

CONWAY PLANNING BOARD

MINUTES

NOVEMBER 8, 2007

A meeting of the Conway Planning Board was held on Thursday, November 8, 2007 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; Secretary, Steven Porter; Sean McFeeley; Theodore Sares; Patricia Sell; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

The Minutes of October 25, 2007 should be amended as follows: page 3, paragraph 3, first line should read, "Doug Burnell stated that he was at the Planning Board meeting for an unrelated matter and not there to request a continuance for the Conway School District. Mr. Burnell stated that the legality..."; page 3, paragraph 4 should read, "Mr. Sares stated that this involves some drainage issues and those issues require State approval. Mr. Irving stated that that was an issue the State had raised. Ms. Sell, who was in the audience, stated that ~~the road~~ Olympic Lane has inadequate drainage. Ms. Sell stated that she is requesting, on the basis that the Town of Conway owns the road and that it is not a school driveway and the ~~School plan~~ plan was submitted in a manner which did not follow statutory requirements as outlined in RSA 674:54, that the Planning Board not extend the conditional approval. Ms. Sell stated pursuant to RSA 229:1 and RSA 231:27 the matter should be deferred to the Board of Selectmen. Ms. Sell read from the attached statement. **Mr. Martin rescinded his motion and Mr. McFeeley rescinded his second.**"

**Mr. Porter made a motion, seconded by Mr. Sares, to approve the Minutes of October 25, 2007 as amended. Motion carried with Ms. Sell and Mr. Drinkhall abstaining from voting.**

**CONWAY HISTORICAL SOCIETY – MINOR SITE PLAN REVIEW (PID 265-33)  
FILE #MR07-05**

Kim Frechette of Bergeron Technical Services appeared before the Board. Shawn Bergeron was in the audience. This is an application to improve the entrance to the lower level, brick walkways, lighting and to increase the seating from 99 seats to 160 seats. **Mr. Porter made a motion, seconded by Mr. McFeeley, to accept the application of the Conway Historical Society for a Minor Site Plan Review as complete. Motion unanimously carried.**

Mr. Sares stated that he is torn with this application as the Board in the past has struggled with waiving one parking space and this site is trying to increase the number of seats from 99 to 160. Mr. Sares asked how many parking spaces the applicant is asking to waive. Mr. Irving answered 21 parking spaces. Mr. Sares stated that he would feel better if he knew how the other businesses in the area feel and what this means for congestions. Mr. Sares stated that he is not voting against the waiver, but the Board should have a discussion in regard to the impact of 21 parking spaces.

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Mr. Porter asked what about being consistent. Mr. Porter stated that the Board nailed the Conway Public Library for a few spaces, so the Board shouldn't take 21 spaces lightly. Mr. Sares stated that there is also a cushion at the middle school. Mr. Sares stated that he would feel better if he knew the applicant did their due diligence and spoke to the other businesses. Ms. Sell asked if Mr. Irving did a parking study for Conway Village. Mr. Irving answered in the negative and stated that he did a parking study for North Conway Village. Ms. Sell asked what we have to do to get a parking study for Conway Village. Mr. Irving stated that we would have to conduct a parking study.

Mr. Irving stated if the Board requests staff to conduct a parking survey for Conway Village it would be a couple of months. Mr. Martin asked if there is parking across the street. Ms. Frechette answered in the affirmative and stated that it is owned by Conway Village Fire District. Mr. Martin stated that the parking across the street probably would not be in use at night. Ms. Frechette stated most likely. Mr. Drinkhall stated that it would probably be used at opposite times.

Mr. Sares disagreed that there was parking across the street and stated there is a laundry mat across the street that is open at night and people use all the time. Mr. Sares stated there is the Majestic Theater, the gas station, the Dinner Bell, the fire department, the church, Café Noche and the beauty salon. Mr. Sares stated that there is parking behind what used to be the college. Mr. Sares stated usually when he goes to the movies at night he can generally find a place to park. Ms. Sell stated that during the Dinner Bell there is no parking and if there is a movie the same night it's difficult to find parking.

Mr. Martin asked Ms. Frechette if directly across the street there is a park and a parking lot. Ms. Frechette answered in the affirmative and stated there are 44 parking spaces. Mr. McFeeley stated when he goes to the Majestic Theater and there is not any on street parking there usually is parking behind the movie theatre in their parking lot. Mr. McFeeley stated when he goes to Café Noche he parks in their parking lot behind their building. Mr. McFeeley stated he doesn't think this is creating a parking issue for most nights. Mr. Drinkhall stated there is also parking behind the former post office and the bank. Mr. Sares stated that the 44 spaces across the street would do it for him.

Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver request for §123-20.F/131-67.C.8.a & §123-27; §123-20.F/131-67.C.8.f.; §123-20.G.; §123-29.A.2 & A.3; §123-29.D.6; and 123-30. **Mr. Martin made a motion, seconded by Mr. McFeeley, to grant the waiver requests for §123-20.F/131-67.C.8.a & §123-27; §123-20.F/131-67.C.8.f.; §123-20.G.; §123-29.A.2 & A.3; §123-29.D.6; and 123-30.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §123-21.A. **Mr. Martin made a motion, seconded by Mr. McFeeley, to grant the waiver for §123-21.A.** Mr. Drinkhall asked for Board comment; Mr. Sares stated that he would vote in favor of the waiver, but if another enterprise takes over the former Granite State College space and requires more parking spaces, it would

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just exacerbates the problem. Mr. Sares stated that the Board should just keep that in the back of their heads as it would have an impact down the road. Mr. Drinkhall stated that it could also be an opposite use. Mr. Martin stated he was hard on the North Conway Public Library because they were reducing greenspace.

Mr. Drinkhall asked for public comment; Wes Smith asked if an applicant could use other people's parking spaces. Mr. Irving stated that there are provisions that allow shared parking which would require easements, but the Board is looking at the village in general. Shawn Bergeron stated that the Dinner Bell was just Monday nights only and the brown church, who offers the Dinner Bell, doesn't have any parking and they use the Salyard's parking lot. Mr. Bergeron stated people always ask where they park, we don't know, but they find it. Mr. Bergeron stated that this site would not be used for performances every night. Mr. Bergeron stated that the applicant hopes to hold a few performances a year. Mr. Sares stated that it is hard to enforce parking on other people's properties. **Motion unanimously carried.**

**Mr. McFeeley made a motion, seconded by Mr. Sares, to approve the site plan for the Conway Historical Society. Motion unanimously carried.** The plans were signed.

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

Doug Burnell of H.E. Bergeron was in the audience. 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 would like to request a continuance. Mr. Porter asked how many times the applicant has requested a continuance. Mr. Porter stated at the last meeting he asked the applicant's agent if this would be the last request and he agreed that it would be. Mr. Porter stated that we have seen this plenty of times and it should be continued until the beginning of the year.

Ms. Sell asked why a continuance is being requested. Mr. Burnell stated that this is phase II of a subdivision and the applicant has asked for it to be further sub-phased. Mr. Burnell stated there were some issues on roads that were to be paper roads that needed to be reworked and staff needed time to review the plans.

Mr. Irving stated when he met with Jay Poulin [of HE Bergeron Engineers] and Larry Landry, the developer, Mr. Poulin was anticipating being here to update the Board on the progress. Mr. Irving stated that he has not reviewed the project since last summer since this has been going through an engineering review. Mr. Irving stated if the applicant could submit revised plans by November 30<sup>th</sup> then he has no problem continuing the review until December 13<sup>th</sup>. Mr. Sares asked if the Board didn't continue it would they have to start from scratch. Mr. Irving answered in the affirmative and stated so would staff.

Mr. Porter asked if they could continue this until the January meeting. Ms. Sell asked if they could be continued until the January meeting, but if they submit new information by November 30<sup>th</sup> then review it December 13<sup>th</sup>. Mr. Irving stated if the Board continued the application until the January meeting they would not be able to address it until the January

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meeting. Mr. Sares stated the Board could continue it until January with a strong signal that if they are not ready the Board is not going to extend it again. Mr. Drinkhall stated were discussing this more than if we had just continued it. Mr. Martin suggested continuing it until December 13<sup>th</sup> and if not ready continue it until the January 2008 meeting and not continue it again. The Board agreed.

**Mr. Drinkhall made a motion, seconded by Mr. McFeeley, to continue the application of The Kennett Company until December 13, 2007 with any new information to be submitted by end of business on Friday, November 30, 2007. Motion unanimously carried.**

**ROBERT AND EUNICE MCINTIRE – FULL SITE PLAN REVIEW CONTINUED  
(PID 253-42) FILE #FR07-16**

Wes Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to construct a 2,100 square foot storage addition and associated infrastructure. This application was accepted as substantially complete on October 25, 2007. Mr. Smith stated that the applicant would like to request a continuance. **Mr. Sares made a motion, seconded by Mr. Martin, to continue the Full Site Plan for Robert and Eunice McIntire until December 13, 2007 with any new information to be submitted by end of business on Friday, November 30, 2007. Motion unanimously carried.**

**OTHER BUSINESS**

**PSNH (PID 252-42) - §123-4.A.5 (File #FR06-11):** David Plant of PSNH appeared before the Board. Mr. Plant stated that the applicant would like to increase the size of the proposed control building from 891 square feet to 1,344 square feet.

**Mr. Martin made a motion, seconded by Mr. Sares, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the increase of the control building from 891 square feet to 1,344 square feet 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; there was none. Motion unanimously carried.**

**Proposed Zoning Amendment – Definition of a Utility Pole:** Mr. Irving reviewed the attached definition of a utility pole. Mr. Irving stated that this is an information item only as this is a zoning amendment and would have to have a public hearing to go on the Town Warrant.

**Amethyst Hill Properties (PID 252-47) – Extension of Conditional Approval (File #FR07-10):** Mr. Burnell stated that the State is requiring a wetland scientist verify the wetlands. **Mr. Martin made a motion, seconded by Mr. Sares, to extend the conditional approval for Amethyst Hill Properties until January 3, 2008. Mr. Drinkhall asked for Board comment; there was none. Motion unanimously carried.**

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**Norman and Dorothy McCulloch (PID 203-40 & 43) – Lot Merger:** Mr. Porter made a motion, seconded by Mr. McFeeley, to approve the Lot Merger for Norman and Dorothy McCulloch to combine PID 203-40 and 43. Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried.**

**Proposed Site Plan Amendment - §123-16 and §131-10:** Mr. Martin reviewed the attached proposed changes to §123-16 and §131-10 in regard to conditional approvals. **Mr. Porter motion, seconded by Mr. Drinkhall, to hold a public hearing on §23-16 and §131-10 on December 13, 2007. Motion unanimously carried.**

**Committee Reports:** Mr. Drinkhall stated at the ACID meeting there was a motion to request the Board of Selectmen to support the interconnection between North Conway Water Precinct and Birch Hill water that passed unanimously.

Mr. Drinkhall stated at a Board of Selectmen's meeting the Board voted to send a letter to the ~~Governor's Council~~ **North Conway Water Precinct** requesting that any infrastructure not within the North Conway Water Precinct or Birch Hill Water System be owned by a municipality.

Mr. Drinkhall stated at the Citizen's Design Review Committee (CDRC) meeting there was discussion with the Chair claiming it was a Town committee, but others claiming it was a State committee. Mr. Drinkhall stated that Mark Hounsell would like it changed to a Town committee. Mr. Drinkhall stated that the Board of Selectmen were to take up that matter as the important part now is to find the money to construct the southern portion.

Mr. Sares asked in regard to the interconnection did they want it owned by a municipality in order to prevent commercial bottling. Mr. Martin answered in the affirmative. Mr. Sares recommended dissolving the CDRC and make it the Board of Selectmen.

Meeting adjourned at 8:17 pm

Respectfully Submitted,

Holly L. Meserve  
Planning Assistant