared before the Board and reviewed the proposed project of an indoor water park.

Walker Nominee Trust of 2001 f/k/a James Gore Revocable Trust (PID 230-44) – Revocation of Full Site Plan (File #FR99-02): Mr. Martin made a motion, seconded by Mr. Porter, to revoke the Full Site Plan Approval under File #FR99-02 for Walker Nominee Trust of 2001 f/k/a James Gore Revocable Trust (PID 230-44). Motion unanimously carried.

Richard S. Else, Jr. – Lot Merger (PID 277-75 & 76): Mr. Martin made a motion, seconded by Mr. Porter, to merge lots PID 277-75 & 76. Motion unanimously carried.

Cleon Charles – Lot Merger (PID 275-22, 23, 24 & 25): Mr. Henderson made a motion, seconded by Mr. Porter, to merge lots PID 275-22, 23, 24 & 25. Motion unanimously carried.

Amendments to §131- Subdivision Review Regulations – Set a public hearing: Mr. Irving reviewed the proposed changes. Mr. Martin made a motion, seconded by Mr. Porter, to hold a public hearing on proposed amendments to §131-Subdivision Review Regulations on September 28, 2006. Motion unanimously carried.

Amendments to §123 – Site Plan Review Regulations – Set a public hearing: Mr. Irving reviewed the proposed changes. Mr. Martin made a motion, seconded by Mr. Porter, to hold a public hearing on proposed amendments to §123 – Site Plan Review Regulations on September 28, 2006. Motion carried with Mr. Henderson voting in the negative.

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Mr. Henderson asked how would outdoor seating be regulated. Mr. Irving stated that it would be treated the same as indoor seating. Mr. Irving stated if you want to regulate that land use than the zoning ordinance should be amended, especially if you want to treat outdoor seating differently from indoor seating. Mr. Henderson stated that the area in which they want to use outdoor seating should be located on the plan. Mr. Henderson was concerned with a commercial activity-taking place next to a residential property. Mr. Irving stated he could put together such an amendment. Mr. Drinkhall stated if someone lives next to commercial property they should expect commercial activity. Mr. Drinkhall stated to limit what an individual can do on their property might be unfair.

Mr. Porter stated that the strip is a unique situation as it was residential and then rezoned commercial. Mr. Porter stated that the regulations should be sensitive to those people since they constructed their houses when it was zoned residential. Mr. Drinkhall agreed. Mr. Martin stated this amendment was proposed because this is not where it belongs. Mr. Martin stated that the ordinance does not decipher between indoor and outdoor seating, but it is regulated under the parking calculations.

Mr. Irving stated he agrees with everyone; this is not the right place, but it does need to be somewhere in the ordinance. Mr. Irving stated that he doesn't want to take away any use privileges, but a balance is necessary between residential and commercial. Mr. Irving stated that he would be willing to explore an amendment to the zoning ordinance if that is what the Board would like him to do. Mr. Irving stated a Zoning Permit could be required and could only be granted based on the number of outdoor seats, noise, lighting and take into consideration the proximity of adjacent residential uses. Mr. Irving stated he would like to explore a manner in which to regulate outdoor seating. Mr. Porter stated it is not temporary seating, but fixed seating.

CIP: Mr. Kellogg asked for an update regarding the CIP. Mr. Irving stated that he has sent out requests but have not heard from anyone. Mr. Irving stated that he would send out reminder letters.

Meeting adjourned at 8:03 pm.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant