

CONWAY PLANNING BOARD

MINUTES

OCTOBER 22, 2009

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CONWAY PLANNING BOARD

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OCTOBER 22, 2009

A meeting of the Conway Planning Board was held on Thursday, October 22, 2009 beginning at 7:02 pm at the Conway Town Office in Center Conway, NH. Those present were: Selectmen's Representative, Robert Drinkhall; Secretary, Patricia Sell; Ted Sares; Steven Hartmann; David Sordi; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Sell made a motion, seconded by Mr. Hartmann, to approve the Minutes of September 24, 2009 and October 8, 2009 as written. Motion unanimously carried.

OTHER BUSINESS

William Glover (PID 288-31.21 & 31.23) – Extension and amendment of conditional approval (File #S09-03): Diane Smith of Thaddeus Thorne Surveys appeared before the Board. Ms. Smith stated one of the conditions of approval was a performance guarantee, but the developer would like to actually construct the road prior to final approval. Ms. Smith stated that the applicant would like to modify the conditional approval to allow for the construction of the road prior to final approval.

Mr. Sares made a motion, seconded by Ms. Sell, to amend the conditional approval for William Glover [File #S09-03] to provide surety for on-site erosion control and rehabilitation and all landscaping should the applicant fail to complete the on-site infrastructure; and prior to final approval and recording of the subdivision, provide surety for any uncompleted infrastructure (on-site and off-site) and all landscaping. Motion unanimously carried.

Mr. Sares made a motion, seconded by Ms. Sell, to extend the conditional approval for William Glover until December 9, 2010. Motion unanimously carried.

North Conway Country Club/Conway Scenic Railroad/River Run Company (PID 218-34, 35 & 51.01) – Conditional Approval Expiring (File #S09-08): Mr. Irving stated that the applicant has met all of the conditions and the plans can be signed.

Mount Washington Valley Economic Council (PID 262-86.2) – Conditional Approval Expiring (File #S09-09): Doug Burnell of H.E. Bergeron appeared before the Board. Mr. Burnell stated that the applicant would like to extend the conditional approval for a year. Mr. Burnell stated they are still awaiting approvals from New Hampshire Department of Environmental Services [NHDES] for the wastewater and water system; NHDES Subdivision approval; and Town of Conway Engineering approval.

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Mr. Burnell stated that Conway Village is waiting for NHDES approval before they submit their approval for the wastewater and water system. Mr. Irving stated that the applicant is waiting on other agencies for their approvals. Mr. Sares stated that this is an added benefit to the developer as the economy may get better. Mr. Sares stated that this application has been on-going for a long time.

Ms. Sell made a motion, seconded by Mr. Sordi, to extend the conditional approval for Mountain Washington Valley Economic Council until July 22, 2010. Ms. Sell stated that we have worked hard and we have been back and forth with this application. Mr. Hartmann asked why this project is taking so long. Mr. Burnell stated that state permits always take a while and they would all like this done. Mr. Sares stated that it was expressed to us that this project was urgent.

Mr. Burnell stated that we are doing all we can and it is being held up by permitting. Mr. Burnell stated that it is not the applicant that is dragging their feet. Mr. Drinkhall stated Mr. Sares is correct on the urgency. Ms. Sell stated that they have been working diligently and trying hard to satisfy the conditions. Ms. Sell stated she thinks in all fairness this extension should be granted. **Motion carried with Mr. Sares voting in the negative.**

AMENDMENTS TO §131 – SUBDIVISION REGULATIONS – WORKSHOP

Paul DegliAngeli was in attendance. Mr. Sares asked if there are any significant changes or implications in the Engineering. Mr. DegliAngeli stated that the changes are more housekeeping, lessons learned and comments. Mr. DegliAngeli stated the road standards were rewritten in 1993 and we have accumulated comments, changes, revised drawings and added information where it was silent; mostly construction type detail.

Mr. DegliAngeli stated that one significant change, the previous road standards required a road to be 60% built out prior to the Town accepting as a Town road and the new standards requires an 80% built out.

The Board had a lengthy discussion regarding §131-68.C and agreed that the proposed wording be removed as this language can be put on the construction permit [see attached].

Mr. Sordi asked if they would see another major revision in the next six months. Mr. DegliAngeli answered in the negative. Ms. Sell asked if these amendments and definitions only apply to new subdivisions. Mr. Irving stated that these are subdivision regulations and apply when someone comes in to subdivide land, subdivide into units or change a boundary line.

Ms. Sell referred to §131-43, Private Roads. After a brief discussion the Board agreed to strike “servicing four (4) or more lots or units” and keep “Paving may be waived by the Planning Board for private roads with low traffic volumes and moderate grades. Before an unpaved private road may be accepted as a town road, it shall be paved and brought up to town standards in effect at the time”.

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Ms. Sell referred to §131-67, Street Standards. Ms. Sell stated that the minimum right-of-way is changing from 50 to 60 feet for rural areas [§131-67.A.1]. Mr. DegliAngeli stated there is not enough room to fit all of the utilities within a 50-foot right-of-way. Mr. DegliAngeli stated that this is done before the lots are created. Mr. Sordi asked if this would apply to existing streets. Mr. DegliAngeli answered in the negative.

There was a brief discussion regarding posting these amendments to a public hearing. Mr. Irving stated that he would like to make all the amendments and give copies to the Board at the next meeting and then call for a public hearing. The Board agreed.

Mr. Irving gave the Board a copy of proposed changes to the fees to include a fee for digitizing and to include the L-CHIP fee required by RSA 478:17-g II (a). Mr. Irving stated that the Town would like to start digitizing plans submitted with applications for storage. Mr. Irving suggested the Board amend their fees to require a \$20 digitization fee for the first page and \$2 for each additional page. The Board agreed to include the proposed fees in the amendments.

OTHER BUSINESS CONTINUED

Committee Reports: There were no committee reports

Meeting adjourned at 8:05 pm.

Respectfully Submitted,



Holly L. Meserve
Planning Assistant

131.68. Miscellaneous Standards.

A. Highway Bounds and Signs

Granite highway bounds, at least twenty-four inches in length and four inches square, shall be set at all points of street intersections, and at all points of change of direction (PC/PT), at points along tangents no more than 800 feet and as per proper surveying standards. Discs shall be set in the top of the bounds and shall be stamped with numbers corresponding to those indicated on the metes and bounds plan.

All projects shall conform with the Manual of Uniform Traffic Control Devices, latest edition.

B. Consultants

The Planning Board or Board of Selectmen may hire consultants to review plans, perform inspections and/or perform other duties related to the project as they deem appropriate. All costs of said consultants shall be paid by the applicant.

C. Inspections

Initial inspection shall take place upon submission of proposed road plans. It is the responsibility of the owner(s) to have roads laid out with centerline grade stakes at every half station. The Board of Selectmen will notify owner(s) of the date of inspection.

~~The contractor and the contractor's superintendent shall be approved by the Town and the project owner. Documentation as required to demonstrate the contractor's and superintendent's qualifications shall be submitted to the Town prior to the mandatory pre-construction meeting.~~

Remove

Prior to the start of the work, a pre-construction meeting will be held to review procedures, identify responsibilities and discuss Town requirements. The contractor and the contractor's superintendent shall attend the pre-construction meeting. The following items shall be submitted at or before the pre-construction meeting:

- a. Two (2) copies of the approved plans
- b. US EPA NPDES Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP).
- c. Surety of Work.
- d. Testing and inspection fees.
- e. Project schedule

The Town and the Town's representatives shall have full access to the site when the work is in preparation, during construction and after completion. They may observe the work on a periodic or full-time basis. The Town must be present during the installation of utilities, drainage pipes, geotextile and pavement and must observe the work at other specified stages.

~~During construction, †The applicant shall notify the Office of the Town Engineer two business~~

ARTICLE VI
Road Construction and Design

131-42. Compliance required.

Proposed streets shall be in harmony and conformance with existing and proposed streets as shown on the Town Master Plan or Official Map. Street patterns shall give due consideration to contours and natural features. Where required by the Board, provisions shall be made for the extension of the street pattern to abutting undeveloped property. Every proposed street in a subdivision shall be laid out and constructed as required by the regulations contained in Article X, which are the standards adopted by the Selectmen for town roads.

131-43. Private roads. [Amended 8/86, 10/86]

- ~~REMOVE~~
- A. Private roads ~~servicing four (4) or more lots or units~~ shall conform to the standards of this chapter since residents on private roads, as taxpayers, are entitled to the same quality as a town-accepted road and since, at some future date, the taxpayers may petition the town for acceptance of the road. ~~(Paving may be waived by the Planning Board for private roads with low traffic volumes and moderate grades. Before an unpaved private road may be accepted as a town road, it shall be paved and brought up to town standards in effect at that time.)~~ KEEP
- B. The subdivider shall supply to the Planning Board acceptable evidence of legally imposed requirements designating a reasonable and enforceable manner and procedure in perpetuity for the collection of contributions to ensure proper maintenance of all private roads and common facilities of the subdivision by owners of lots having rights thereto. The subdivider shall also supply acceptable evidence to the Planning Board determining legal responsibility and time schedules for completion of construction of all roads and common facilities of the subdivision, provided that phasing of the same concurrently with the phasing of the subdivision may be permitted.
- C. Any private road constructed within the town will be inspected as described in Article X of this chapter. This evaluation will apprise the Planning Board and owner(s) of deviation(s) from the minimum standards of road design and construction as adopted for the town and provide the Planning Board and owner(s) with a base from which to start should work be required to bring the road up to minimum design and construction standards should the road ever be considered for acceptance as a town road.
- D. It is the policy of the town that no private road will be accepted as a town road unless its design and construction meet the standards set forth in this chapter.
- ~~E. The road construction standards may be waived in whole or in part by the Planning Board for private roads servicing two (2) or three (3) lots, provided that such roads comply geometrically with the road standards. Any subdivision road which has had construction standards waived by this Planning Board at any time may not be used as access for any additional residential units until such road has been reconstructed to comply with the then applicable road construction standards of this Planning Board. A note regarding the stipulation above as well as a note stating what was waived shall be placed on the final plat to be registered.~~

131-13. Fees and costs. [Amended 5/89,08/04,11/04, 07/05]

- A. An application for a subdivision shall not be considered complete unless it includes a filing fee of one hundred and forty dollars (\$140), plus thirty dollars (\$30) per lot over four (4) and thirty dollars (\$30) per unit over one (1);. The applicant shall also submit a recording fee of thirty dollars (\$30) per plan sheet to be recorded and fifteen dollars (\$15) for each 8.5" by 11" page to be recorded.
- B. An Application for a boundary line adjustment shall not be considered complete unless it includes a filing fee of seventy dollars (\$70). The applicant shall also submit a recording fee of thirty dollars (\$30) per plan sheet to be recorded and fifteen dollars (\$15) for each 8.5" by 11" page to be recorded.
- C. All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing. The notice cost shall be five dollars (\$5) per abutter (or any other party notified) and thirty dollars (\$30) for the published notice.
- D. A tax Map amendment fee of fifty dollars (\$50) shall be assessed for each plan sheet to be used to amend the Town's Tax Maps. Said fee to be paid by the applicant prior to final approval.
- E. Applications that require an engineering review shall be assessed a fee of forty dollars (\$40) per hour. Said fee to be paid by the applicant prior to final approval. In the event that the Town Engineer is not available to review an application, said review shall be performed in accordance with §131-13.F.
- F. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to final approval or disapproval. The applicant shall submit funds based on the estimated costs to the Town prior to the Town procuring such studies and investigations. The individual or company engaged shall work for, and report directly to the Town. The individual or company chosen shall be agreeable to both the Town and applicant.
- G. When a completed application is submitted to the Town it will be reviewed by Planning Department Staff. Comments will be made in writing and forwarded to the applicant. If the plans are re-submitted by the applicant without addressing the original comments and requests or if design does not conform to the Town's adopted standards the applicant will be charged an additional fee of thirty-five dollars (\$35) per hour. Said fee to be paid by the applicant prior to final approval.
- * H. A plan digitization fee of \$20 for the first sheet and \$2 for each additional sheet in the plan set shall be assessed to facilitate digitizing the final approved plans.
- * I. A twenty-five dollar (\$25) Land and Community Heritage Program (LCHIP) Surcharge Fee shall be assessed for any plans to be recorded. This fee shall be submitted in the form of a check payable to the Carroll County Registry of Deeds.