

CONWAY PLANNING BOARD

MINUTES

JUNE 14, 2007

A meeting of the Conway Planning Board was held on Thursday, June 14, 2007 beginning at 7:03 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Larry Martin; Secretary, Steven Porter; Hud Kellogg; Theodore Sares; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of May 24, 2007 should be amended as follows: page 2, paragraph 4, first line should read "...someone was to give engineering type advice that would..."; page 2 paragraph 5, last line should read "...needs they're better prepared ~~off~~"; and page 3, paragraph 2, line 2, should read "Mr. Kellogg stated there is another town in New Hampshire that states writes on the all application forms that applicant hereby grants Town Officials and I'd Board members site access are given to officials.".

Mr. Sares made a motion, seconded by Mr. Kellogg, to approve the Minutes of May 24, 2007 as amended. Motion unanimously carried.

EUGENE BROWN – FULL SITE PLAN REVIEW (PID 253-40) FILE #FR07-12

Mia Gannon of Thaddeus Thorne Surveys and Gene Brown, owner, appeared before the Board. This is an application to construct a 2,400 square maintenance building and storage of equipment. **Mr. Porter made a motion, seconded by Mr. Sares, to accept the application of Eugene Brown for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Irving asked if the trailer mentioned on the driveway permit is a trailer to move equipment. Mr. Brown answered in the affirmative. Mr. Martin asked if the engineering has been completed. Mr. Irving stated that it is under review, but the Town Engineer does not oppose a conditional approval.

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver request for §123-20.E & §123-29.A.4. **Mr. Porter made a motion, seconded by Mr. Kellogg, to approve the waiver for §123-20.E & §123-29.A.4.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; Wanda Snow stated that she has a residential use property and lives diagonally across from the property, but her questions do not pertain to the waivers. **Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; Mr. Sares asked if the trailer would be used for storage. Mr. Brown answered in the negative and stated it is a low-bed. Mr. Drinkhall asked for public comment; Ms. Snow asked if the lot is grandfathered since there is a 2-

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acre minimum requirement. Mr. Irving answered in the affirmative and stated that the lot is a legally existing lot of record. Ms. Snow asked if this was a 2-lot subdivision of Twombly's. Mr. Irving answered in the negative and stated that this is not a subdivision. Ms. Snow asked the hours of operation. Mr. Brown stated summer hours would be 6 am to 5 pm and winter hours would vary since they plow.

Ms. Snow asked if this would have a shared driveway with Twombly's. Mr. Irving answered in the affirmative. Ms. Snow asked if there was a back entrance. Mr. Irving answered in the negative and stated the applicant is proposing to use the existing access. Ms. Snow asked if there is more equipment than could be housed in the building. Mr. Brown answered in the affirmative and stated that equipment would be on job sites as well. Ms. Snow asked if there are j-brakes on the trucks. Mr. Brown answered all of them. Ms. Snow asked if there were any regulations regarding noise. Mr. Irving stated the Town of Conway does not have a noise ordinance. Mr. Brown stated that he would honor her request on that and ask his guys not to use the j-brakes in the morning.

Ms. Snow asked about setbacks. Mr. Irving reviewed the setback requirements. Ms. Snow asked how many trees would be removed. Ms. Gannon stated that the applicant would be maintaining 37 trees. Ms. Snow asked what is to prevent the applicant from cutting the trees down after the review. Mr. Irving stated the trees on the plan are required for credit and they would have to remain or be replaced if taken down. Ms. Snow asked if so many parking spaces are required for so many square feet of building. Ms. Gannon stated that the parking spaces are based on the number of employees and there are seven parking spaces.

Kevin Jones of Twombly's Market asked if there would be ample room for a truck and a vehicle at the driveway entrance at the same time. Mr. Jones and Ms. Snow were invited to the table by Mr. Kellogg to review the plans. After a review of the plans, Mr. Jones stated that he was interested in the entrance and stated that he wished the entrance could be widened, but understood that it is a state issue. Mr. Jones stated if someone is coming out of the store and a trailer truck is coming in he wants to make sure there is adequate space for both businesses. Ms. Gannon stated that the 1980 approval shows a 24-foot wide driveway, but she is not sure if that is what is on the ground.

Ms. Snow stated where they are sharing a driveway and there is another shared driveway for Twombly's and Horseshoe Drive she has noticed in the past with truck traffic that Horseshoe Drive had a lot of pavement torn up. Ms. Snow stated that Mr. Abbott does a good job cleaning up and asked what would happen at this entrance. Mr. Brown stated that he would be maintaining that entrance. Mr. Martin asked if the driveway to Twombly's is a deeded entrance. Mr. Brown answered in the affirmative. Ms. Gannon stated that it was designed to be two-way traffic.

Mr. Martin made a motion, seconded by Mr. Porter, to conditionally approve the site plan for Eugene Brown conditionally upon Town Engineer approval; Redstone Fire Chief Approval; NHDES Septic Approval and indicate approval number on plan; Amend NHDOT Driveway permit note on plan; Indicate light fixture and pole will be no greater than 20-feet in height (sheet 5); indicate handicap access aisle is to be

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paved on plan; remove dumpster from setback and buffer; a performance guarantee for all site improvements; submit four sets of revised plans; submit a Mylar; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on September 13, 2007. Motion unanimously carried.

BARRY LIGHTBOWN – FULL SITE PLAN REVIEW (PID 230-108) FILE #FR07-13

Doug Burnell of H.E. Bergeron and Barry Lightbown, owner, appeared before the Board. This is an application to renovate existing building, new tree and landscaping and repaving and reconfiguration of parking. **Mr. Porter made a motion, seconded by Mr. Kellogg, to accept the application of Barry Lightbown for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; Mr. Sares asked if the deck would remain. Mr. Burnell answered in the affirmative. Mr. Sares asked if there would be a driveway connection in front of the building. Mr. Burnell answered in the negative. Mr. Sares asked if this would be a franchise. Mr. Lightbown answered in the negative. Mr. Drinkhall asked for public comment; John Belkin stated that he lives behind and elevated above the property. Mr. Belkin stated that it is nice to see the roof done, but he would like to address the dumpster. Mr. Belkin asked if there could be a buffer around the dumpster so he wouldn't have to look at it.

Monica Belkin stated that they could not see the dumpster before, but with the trees cut we can see down there. Mr. Irving stated an easy solution would be several plantings and asked if a row of arborvitaes would work to screen the view and protect the property owners until such time the other plantings grow. Mr. Lightbown agreed.

Howard McGlauflin stated that the trees that have been removed were substantial and asked what are they being replaced with. Mr. McGlauflin stated that he spoke to the contractor and we discussed a bit of the project and he indicated that the trees would be replaced. Mr. Burnell stated that there are several trees that need to be planted around the parking lot. Mr. Irving stated trees for credit have to be at least 3-1/2 inches in caliber. Joan McGlauflin stated that she is concerned with all the trees that were removed and the erosion of the steep bank.

Mr. Burnell stated that there would be some plantings and shrubbery to help with stabilization and there was not a lot of topsoil removed. Ms. McGlauflin asked if the boulders are in place of a retaining wall. Mr. Burnell stated that there would be boulders at the base of the embankment.

Ms. Belkin asked what are the hours of the deck if used for outdoor dining. Mr. Lightbown stated no later than 11:00 pm. Ms. Belkin asked if there would be entertainment. Mr. Lightbown stated there would be no entertainment.

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Bob Schor stated that the greenspace calculations do not exclude the greater than 25% slope. Mr. Irving asked if slopes greater than 25% were included in the greenspace calculations. Mr. Burnell stated that it may include the slopes and determined that it was greater than 25%. Mr. Irving stated that a waiver request for greenspace requirements would need to be requested. Mr. Burnell stated that the greenspace calculations are very similar as before and might be slightly more.

Rob Bagley stated by increasing the amount of greenspace it would be improving the condition. Mr. Burnell stated that the greenspace hasn't changed much and pretty close to what it was before. Mr. Irving stated that a computation of what is actually there needs to be added to the plan. Mr. Sares asked how many trees were removed and how many are being replaced. Mr. Sares asked if the slope has changed. Mr. Irving stated that it is the same. Mr. Drinkhall stated that the trees were cut before coming to this Board. Mr. Sares asked why were they removed. Mr. Lightbown stated that it looked like a dump, cleaned it up so he could replant it. Mr. Martin asked if the area is going to be loamed and seeded. Mr. Lightbown stated when it rained last week there were no problems with the slope. Mr. Burnell stated that it is already seeded. Mr. Martin stated that it didn't look it.

Mr. Irving stated that Mr. Burnell indicated that there would be ground cover and asked if he could elaborate. Mr. Burnell stated he doesn't have anything specific, but thinking juniper. Mr. Porter stated the banking is a concern where the trees were removed and the neighbors were exposed to a view of the property. Mr. Porter asked if there is any way possible to plant some trees at the top of the bank and ground cover. Mr. Lightbown stated he would be willing to move the trees to the top of the banking.

Mr. Irving stated there is a requirement that 50% of the trees need to be along the parking lot and if the trees were to be relocated then a waiver would be necessary for the location. Mr. Irving stated that the applicant has met the minimum requirement of the ordinance and the Board is now requesting above and beyond. Mr. Irving stated that they do need to stabilize the banking. Mr. Sares stated that there is a drainage waiver request and can tie the trees to the drainage. Mr. Lightbown stated that the town engineer did not have an issue.

Mr. Drinkhall asked if there were trees there that would affect the neighbors' view of the mountains in the future. Mr. Belkin stated that they couldn't see the mountains before they clear-cut it. Mr. Belkin stated that he doesn't care about the trees at the top of the bank; he just wants to buffer the view of the site and have a noise buffer. Mr. Belkin stated that he does not want it to block his view of the mountains. Mr. Sares stated that it is a mixed reaction and solution might be mixed with some shrubbery, which would reinforce the drainage.

Joan McGlaufflin stated she would like a buffer from the noise. Ms. McGlaufflin submitted photos of the site before the trees were cut and she gave a CD of the pictures for the file. Mr. Porter stated more tree cover on the embankment is needed. The Board agreed with the exception of Mr. Martin. Mr. Martin stated he would like to see shrubbery, groundcover and arborvitaes.

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Mr. Sares stated he is still confused why the trees were removed. Mr. Drinkhall stated it was done in error. Mr. Sares stated the most precious thing to him is greenspace. The Board agreed to arborvitaes 6-feet in height, additional trees and juniper. Mr. Irving stated that the applicant would need to submit a landscaping plan.

Mr. Schor stated in regard to the deck and seating outside he is still under the belief that the sale of food and beverage is retail and asked has the Board come to a decision in regard to permitting outdoor restaurant seating. Mr. Porter stated this is an existing, non-conforming property and not a new site. Mr. Schor asked if seating would be outside of the deck area. Mr. Porter stated that he finds it hard to believe the applicant would try to squeeze a table in the parking lot. Mr. Porter stated this is a non-issue as it is an existing lot with the same type of business. Mr. Drinkhall closed public comment.

Mr. Sares stated the Board should postpone discussion on waivers until a landscaping plan has been submitted. The Board agreed. **Mr. Porter made a motion, seconded by Mr. Martin, to continue the Full Site Plan Review for Barry Lightbown until June 28, 2007. Motion unanimously carried.**

**THE KENNETT COMPANY – 49-LOT SUBDIVISION REVIEW (PID 291-30)
FILE #S07-10**

This is an application to subdivide 583 acres into 49-lots, associated road infrastructure and common lands. This application was accepted as complete on May 10, 2007. Mr. Irving stated that the applicant has requested a continuance. **Mr. Martin made a motion, seconded by Mr. Porter, to continue the subdivision review for The Kennett Company until July 12, 2007. Motion unanimously carried.**

OTHER BUSINESS

Jeanne Fernandez (PID 214-95, 95.01 & 97) – Amendment to conditional approval (File #S07-11): Mr. Irving stated that the applicant has requested a modification to the conditional approval to require a performance guarantee prior to the issuance of a building permit or driveway permit since they do not plan to develop the lot at this time.

Mr. Sares made a motion, seconded by Mr. Kellogg, to amend the conditional approval for Jeanne Fernandez to add a note to the plan that “A performance guarantee for the driveway and underground utilities shall be submitted prior to the issuance of a driveway permit or a building permit”. Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried.**

Meeting Conduction: Mr. Drinkhall stated that the Board is getting less and less efficient. Mr. Drinkhall stated that he believes in letting people speak, but not being redundant. Mr. Drinkhall stated that he does like to give people the chance to speak. Mr. Drinkhall polled the Board to see if they wanted him to run the meeting in a rigid manner or rather it be informal.

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Mr. Sares stated he would prefer to go through the chair and the hand raising should be recognized. Mr. Sares stated that he would not want informal, but more formal. Mr. Kellogg stated formal and leave to the chair to allow for informal. Mr. Martin stated definitely respect a formal meeting that is run through the chair. Mr. Martin stated that Board members should not invite people to the table, as it should go through the Chair. Mr. Martin stated that he is in favor of going through the chair. Mr. Porter agreed and stated that meetings should not be formal, but in control. Mr. Porter stated that he agrees with raising your hand and waiting to be acknowledged. Mr. Porter stated if you let the public rule the meeting it will get out of control. Mr. Porter stated that it should go through the Chair.

Mr. Irving stated that it should be more formal and not have any cross talk. Mr. Irving stated that the Board should stay on point, resolve an issue and then move onto the next question. Mr. Kellogg stated he made several attempts to get the Chair's attention before he invited the public to the table. Mr. Sares stated that Mr. Drinkhall he is doing an excellent job and asked can we legally request a recess. Mr. Irving stated it is a valid question and he would look into it.

Meeting adjourned at 8:37 pm.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant